



City of York Local Plan

Proposed Modifications and Evidence Base Consultation 2021

Representations received

Volume 11 of 11

Responses SID950 to 961

<b>SID Reference</b>	<b>Representation</b>
73	Peter Heptinstall
75	Heslington Parish Council
84	Tim Tozer
91	Westfield lodge and Yaldara Ltd
102	Elvington Parish Council
114	Ian Henderson
118	Historic England
119	Environment Agency
122	York Racecourse
127	Christopher Stapleton
141	Oakgate Group PLC
160	CPRE North Yorkshire (CPRENY)
181	Gateway Development
182	KCS Developments
191	Martin Moorhouse
192	Selby District Council
199	Mr Jolyon Harrison
215	Wilberforce Trust
217	Peter Moorhouse
220	Mr M Ibbotson
228	The Bull Commercial centre
231	Fulford Parish Council
238	Gillian Shaw

253	Bellway Homes
255	Home Builders Federation
257	Henry Boot Developments Limited
260	Lovell Developments (Yorkshire) Ltd
267	York Diocesan Board of Finance Limited & The York and Ainsty Hunt
269	Janet Hopton
288	Wigginton Parish Council
298	New Earswick Parish Council
304	Huntington and New Earswick Liberal Democrats
316	Dunnington Parish Council
329	Murton Parish Council
333	Alison Stead
338	Alan Cook
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342	Andy Bell
344	National Grid
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350	Picton
351	McArthur Glen
358	Mark Miller
359	NHS Property Services Ltd
361	Cllr Andy D'Agorne
364	York Labour Party
366	NHS Property Services
372	Gladman Homes
375	Wheldrake Parish Council
378	Langwith Development Partner
381	Yorkshire Wildlife Trust
383	Natural England
393	Cllr Nigel Ayre – Residents of Heworth Without
399	Cllr Anthony Fisher
407	Rob Littlewood
418	Chris Wedgewood
422	Peter and David Nicholson
582	Landowners of land west of ST8
583	Redrow Homes, GM Ward Trust, Mr K Hudson, Mrs C Bowes, Mr and Mrs J Curry and Mrs E Crocker
585	Taylor Wimpey UK
590	York and North Yorkshire Chamber of Commerce
594	TW Fields
601	Procter Family
603	The Retreat York
604	L&Q Estates
607	Taylor Wimpey UK
612	Joseph Rowntree Housing Trust
613	Askham Bryan College

620	Galtres Garden Village Development Company
625	Roy Brown
825	Cllr Mark Warters
826	Pilcher Homes
833	George Wright
841	Jennifer Hubbard
849	University of York
863	Mr R Arnold
866	Mulgrave Developments Ltd/ Mulgrave Properties Ltd
867	Yorvik Homes
872	Jeffrey Stern
876	Joanne Kinder
878	Sarah Mills
879	Pat Mills
883	St Peter's School
888	Geoff Beacon
891	Redrow Homes
901	York St John University
920	J Owen-Barnett
921	Pauline Ensor
922	Peter Rollings
923	York Consortium of Drainage Boards
924	Jacqueline Ridley
925	John Pilgrim
926	Amanda Garnett
927	Rufforth with Knapton Parish Council
928	S Walton
929	Neighbourhood Plan Committee
930	Mal Bruce
931	Linda Donnelly
932	Vistry Homes
933	Crossways Commercial estates Ltd
934	Mulgrave Properties Ltd
935	York Housing Association, karbon Homes Ltd & Karbon Developments Ltd
936	Countryside Properties PLC
937	Andrew Jackson
938	Elvington parish Council
939	Friends of Strensall
940	John Burley
941	Karen Marshall
942	Stuart Gunson
943	Haxby St Mary's Parochial Church Council
944	North lane Developments
946	Gemma Edwardson
947	Maureen Lyon
948	Persimmon

949	York and Scarborough Teaching Hospitals NHS Foundation Trust
950	Kyle & Upper Ouse Internal Drainage Board
951	Stephensons
952	North Yorkshire County Council
953	Mr Adrian Kelly
954	York Green Party
955	Jomast Developments
956	Peter Vernon
957	Barratt Homes, David Wilson Homes, TW Fields (ST7 Consortium)
958	M Beresford
959	Clifton (without) Parish Council
960	Jane Granville
961	Mrs Carole Arnold

September 2021

**From:** [REDACTED]  
**Sent:** 07 July 2021 16:11  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 206052  
**Attachments:** PJ\_to\_York\_City\_Council\_New\_Local\_Plan\_Proposed\_Modifications\_Consultation\_4.7.21.pdf

## Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: CYC Sustainable Drainage Systems Guidance for Developers (August 2018) (EX/CYC/57)

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## Your comments: Legal Compliance of the document

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** We can confirm on behalf of Kyle & Upper Ouse that the 'Sustainable Drainage Systems Guidance for Developers' has been reviewed and is in line with the Land Drainage Act 1991 (as amended). Please also find attached Guidance from the Kyle & Upper Ouse IDB for consideration alongside the Local Plan and/or for the Planning DEPARTMENT to consider against future development applications.

**Please justify why you do not consider the document to be legally compliant:**

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## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** We can confirm on behalf of Kyle & Upper Ouse that the 'Sustainable Drainage Systems Guidance for Developers' has been reviewed and complies with the Duty to Cooperate.

**Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:**

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## **Your comments: Whether the document is 'sound'**

**Do you consider the document to be 'sound'?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** We can confirm on behalf of Kyle & Upper Ouse that the 'Sustainable Drainage Systems Guidance for Developers' has been reviewed and is sound.

**Please justify why you do not consider the document to be sound:**

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or 'sound':**

**If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?:** No, I do not wish to participate at hearings sessions

**If you do wish to participate at hearing sessions, please state why:**

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## **Supporting documentation**

**Please provide any documents which support the comments made as part of this submission:**

PJ\_to\_York\_City\_Council\_New\_Local\_Plan\_Proposed\_Modifications\_Consultation\_4.7.21.pdf

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Our Ref: K&UOIBD

7<sup>th</sup> July 2021

City of York Council  
Directorate of Place  
Forward Planning Team  
West Offices  
Station Rise  
York  
Y01 6GA



To Whom it May Concern

Dear Sirs,

**City of York Local Plan Proposed Modifications and Evidence Base Consultation (2021)**

**EX/CYC/57: CYC Sustainable Drainage Systems Guidance for Developers (August 2018), and**

**EX/CYC/61: Strategic Flood Risk Assessment**

Thank you for the opportunity of to comment on the additional evidence and proposed modifications to the city's Local Plan, prior to further hearing sessions as part of the Examination.

Kyle & Upper Ouse Internal Drainage Board is an **independent public authority** and **drainage authority** constituted under the Land Drainage Act; operating under the Land Drainage Act 1991 (as amended) and is a **Risk Management Authority** under the Flood & Water Management Act 2010.

All **developments planning work in, on, under or near ordinary watercourses** (including piped ordinary watercourses), or **discharging surface water** into a watercourse **within the defined Drainage District** require **CONSENT** from the Board under the Land Drainage Act 1991 (as amended) in addition to, or as part of, any Planning Permission.

The **Key Constraints for any Development near any Watercourse** within the Drainage District can be summarised as follows:

**No obstructions above ground within 7 metres** of the edge of a watercourse bank top

**No increase in surface water discharge** rate or volume (or restricted to 1.4 litres per second per hectare)

*continues over*



**No obstruction to flow** within a watercourse (caused by structures etc.)

*Similar Constraints apply to Main River within the Drainage District but as defined by the Environment Agency under Applications for Permits*

The Kyle & Upper Ouse IDB defined Drainage District and further information can be found on their website <https://www.shiregroup-idbs.gov.uk/idbs/kyle-upper-ouse/> and covers an area of approximately 11,800 hectares.

We encourage all developers to check if their site falls within a Drainage District and then contact the Board at the pre-development advice stage.

If any Development proposes to **work in, on, under or near ordinary watercourses** (including piped ordinary watercourses), or create or alter **surface water discharge** into a watercourse then the following Consents would be required from the IDB:

### **Section 23 Consent**

Section 23 LDA prohibits obstructions etc. in watercourses and states “*no person shall erect any mill dam, weir or other like obstruction [or] erect any culvert that would be likely to affect the flow of any watercourse ... without the consent in writing of the drainage board concerned.*”

### **Section 66 (Byelaw) Consent**

Section 66 LDA provides the power to make byelaws which state that “*no person shall ... introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water ... without the previous consent of the Board [and] no person ... shall erect any building or structure whether temporary or permanent, or plant any tree, shrub, willow ... without the previous consent of the Board,* amongst other byelaws specific to each IDB which can be found <https://www.shiregroup-idbs.gov.uk/idbs/kyle-upper-ouse/asset-management/planning-consents/>

Consent Applications will be determined by the IDB under the Land Drainage Act 1991 (as amended), require both temporary and permanent works applications and the IDB has a statutory 2 month determination period from the day on which the application is made or when the application fee (£50 per application or as prescribed) is discharged, whichever is later.

Every person who acts in contravention of, or fails to comply with, any notice served under Section 24 LDA or Byelaws under Section 66 LDA shall be guilty of an offence and liable, on summary conviction to such fines as prescribed within Section 24(3) and/or Section 66(6) LDA.

**Consent Applications** can be found on the website <https://www.shiregroup-idbs.gov.uk/idbs/kyle-upper-ouse/asset-management/planning-consents/> and sent to [info@kuidb.org.uk](mailto:info@kuidb.org.uk)

The IDB standard planning response advice is as follows:

**If the surface water were to be disposed of via a soakaway system**, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

**If surface water is to be directed to a mains sewer system** the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

**If the surface water is to be discharged to any ordinary watercourse** within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff and no increase in volume.

**No obstructions within 7 metres** of the edge of an ordinary watercourse are permitted without Consent from the IDB.

Yours faithfully,

[Redacted signature line]

[Redacted block]

[Redacted line]

[Redacted line]

[Redacted line]

[Redacted line]

**From:** [REDACTED]  
**Sent:** 07 July 2021 16:24  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 206058  
**Attachments:** PJ\_to\_York\_City\_Council\_New\_Local\_Plan\_Proposed\_Modifications\_Consultation\_4.7.21.pdf

## Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

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## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

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## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Strategic Flood Risk Assessment (EX/CYC/61)

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**Your comments: Legal Compliance of the document**

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** We can confirm on behalf of Kyle & Upper Ouse that the document EX/CYC/61: Strategic Flood Risk Assessment has been reviewed and is in line with the Land Drainage Act 1991 (as amended). Please also find attached Guidance from the Kyle & Upper Ouse IDB for consideration alongside the Local Plan and/or for the Planning DEPARTMENT to consider against future development applications.

**Please justify why you do not consider the document to be legally compliant:**

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## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** We can confirm on behalf of Kyle & Upper Ouse that the document EX/CYC/61: Strategic Flood Risk Assessment has been reviewed and is compliant with the Duty to Cooperate.

**Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:**

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## **Your comments: Whether the document is ‘sound’**

**Do you consider the document to be ‘sound’?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** We can confirm on behalf of Kyle & Upper Ouse that the document EX/CYC/61: Strategic Flood Risk Assessment has been reviewed and is sound.

**Please justify why you do not consider the document to be sound:**

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:**

**If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?:** No, I do not wish to participate at hearings sessions

**If you do wish to participate at hearing sessions, please state why:**

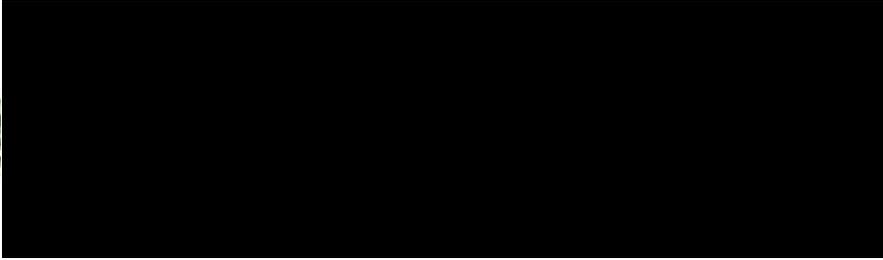
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## **Supporting documentation**

**Please provide any documents which support the comments made as part of this submission:**

PJ\_to\_York\_City\_Council\_New\_Local\_Plan\_Proposed\_Modifications\_Consultation\_4.7.21.pdf

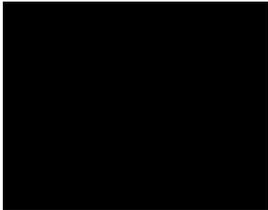
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Our Ref: K&UOIBD

7<sup>th</sup> July 2021

City of York Council  
Directorate of Place  
Forward Planning Team  
West Offices  
Station Rise  
York  
Y01 6GA



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Consent Applications will be determined by the IDB under the Land Drainage Act 1991 (as amended), require both temporary and permanent works applications and the IDB has a statutory 2 month determination period from the day on which the application is made or when the application fee (£50 per application or as prescribed) is discharged, whichever is later.

Every person who acts in contravention of, or fails to comply with, any notice served under Section 24 LDA or Byelaws under Section 66 LDA shall be guilty of an offence and liable, on summary conviction to such fines as prescribed within Section 24(3) and/or Section 66(6) LDA.

**Consent Applications** can be found on the website <https://www.shiregroup-idbs.gov.uk/idbs/kyle-upper-ouse/asset-management/planning-consents/> and sent to [info@kuidb.org.uk](mailto:info@kuidb.org.uk)

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**No obstructions within 7 metres** of the edge of an ordinary watercourse are permitted without Consent from the IDB.

Yours faithfully,

[Redacted signature block]

**From:** [REDACTED]  
**Sent:** 07 July 2021 16:55  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 206067

## Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone:

Organisation name: [REDACTED]

Organisation address: [REDACTED]

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## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

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## Your comments: Legal Compliance of the document

**Do you consider the document to be legally compliant?:** No, I do not consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:**

**Please justify why you do not consider the document to be legally compliant:** Section 6, Boundary 21 and 21 do not consider all factors of the landscape.

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## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** .

**Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:**

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## **Your comments: Whether the document is ‘sound’**

**Do you consider the document to be ‘sound’?:** No, I do not consider the document to be sound

**Please justify why you consider the document to be sound:**

**Please justify why you do not consider the document to be sound:** Section 6, Boundary 21 and 22 is assessed on subjective matters and does not consider the opportunity of potential development on the site and creation of a new green belt boundary, along the A64 which is an established boundary to the west of the site. This boundary (A64) would be defensible and development between the proposed boundary could be stronger on the assessment that the council have undertaken. The site contained within this area represents a sustainable location for development (in accordance with the test set out in the NPPF) and assessment of boundaries should be considered in this context.

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## **Your comments: Necessary changes**

**I suggest the following changes to make the Local Plan legally compliant or ‘sound’:** Inner Area boundary needs amending to reflect comments.

**If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?:** No, I do not wish to participate at hearings sessions

**If you do wish to participate at hearing sessions, please state why:**

---

## Supporting documentation

Please provide any documents which support the comments made as part of this submission:

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**From:**  
**Sent:** 07 July 2021 16:46  
**To:** localplan@york.gov.uk  
**Subject:** NYCC Response  
**Attachments:** NYCC - York Local Plan Response 07.07.2021.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir,

Please find attached a response from North Yorkshire County Council in relation to the York Local Plan Proposed Modifications Consultation.

Regards

■

[Redacted]



City of York Council  
West Offices  
Station Rise  
York  
YO61 6GA

**Date:** 07 July 2021

Closing Date: 07 July 2021

**Send by Email:** [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Dear

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**Consultation on the Draft York Local Plan- Proposed Modifications and Evidence Base**

Thank you for consulting on the Proposed Modification and update Evidence Base to the City of York Council Local Plan. The County Council are pleased to see the Plan being progressed through the Examination process and acknowledge the comprehensive work that has been produced to support the plan through examination.

York is an important driver for growth, both within the York, North Yorkshire and East Riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland.

North Yorkshire County Council welcomes the opportunity to provide comments on the above documents, and officers from across our service areas have reviewed the consultation documentation and have the following comments to make. Please note this response includes comments by the County Council in its capacity as Local Highways Authority.

**Strategic Policy and Economic Growth**

PM50- Policy SS1: Delivering sustainable growth for York:

It is noted that the updated evidence supporting the Plan seeks the provision of 822 dwellings per annum, slightly lower than that originally proposed within the Local Plan Submission document of 922 dwellings per annum. NYCC note that the Local Plan is being examined under 'transitional arrangements' and as such does not need to use the Government Standard Housing Methodology.



We acknowledge and welcome the revised figure being produced utilising evidence that considers the implication for the York Housing figures should the Government Standard Methodology have been applied, as set out in documents EX/CYC/43a (<https://www.york.gov.uk/downloads/file/6097/ex-cyc-43a-g-l-hearn-housing-needs-update-september-2020>) which concludes in paragraph 4.20 that although the Methodology has "...no bearing on the housing need for York at the Local Plan examination but it should provide some comfort that the latest version of the standard methodology arrives a very similar number."

Whilst this provides greater confidence that, any subsequent plan review housing figures would be broadly in line with the new methodology it should be noted that the Government's Standard Methodology is being reviewed; therefore the plan should ensure sufficient flexibility to accommodate any changes that do arise within the Plan period and beyond.

#### Policy SS2: the Role of York's Green Belt:

In our previous response, NYCC expressed support for defining a clear and detailed inner boundary of the York Green Belt, and noted that the draft York plan made provision for housing and employment land up to 2038, providing for an additional 5 years beyond the current plan period. We highlighted at that time that in adopting this approach in the longer-term consideration will need to be given to how future growth needs will be managed in order to provide confidence relation to planning for infrastructure and services including, within neighbouring parts of North Yorkshire.

The supporting document, EX/CYC/59i: Topic Paper 1 Green Belt Addendum January 2021 updated Housing Supply, expands on this matter raised by the County Council and states that "*The approach taken reflects the intention of the spatial strategy to ensure the delivery of sustainable sites and free-standing settlements that are allocated as a whole, to enable holistic masterplanning and negate the need for safeguarded land....*" And "*..The sites identified are large enough to have the opportunity to enhance and/or connect into existing facilities and transport routes (be accessed sustainably) as well as provide commensurate facilities and connections to be self-contained (be self-sustaining).*" It is noted that The City of York Council conclude that by adopting this approach, the permanence of the Green Belt will endure for a minimum of 20 years, up to 2044.

Notwithstanding, The County Council, whilst acknowledging this approach, would like to reiterate that if the Green Belt boundary is drawn too tightly at this stage there may be insufficient land available to meet the City's longer term needs which could result in the need for an early Green Belt boundary review. The City of York Council will need to be confident that the approach taken provides sufficient flexibility to cope with any changes or additional increases in demand for development within their own boundaries.

#### Comments on New Supporting and Evidence base Documents

Within the new evidence base documents submitted there are several documents that are of particular interest NYCC. These include-

EX/CYC/38: Joint Position statement between CYC and Selby District Council Housing Market Area April 2020:

Selby District council falls within the Boundary of North Yorkshire. North Yorkshire is a two-tier planning area, with Selby responsible for Housing and the County Council (NYCC) being the upper tier authority responsible for delivery of services such as Education, Highways and infrastructure. Within this context, whilst recognising the wider role the City of York has in terms of sustainable economic growth in the wider geography, the County Council welcome the position of City of Yorks Council to meet its own Objectively Assessed Needs (OAN) within its own administrative boundaries.

Green Belt Topic Paper Addendum (EXCYC59b) York Green Belt Outer Boundary:

The City of York Council administrative boundaries adjoin the North Yorkshire boundary within the districts of Hambleton, Harrogate, Ryedale and Selby. The extent of the outer Green Belt have been well established with the Local Plans of these authorities for a number of years. The outer boundary proposed with the York Local Plan seeks to adjoin these already established boundaries and is therefore welcomed. This would prevent urban sprawl from within the City encroaching on areas adjacent to the NYCC boundary.

**North Yorkshire County Council Local Highway Authority Response and Lead Local Flood Authority**

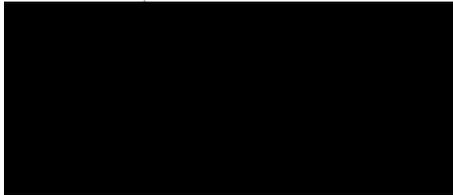
North Yorkshire County Council, in its roles as Lead Local Flood Authority (LLFA) and Local Highway Authority (LHA), looks forward to working with City of York Council on any specific allocations or plans which have the potential to impact on the NY area. The Joint Position Statement between the City of York and Selby District Council in relation to the Housing Market Area, April 2020 is noted and as such any evidence base for Selby Local Plan is considerate to the stage of the City Of York plan and its progress.

**Closing comments**

The comments set out above have been endorsed by the County Council's Business and Environmental Services Executive Members.

North Yorkshire County Council trust that you find the comments helpful in continuing the Examination of the Local Plan. If you would like to discuss any aspect of this response, please do not hesitate to contact my colleague who can be contacted via email and will be happy to assist.

Yours sincerely



**From:** [Redacted]  
**Sent:** 07 July 2021 16:58  
**To:** localplan@york.gov.uk  
**Cc:** [Redacted]  
**Subject:** City of York Local Plan Proposed Modifications Consultation -  
**Attachments:** Green Belt Boundary - AP.pdf; Local Plan Response - Kelly - Rufforth - Green Belt Boundary.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Local Plans at York

On behalf of our client Mr Adrian Kelly, please find attached a local plan representation in relation to the proposed Green Belt boundary at Rufforth – Topic Paper 1 – Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt (Pages A4:194 to A4:208).

Also attached is a plan showing a proposed amendment to the Green Belt boundary at Rufforth, as described in Section 8. (1).

Please can you confirm receipt of this representation.

Regards

[Redacted signature block]

# City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.**

**Please fill in a separate Part C for each issue/representation you wish to make.** Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

**What information will be collected:** The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

**What will we do with the information:** We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at [localplan@york.gov.uk](mailto:localplan@york.gov.uk) or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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



We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

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**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

**Further processing:** If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

**Your rights:** To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

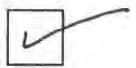
You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at [information.governance@york.gov.uk](mailto:information.governance@york.gov.uk) on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice



2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.



Signature

Date

## Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title	Mr	
First Name	Adrian	Gemma
Last Name	Kelly	Edwardson
Organisation (where relevant)	C/o Edwardson Associates	Edwardson Associates
Representing (if applicable)		(Mr Adrian Kelly)
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- G L Hearn Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
  - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
  - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
  - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
  - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
  - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
  - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
  - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

### **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 Inspectors 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 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.

You can use our online consultation form via [www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation) or send back your response via email to [localplan@york.gov.uk](mailto:localplan@york.gov.uk). **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

### **Do I need to attend the Public Examination?**

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?**

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via [localplan@york.gov.uk](mailto:localplan@york.gov.uk) or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

# Part C -Your Representation

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



## 5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Topic Paper 1 – Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt

Page Number:

A4:194 to A4:208

## 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](http://www.york.gov.uk/localplan) or sent by request.

## 6. Based on the Proposed Modification or new evidence document:

### 6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

### 6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

### 6.(3) Please justify your answer to question 6.(1) and 6.(2)

We accept that the Council has undertaken consultation on the Green Belt in accordance with the relevant procedures.

## 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.

## 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

## **7. Based on the Proposed Modification or new evidence document:**

### **7.(1) Do you consider that the Local Plan is Sound?**

Yes

No

### **7.(2) Please tell us which tests of soundness are applicable to 7.(1):**

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

### **7.(3) Please justify your answers to questions 7.(1) and 7.(2)**

Please use extra sheets if necessary

We act for Mr Adrian Kelly of West Cottage, Wetherby Road, Rufforth. This property is located on the eastern side of Wetherby Road on the northern edge of the village; but significantly within the village. The property is located inside the 30mph speed sign and the village sign. Our client considers that the property falls within the village. We agree and therefore we object strongly to the proposed exclusion of this property from the defined development limit and its proposed inclusion within Green Belt. We object to the Council's assessment of and proposals for the Green Belt boundaries to the north of Rufforth. Our client's property also includes the small parcel of land located between the West Cottage and the next property located to the south. This land also clearly falls within the village. The Council states that the property is isolated from the village. It is not. It is located within the 30mph speed and the village signs. It forms part of the linear character of the village as described by the Council in its assessment. It is not located outside the village in wider or more exposed open countryside. It is located close to the road and in close proximity to existing built development to the south. The Council has linked West Cottage with the former allotments – it also refers to it as an isolated property with a higher degree of openness. The property has nothing to do with the former allotments (which is in fact agricultural land), likewise it is no more open than other development on the eastern, southern and western sides of the village which are proposed to fall within the defined development limits (and thus outside of Green Belt). West Cottage is closer to the historic core of the village (the area near the Church) than the modern housing estate located at the southern extent of the village (Southfield Close) which is proposed for inclusion within the development limit.

The property and its garden curtilage (and the small wooded area directly south) do not contribute to the openness of the Green Belt and therefore this property should reasonably fall within the village boundary and not within the Green Belt.

The property and its curtilage and the small adjacent parcel of land make no contribution to the historic setting of the city and are not needed to control urban sprawl or to prevent encroachment into the open countryside. A tightly defined development limit is an equally effective mechanism and a very modest and inconsequential change to the proposed development (Green Belt boundary) limit would achieve this.

Furthermore, inclusion of the property within the development limit and outside the Green Belt would have no material or harmful effect on the compactness of the village or on important landmarks, nor on the ability to create a permanent Green Belt boundary.

**8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

It is not a sound approach to exclude West Cottage from the village and include it within the boundary of the Green Belt. To make the Development Plan sound the Green Belt boundary should be amended to exclude West Cottage and the small land parcel directly south of it. In so doing there would be an inconsequential impact on the Green Belt and the purposes of including land within it.

**9. If your representation is seeking a change at question 8.(1)**

**9.(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

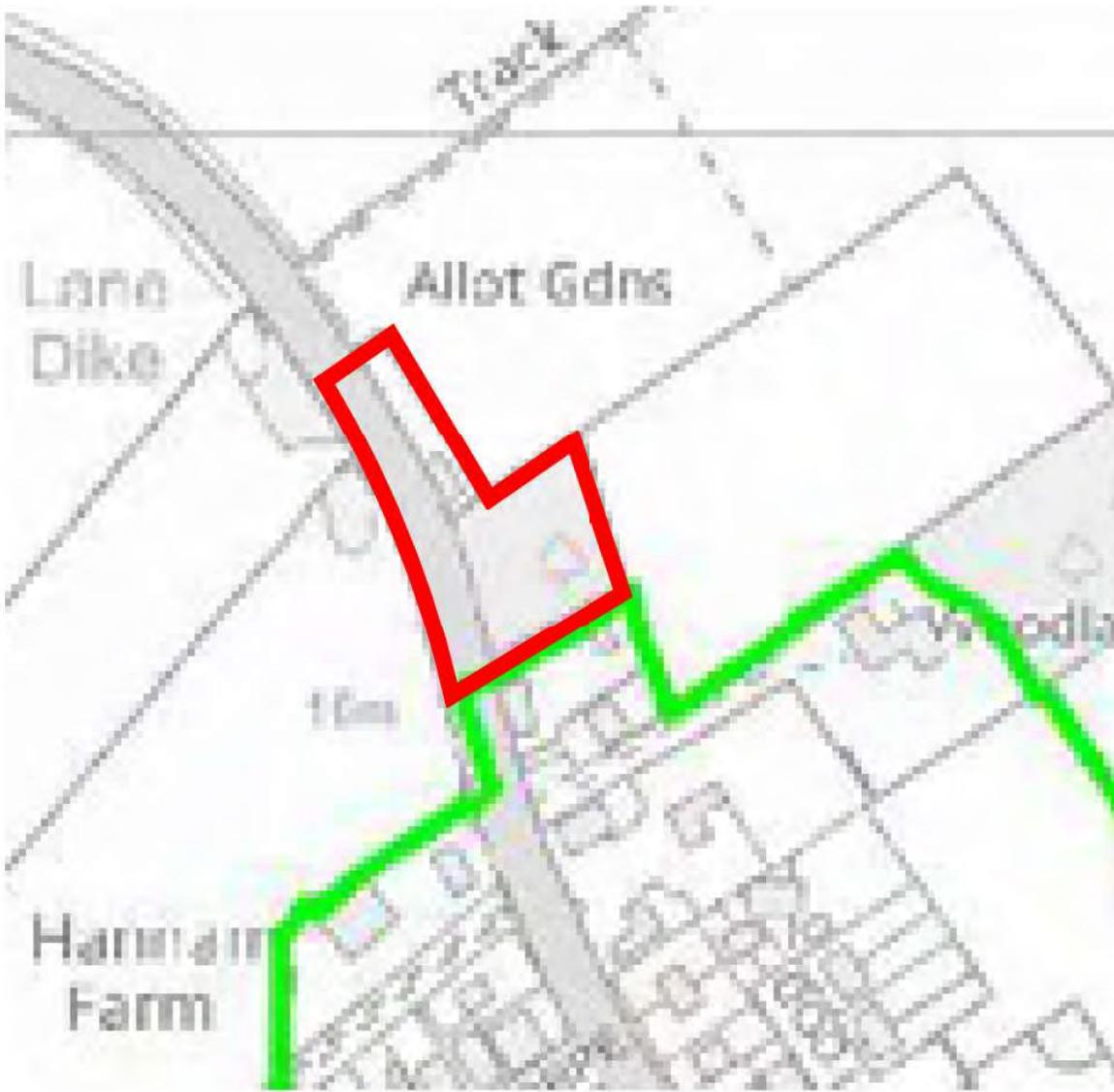
**Yes**, I wish to appear at the examination

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

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

Yes we do wish to participate. Our client feels very strongly about their property being excluded from the defined development limits of the village and its inclusion within the Green Belt and so we wish to be present to participate fully in the debate.

**Please note:** the Inspectors 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.



Proposed Amendment to Green Belt Boundary

**From:** [REDACTED]  
**Sent:** 07 July 2021 21:38  
**To:** localplan@york.gov.uk  
**Subject:** New Local Plan Consultation submission, ORGANISATION - reference: 206150

## Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

---

## About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

---

## Organisation or group details

Title:

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

---

## Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

---

## Your comments: Legal Compliance of the document

**Do you consider the document to be legally compliant?:** Yes, I consider the document to be legally compliant

**Please justify why you consider the document to be legally compliant:** York Green Party still believes that there are shortcomings in the ambition in York's submitted Local Plan, particularly stronger requirements for sustainable transport provision and urgent actions to tackle the climate emergency are missing. But over the years City of York Council has regarding this plan proposal and the previous proposals engaged constructively, actively and on an ongoing basis with residents, councillors and political groups of all different colours and followed due process and statutory regulations. However, despite our reservations regarding some of the policies we also believe that York needs a Plan in place as soon as possible to protect the city from speculative development proposals such as the recent applications to build on York's Green Belt.

**Please justify why you do not consider the document to be legally compliant:**

---

## **Your comments: Duty to cooperate**

**Do you consider the document to comply with the Duty to Cooperate?:** Yes, I consider the document to comply with the Duty to Cooperate

**Please justify why you consider the document to be in compliance with the Duty to Cooperate:** York Green Party still believes that there are shortcomings in the ambition in York's submitted Local Plan, particularly stronger requirements for sustainable transport provision and urgent actions to tackle the climate emergency are missing. But over the years City of York Council has regarding this plan proposal and the previous proposals engaged constructively, actively and on an ongoing basis with residents, councillors and political groups of all different colours and followed due process and statutory regulations. However, despite our reservations regarding some of the policies we also believe that York needs a Plan in place as soon as possible to protect the city from speculative development proposals such as the recent applications to build on York's Green Belt.

**Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:**

---

## **Your comments: Whether the document is 'sound'**

**Do you consider the document to be 'sound'?:** Yes, I consider the document to be sound

**Please justify why you consider the document to be sound:** In direct response to the consultation, we strongly support the inner and outer boundaries of the York Green Belt as proposed. We believe they are considered and balanced, fit for purpose of sound planning and development and showing good judgement. Particularly the inner parts of the Green Belt, the Strays and the Green Wedges like the banks and floodplains of the Ouse like Nun Ings are essential for the character and heritage of York and crucial for the adaptation to climate change by cooling and exchanging the air in the population centres. To delay this odyssey plan further would be irresponsible – the Local Plan, once established, should be reviewed as soon as possible, although the 'extent' of the Green Belt will be set till 2037.

**Please justify why you do not consider the document to be sound:**

---

## Your comments: Necessary changes

### **I suggest the following changes to make the Local Plan legally compliant or 'sound':**

Despite being in agreement that this proposal is legally compliant and sound, but York Green Party continues to argue for the Local Plan to:

- Prioritise the provision of affordable housing
- Require zero-carbon development and the provision of cheap to run, warm homes
- Provide options to even out housing densities across the city – higher densities in some locations, when combined with excellent sustainable design, can help to protect our green spaces and provide high-quality affordable homes
- Ensure a sufficient supply of sites for a wide range of employment opportunities
- Protect and enhance green spaces across the city including the city centre
- Provide a sustainable transport infrastructure capable of supporting the level of development in the Plan
- Include a range of other policies to enable us to protect local shopping parades, independent businesses and the balance of our city centre
- Be reviewed at least every 5 years to assess if it is on track to meet priorities for the city including our clean air and carbon reduction targets
- Include necessary Supplementary Planning Guidance to protect York's future and natural environment.

**If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?:** No, I do not wish to participate at hearings sessions

**If you do wish to participate at hearing sessions, please state why:**

---

## Supporting documentation

**Please provide any documents which support the comments made as part of this submission:**

---

**From:** [REDACTED]  
**Sent:** 07 July 2021 21:11  
**To:** localplan@york.gov.uk  
**Subject:** York Local Plan Proposed Modifications and Evidence Base representations submission - [REDACTED] land to the east of New Lane, Huntington  
**Attachments:** Land at New Lane Consultation Response Form - Housing Supply.docx; Land at New Lane Consultation Response Form - Green Belt.docx; Representations yhn121071p - Land to east of New Lane.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/ Madam, please find attached representations on behalf of [REDACTED] in relation to land to the east of New Lane, Huntington.

The submission comprises two Response Forms (relating to housing supply and green belt), together with a copy of the detailed representations.

I trust this is in order, but if you have any issues please contact me.

Many thanks,  
[REDACTED]

# City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.**

**Please fill in a separate Part C for each issue/representation you wish to make.** Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

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**What information will be collected:** The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

**What will we do with the information:** We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at [localplan@york.gov.uk](mailto:localplan@york.gov.uk) or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

**Storage of information:** We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

**Further processing:** If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

**Your rights:** To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at [information.governance@york.gov.uk](mailto:information.governance@york.gov.uk) on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

**1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice**

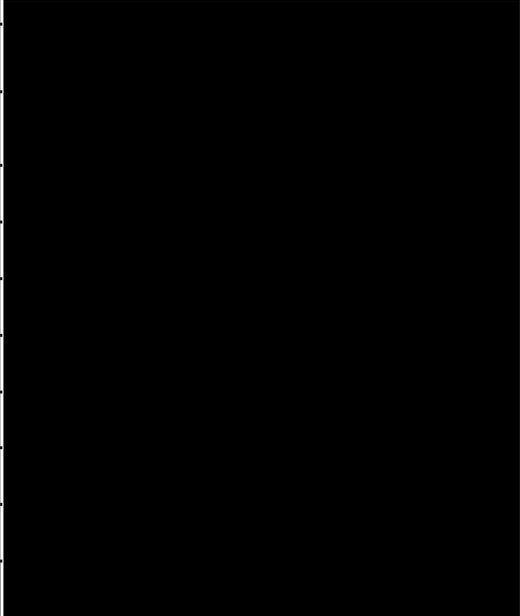
**2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.**

Signature

Date

## Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

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  - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
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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, 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 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 B of this form the group you are representing.

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# Part C -Your Representation

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



## 5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM48, PM49, PM50, PM53, PM54, PM55, PM56, PM63 to 63b, PM52

Document:

EX/CYC/58 Proposed Modifications; EXCYC/46 Key Diagram; EX/CYC/36 Affordable Housing Note; EX/CYC/43a Housing Needs Update; EX/CYC/56 SHLAA

Page

Number:

## 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](http://www.york.gov.uk/localplan) or sent by request.

## 6. Based on the Proposed Modification or new evidence document:

### 6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

### 6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

### 6.(3) Please justify your answer to question 6.(1) and 6.(2)

We make no representations on Legal Compliance, or on the Duty to Cooperate.

## 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.

## 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

## **7. Based on the Proposed Modification or new evidence document:**

### **7.(1) Do you consider that the Local Plan is Sound?**

Yes

No

### **7.(2) Please tell us which tests of soundness are applicable to 7.(1):**

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

### **7.(3) Please justify your answers to questions 7.(1) and 7.(2)**

Please use extra sheets if necessary

THESE COMMENTS ARE SUPPORTED IN FULL BY THE ATTACHED DETAILED REPRESENTATIONS DOCUMENT REF. yhn2107.lp PREPARED BY [REDACTED].

The representations on the proposed modifications in relation to housing supply conclude that the draft Local Plan is unsound for a number of significant reasons:

- Realistically, adoption of the Plan is not likely until 2023. By then, 6 years of the Plan Period will have passed. This will give an operational Plan Period of just 10 years.
- The Council state they have made provision for development in the 5 years after Plan Period, which means the Green Belt would only be in place for 15 years after adoption. This falls well short of the permanence for Green Belt boundaries required by National Planning Policy.
- the Council's overall assessment of its housing requirement remains fundamentally flawed, and does not make adequate provision for housing land supply
- the Plan is over-reliant on a small number of isolated strategic housing allocations to meet housing need and especially the critical affordable housing need
- the proposed housing allocations cannot deliver the houses the City needs. In particular, the strategic allocations cannot deliver the intended numbers of

- delivery of affordable housing will fall significantly short of what is required to meet the acute need in York. Completions on strategic sites – the most significant source of supply – will occur later in the Plan Period than anticipated by the Council
- the Proposed Modifications document EX/CYC/59 is therefore unsound as it does not address these fundamental issues
- it follows that Key Diagram EX/CYC/46 is unsound because it does not exclude sufficient land from the Green Belt to meet development needs and provide permanent Green Belt boundaries

**Test 1: Positively prepared:**

The lack of adequate provision for housing land supply is inconsistent with the Local Plan strategy to meet objectively assessed development requirements.

**Test 2: Justified**

The Council's overall assessment of its housing requirement remains fundamentally flawed, and the proposed housing allocations cannot deliver the houses the City needs. The Plan does not represent the most appropriate strategy when considered against the reasonable alternatives and evidence, as set out in these representations.

**Test 3: Effective**

The representations demonstrate that there are significant flaws in the Plan, including those relating to the Plan period, housing requirement, and need for additional housing land which will prevent the Plan being effective and deliverable.

**Test 4: Consistent with national policy**

The Plan is not consistent with national policy for meeting identified requirements for sustainable development, and will not deliver a permanent Green Belt.

**8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Changes required to make the Plan sound include:

- a reset of the plan period so that the start of the Plan period is more closely aligned with the likely adoption date of the Plan
- The housing requirement must be increased to more accurately reflect the house needs of the City.
- a substantial amount of additional housing land will need to be allocated if the Council is to meet its identified housing requirements and confirm a permanent Green Belt for York.

**9. If your representation is seeking a change at question 8.(1)**

**9.(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 Inspectors by way of written representations.

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

We wish to participate in the Hearings to have the opportunity to put across our views to the Inspectors.

**Please note:** the Inspectors 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.



# City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.**

**Please fill in a separate Part C for each issue/representation you wish to make.** Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

**What information will be collected:** The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

**What will we do with the information:** We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at [localplan@york.gov.uk](mailto:localplan@york.gov.uk) or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

**Storage of information:** We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

**Further processing:** If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

**Your rights:** To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at [information.governance@york.gov.uk](mailto:information.governance@york.gov.uk) on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

**1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice**

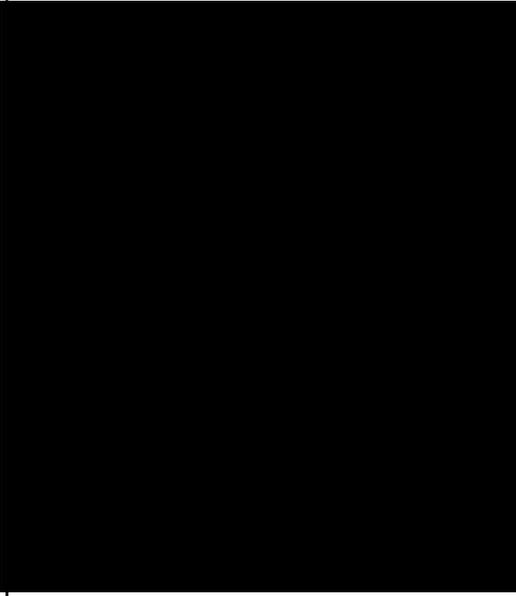
**2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.**

Signature

Date

## Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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](mailto:localplan@york.gov.uk)

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## What can I make comments on?

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# Part C -Your Representation

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



## 5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX/CYC/59; EX/CYC/59d; EX/CYC/46

Document:

TP1 Addendum; TP1 Addendum Annex 3; Key Diagram Update

Page Number:

Various

## What does 'legally compliant' mean?

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## 6. Based on the Proposed Modification or new evidence document:

### 6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

### 6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

### 6.(3) Please justify your answer to question 6.(1) and 6.(2)

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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

**7. Based on the Proposed Modification or new evidence document:**

**7.(1) Do you consider that the Local Plan is Sound?**

Yes  No

**7.(2) Please tell us which tests of soundness are applicable to 7.(1):**

(tick all that apply)

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

**7.(3) Please justify your answers to questions 7.(1) and 7.(2)**

Please use extra sheets if necessary

THESE COMMENTS ARE SUPPORTED IN FULL BY THE ATTACHED DETAILED REPRESENTATIONS DOCUMENT REF. yhn12107.lp PREPARED BY [REDACTED].

In relation to the Council's justification for the inner Green Belt boundaries, and its assessment on the contribution that the land at New Lane makes to Green Belt purposes, the representations conclude that:

- the Council's approach is fundamentally flawed and the Emerging Local Plan is unsound in relation to the proposed inner Green Belt boundaries around the land at New Lane
- the Council's assertion that the land serves each of the three Green Belt purposes relevant to York is disputed, and the assessment in EX/CYC/59d does not provide any compelling evidence to support the conclusion that it is necessary for the land to be kept permanently open
- Local Plan document EX/CYC/59 including Annex EX/CYC/59d, and the Key Diagram EX/CYC/46 are unsound

**Test 1: Positively prepared:**

The proposed Green Belt boundaries, and inclusion of the New Lane site, is inconsistent with the Local Plan strategy to meet objectively assessed development requirements.

**Test 2: Justified**

The proposed inclusion of the site within the Green Belt is not justified when considered against the Council's own evidence. The land does serve the three Green Belt purposes relevant to York, and there exist alternative options for robust boundaries that would provide a more enduring Green Belt.

**Test 3: Effective**

The proposed boundaries will inhibit the requirement to meet housing needs and will not provide a permanent Green Belt.

**Test 4: Consistent with national policy**

The Green Belt boundaries will not facilitate the delivery of sustainable development in accordance with the policies in the Framework. The requirements paragraph 85 of the 2012 NPPF have not been correctly interpreted, and the Council has:-

- not ensured consistency with the Local Plan strategy for meeting identified requirements for sustainable development; and
- included land which it is unnecessary to keep permanently open
- failed to ensure that the Green Belt boundary will not need to be altered at the end of the development plan period

**8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

- Amend the Green Belt boundaries adjacent to the land at New Lane to utilise the well-defined and permanent boundaries to the south of the site
- Not include land which it is unnecessary to keep permanently open, and provide Green Belt boundaries which are consistent with the requirement to meet sustainable development needs

**9. If your representation is seeking a change at question 8.(1)**

**9.(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 Inspectors by way of written representations.

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

We wish to participate in the Hearings to have the opportunity to put across our views to the Inspectors.

**Please note:** the Inspectors 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.



CITY OF YORK COUNCIL

EMERGING LOCAL PLAN  
REGULATION 19 CONSULTATION

LOCAL PLAN MODIFICATIONS AND EVIDENCE  
BASE CONSULTATION

JUNE 2021

Representations on behalf [REDACTED]

[REDACTED]  
in respect of  
Land to the east of New Lane,  
Huntington, York, YO32 9TB

## EXECUTIVE SUMMARY

- i. These representations are made on behalf of [REDACTED] in relation to the Proposed Modifications and Evidence Base consultation on the emerging City of York Local Plan. They relate to the following documents:
  - EX/CYC/58: Composite Modifications Schedule (April 2021)
  - EX/CYC/46: Key Diagram Update (January 2021)
  - EX/CYC/36: Affordable Housing Note Final (February 2020)
  - EX/CYC/43a: Housing Needs Update (September 2020)
  - EX/CYC/56: Strategic Housing Land Availability Assessment Update (April 2021)
  - EX/CYC/59: Topic Paper I: Approach to Defining York's Green Belt: Addendum (January 2021)
  - EX/CYC/59d: Topic Paper I Green Belt Addendum (January 2021) - Annex 3, Inner Boundary Part 2, Sections 30 to 31
- ii. The representations concern 4.58ha of land within the York outer ring road on the eastern side of the city, between New Lane, Huntington and the Monks Cross/Vangarde commercial and retail development (Appendix 1). Part of the site was included in strategic residential allocation ST11 in the 2014 Publication Draft Plan, which included land to the north and was to provide circa 400 dwellings (ref. Appendix 5). ST11 was excluded in later stages of the Plan after the Council reduced the level of homes required in the Plan Period. The current draft Plan proposes to include the land as Green Belt.
- iii. [REDACTED] are a well-established housing development company with a track record of working with social housing providers to deliver affordable housing across the north of England. They have identified the 4.58 site as a suitable and deliverable housing site, and are working in conjunction with a registered provider to bring forward a scheme for 100% affordable housing scheme, with an anticipated yield of circa 135 dwellings.

### Housing Supply

- iv. The representations on proposed modifications EX/CYC/58 conclude that the draft Local Plan is unsound for a number of significant reasons:
  - Realistically, adoption of the Plan is not likely until 2023. By then, 6 years of the Plan Period will have passed. This will give an operational Plan Period of just 10 years.
  - The Council state they have made provision for development in the 5 years after Plan Period, which means the Green Belt would only be in place for 15 years after adoption. This falls well short of the permanence for Green Belt boundaries required by National Planning Policy.

- the Council's overall assessment of its housing requirement remains fundamentally flawed, and does not make adequate provision for housing land supply
  - the Plan is over-reliant on a small number of isolated strategic housing allocations to meet housing need and especially the critical affordable housing need
  - the proposed housing allocations cannot deliver the houses the City needs. In particular, the strategic allocations cannot deliver the intended numbers of dwellings in the Plan Period because of the ongoing delay in the Plan's adoption
  - delivery of affordable housing will fall significantly short of what is required to meet the acute need in York. Completions on strategic sites – the most significant source of supply – will occur later in the Plan Period than anticipated by the Council
  - the Proposed Modifications document EX/CYC/59 is therefore unsound as it does not address these fundamental issues
  - it follows that Key Diagram EX/CYC/46 is unsound because it does not exclude sufficient land from the Green Belt to meet development needs and provide permanent Green Belt boundaries
- v. Changes required to make the Plan sound include:
- a reset of the plan period so that the start of the Plan period is more closely aligned with the likely adoption date of the Plan
  - The housing requirement must be increased to more accurately reflect the house needs of the City.
  - a substantial amount of additional housing land will need to be allocated if the Council is to meet its identified housing requirements and confirm a permanent Green Belt for York.

#### Green Belt

- vi. In relation to the Council's justification for the inner Green Belt boundaries, and its assessment on the contribution that the land at New Lane makes to Green Belt purposes, the representations conclude that:
- the Council's approach is fundamentally flawed and the Emerging Local Plan is unsound in relation to the proposed inner Green Belt boundaries around the land at New Lane

- the Council's assertion that the land serves each of the three Green Belt purposes relevant to York is disputed, and the assessment in EX/CYC/59d does not provide any compelling evidence to support the conclusion that it is necessary for the land to be kept permanently open
  - Local Plan document EX/CYC/59 including Annex EX/CYC/59d, and the Key Diagram EX/CYC/46 are unsound
- vii. The Green Belt boundaries in the emerging Local Plan therefore do not correctly interpret and apply the requirements of NPPF 2012 para 85, in that the Council has:-
- not ensured consistency with the Local Plan strategy for meeting identified requirements for sustainable development
  - failed to ensure that the Green Belt boundary will not need to be altered at the end of the development plan period
  - included land which is not necessary to keep permanently open
- viii. Changes that would assist the Plan to be found sound in relation to these matters include:
- utilising the well-defined and permanent boundaries to the south of the New Lane site (ref. Appendix 9)
- ix. In this context, the land at New Lane should be considered for allocation as housing in the Local Plan. [REDACTED] are committed to bringing the site forward as a 100% affordable housing scheme and in this context, the site:
- represents a viable and deliverable residential site that will provide a significant level of affordable housing of circa 135 units, making a valuable contribution to York's acute affordable housing need;
  - will be made available in the short- to medium-term, contributing to the delivery of affordable housing within the early years of the Plan, which is a shortfall in the current version
  - forms a logical and sustainable in-fill affordable housing site that would be entirely in accordance with the Council's strategy of prioritising development within urban areas
  - would not have an adverse impact in relation to the setting and special historic character of York, nor encroach into the open countryside or otherwise impact on the openness of the Green Belt

Legal Compliance and the Duty to Cooperate

- x. We make no representations on these issues.

**CITY OF YORK LOCAL PLAN**  
**PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION (JUNE 2021)**  
**in compliance with Regulation 19 of the Town & Country Planning (Local Planning) (England)**  
**Regulations 2012**

**REPRESENTATIONS ON BEHALF OF [REDACTED]**  
**IN RESPECT OF**  
**LAND TO THE EAST OF NEW LANE, HUNTINGTON, YORK**

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July 2021

## 1.0 BASIS OF THE REPRESENTATIONS

- 1.1 This submission is provided on behalf of [REDACTED] in response to the Proposed Modifications and Evidence Base Consultation on the City of York Council Local Plan.
- 1.2 The representations relate to 4.85ha of land located between residential development at New Lane, Huntington and the Monks Cross/Vangarde retail and commercial development to the east (ref. Location Plan, Appendix 1). It comprises two parts:
- a. land measuring approximately 4.1ha to the south of the New Lane cemetery and a cycle track running east-west between New Lane and Monks Cross/Vangarde
  - b. a smaller portion of land, measuring approximately 0.75ha to the east of the cemetery and north of the cycle track.
- 1.3 The 2014 version of the draft Local Plan proposed to allocate the western part of area (a) for residential development as part of strategic site ST11, which also included a large tract of land to the north of the cemetery. Site ST11 had a total site area of 13.76ha with an estimated yield of 400 dwellings (ref. Appendix 5). Site ST11 was excluded in later stages of the draft Local Plan after the Council reduced the level of homes required in the plan period. The current iteration of the draft Local Plan proposes to include in Green Belt the entire tract of land between New Lane and Monks Cross, and north to Jockey Lane.
- 1.4 [REDACTED] are a well-established housing development company with a track record of working with social housing providers to deliver affordable housing across the north of England. They have identified the 4.58 site as a suitable and deliverable housing site, and are working in conjunction with a registered provider to bring forward a scheme for 100% affordable housing scheme, with an anticipated yield of circa 135 dwellings.
- 1.5 This submission provides representations in relation to housing need and provision in context of the Council's stated annual requirement of 790 dwellings, reduced from 867 in the submitted Draft Plan. It also makes representation on the Council's approach to defining York's Green Belt.
- 1.6 Our assessment demonstrates that the Council's housing requirement figure is not justified; and that the Draft Plan housing allocations are inadequate to meet anticipated housing needs and will likely lead to a shortfall in the assumed housing delivery particularly in the early years of the Plan. The Council has wrongly interpreted National Planning Policy when seeking to define the Green Belt, and the boundaries are not defensible because insufficient land has been excluded from the Green Belt to meet development

needs during and beyond the Plan period. We maintain that further sites will need to be allocated to address York’s housing need and deliver a sound Local Plan.

- 1.7 The scale of the deficit in housing land supply is significant as explained in the body of our representations. The table below summarises our conclusions on housing land supply for the five years of the plan 2020/21 to 2024/25.

**Summary of 5-Year Land Supply 2020/21 to 2024/25**

	Estimate based on Council's requirement of 790dpa	Our Estimate based on Standard Method 1,026dpa
5-year land supply including Local Plan allocations in 5-year period 2021 to 2024/25	6.25	2.16

- 1.8 The representations relate to the following documents:
- EXICYC/58: Composite Modifications Schedule (April 2021)
  - EXICYC/46: Key Diagram
  - EXICYC/36: Affordable Housing Note Final (February 2020)
  - EXICYC/43a: Housing Needs Update (September 2020)
  - EXICYC/56: Strategic Housing Land Availability Assessment Update (April 2021)
  - EXICYC/59: Topic Paper 1 Approach to defining Green Belt Addendum (January 2021)
  - EXICYC/59d: Topic Paper 1 Green Belt Addendum (January 2021) - Annex 3, Inner Boundary Part 2, Sections 30 to 31

## 2.0 REPRESENTATIONS ON PROPOSED MODIFICATIONS

- 2.1 Table 2 below sets out a summary of our response to the proposed modifications. Additional commentary on each modification is provided in the subsequent paragraphs.

**Table 1: Summary of Objections to the Proposed Modifications**

Ref.	CYC Proposed Modification	ONA Comment
PM48	Whole Plan change to Plan Period being 2017 to 2032/33	The Plan Period should be reset to a date that will correspond to the adoption date for the Plan. We suggest 1st April 2023 as an appropriate start date. This would have obvious consequential changes for other policies and site allocations in particular.
PM49	Policy SSI - Clarification of Green Belt permanence	The Plan Period should be reset as above.  It is likely that 5 years of the Plan Period will have elapsed by the time of adoption. With 10 years of the Plan Period remaining, and the 5 additional years the Council asserts it has provided allocations for, a Green Belt review is likely after 15

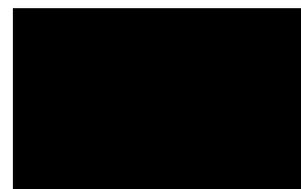


		years. This does not constitute a permanent Green Belt Boundary.
PM50	Policy SSI - Clarification of Housing requirement over Plan Period	The Council's overall assessment of its housing requirement remains significantly flawed and does not make adequate provision for housing land supply.
PM53	Policy SSI – Clarification of housing requirement over Plan Period	Allocations are inadequate to meet York's housing needs, and the Plan remains over-reliant on a small number of strategic housing allocations.  Estimated delivery from some strategic allocations is unrealistic, particularly given that 4 years of the Plan Period has already elapsed.  The delivery of affordable housing will fall significantly short of what is required to meet this acute need in York.  Tables relating to Policies SSI and HI present an exaggerated trajectory of housing supply, particularly from strategic sites, and should be revised. Scenario Tables 1, 2, and 3 in Appendix 3 of this statement illustrate a more realistic delivery trajectory.  Additional sites that can deliver substantial affordable housing and other benefits must be allocated in the Plan.
PM54	Policy SSI – Clarification of housing requirement over Plan Period including allowance for shortfall in provision	
PM55	Policy SSI – Clarification of CYC housing requirement over Plan Period including allowance for shortfall in provision	
PM56	Key Diagram	
PM63 to PM63b	Policy HI – Housing Allocations	
PM64	Policy HI – Housing Allocations	Modification is not necessary
PM63 - PM63b	Policy HI – Housing Allocations	
PM52	Policy SSI – Clarification of approach to promoting brownfield land + development in sustainable locations	

**(i) The Plan Period – PM48 and PM49**

- 2.2 PM48 clarifies that the Draft Plan proposes a 16-year Plan period starting at 1 April 2017 and extending to 31 March 2033. PM49 clarifies that the Plan has made provision for development needs for an additional 5-year period to ensure a “permanent” Green Belt Boundary.
- 2.3 At the time of consultation on the first set of modifications in July 2019, two years had elapsed since the start of the plan period and in the absence of an adopted Plan, there had been little if any development activity on any of the strategic large housing sites.
- 2.4 We are now a further two years advanced from the Plan start date and little has changed, other than the situation regarding York's housing supply has worsened. The last set of housing completion figures for 2019/20 (521 dwellings)<sup>1</sup> demonstrates the continuing trend of completions falling significantly short of the Council's housing requirement of 790 dwellings per annum (notwithstanding that we consider the 790 figure to be inadequate to address the housing crisis in York).

<sup>1</sup> (560 less 39 student units)



- 2.5 It is anticipated that in the current circumstances adoption of the plan is unlikely until 2023 at the earliest – 6 years after the start date of the Plan.
- 2.6 We now have a situation that goes to the heart of the soundness of the Plan. Paragraph 157 of the NPPF (2012) advises that Local Plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon, taking account of longer-term requirements, and be kept up to date. Common sense would suggest that at the point of adoption the Local Plan should be at, or close to, a year or two of its start date, not 6 years out.
- 2.7 This common-sense point is now set out in the 2019 NPPF which, at paragraph 22, advises that Strategic policies should look ahead over a minimum 15-year period from adoption<sup>2</sup> and that policies in Local Plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years<sup>3</sup> (NPPF 2019, para 33).
- 2.8 The situation in York, therefore, is that at the point of adoption, the Council will have failed in its legal duty to have undertaken a first review of the Plan and 6 years of the plan period will have elapsed with no housing development of any significance on strategic housing sites.
- 2.9 To ensure a sound Plan and legally compliant Plan, the plan period must be reset so that the start of the Plan period is at, or close to, the point of adoption.
- (ii) Green Belt permanence beyond the Plan Period – PM49**
- 2.10 One of the consequences of the delay in adopting the Local Plan (assuming an adoption date of 2023) is that the 15-year plan period becomes, in practice, a 10-year plan period. With the additional 5 years beyond the plan period, the Green Belt would only be in place for 15 years after adoption of the plan. This falls well short of the permanence for Green Boundaries that National Planning Policy requires.
- 2.11 The likelihood is that at the first review of the Plan, the Council would have to make provision for additional housing beyond 2038, which in turn would likely give rise to a Green Belt review.
- 2.12 This failure of the Plan can be addressed by allocating additional land, such as the New Lane site, for housing development now; and by identifying Safeguarded Land in

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<sup>2</sup> Strategic policies should set out an overall strategy for the pattern, scale and quality of development (See para 20 of NPPF 2019 for details of the scope of development considered for strategic policies)

<sup>3</sup> Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

accordance with the advice in paragraph 85 of the NPPF (ref. paras 3.31 to 3.38 of these representations).

**(iii) Housing Requirement and Supply – PM50, PM53, PM54, PM55, PM56, PM63-63b**

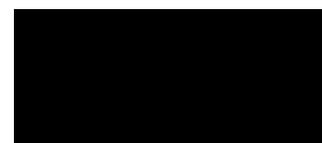
***Housing Requirement***

2.13 We remain unconvinced on the Council's approach to calculating the Objectively Assessed Housing Need (OAN) for the following reasons:

- a) The use of 2016 population and household projections is contrary to Government Guidance. In the face of what is recognised as a housing crisis in York, the continued use of the 2016 projection flies in the face of the need of housing in the City. Given the persistent under delivery of housing and in particular the major failings in affordable housing provision in the City a more pro-active and forceful approach to the housing requirement is required. The use of a higher housing requirement figure is justified and the more relevant figure is the government's standard method requirement of 1,026 as set out in section 4 of the Council's Housing Need Update.
- b) The housing requirement calculation is too low for the reasons set out in (c) (d) and (e) below.
- c) The calculation of completions since 2012 is too high (i.e. the Council's estimate of backlog is too low). It is generally accepted there is a housing crisis in York resulting from persistent under delivery and above average increase in house prices. Table 2 below indicates that, using the Council's OAN of 790dpa, the backlog in housing completions since 2012 is 2,030 or 135 dwellings per annum added to the housing requirement over the remaining Plan period. If the standard method OAN of 1,026dpa is used for the first three years of the Plan period (i.e. 2017-2020), the backlog would be 2,741 dwellings or 211 dwellings per annum added to the housing requirement over the remaining 13 years of the Plan Period.

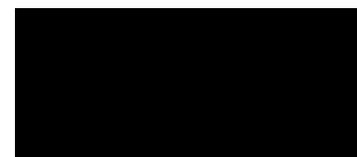
**Table 2: Backlog assuming OAN of 790dpa for period 2012/13 to 2019/20**

Year	Net Dwellings Added (Council Figures)	Less student units	Net C3 Dwelling units	Local Plan Mods OAN	Backlog/ Surplus	Housing delivery test indicator
2012/13	482	0	482	790	-308	61.0%
2013/14	345	0	345	790	-445	43.7%



2014/15	507	0	507	790	-283	64.2%
2015/16	1121	579	542	790	-248	68.6%
2016/17	977	152	825	790	35	104.4%
2012-17	3432	731	2701	3950	-1249	
2017/18	1296	637	659	790	-131	83.4%
2018/19	449	40	409	790	-381	51.8%
2019/20	560	39	521	790	-269	65.9%
2017-20	2305	716	1589	2370	-781	
<b>Total 2012-20</b>	<b>5,737</b>	<b>1,447</b>	<b>4,290</b>	<b>6,320</b>	<b>-2,030</b>	<b>63.0%</b>

- d) Outstanding commitments include student housing that should be excluded as they do not meet housing need or contribute to affordable housing. This is highlighted by Table 5 at para 2.19 below for the Years 2015/16 to 2017/18 which demonstrates the low percentage delivery of affordable dwellings in years when high levels of student units are included in housing completions.
- e) The Council has not adequately explained the use of ONS ratios or made the necessary adjustments to include student housing in the completion and supply figures. There are apparent inconsistencies in the figures. Table 1 of the updated SHLAA has a figure of 1,296 net dwelling gain for 2017/18. The text at paragraph 2.5 of the SHLAA update explains that the relevant ONS ratios have been applied. However, Table 3 of the Housing Monitoring Update May 2018, included at Annex 3 of the SHLAA, indicates that the net dwelling gain of 1,296 includes 637 units of student accommodation to which no ratio seems to have been applied.
- f) The assumptions on windfalls are questionable and should not be treated as a component of the Plan. This is particularly the case given the significant shortfall in affordable housing delivery which adds even greater emphasis to the requirement to **significantly boost** the supply of housing. Windfall completions deliver relatively little affordable housing.
- g) This analysis confirms previous comments on the Plan that the housing requirement has been underestimated because shortfall has not been properly accounted for. Consequently, the allocations proposed in the Plan are inadequate to address the housing needs for the Plan Period.



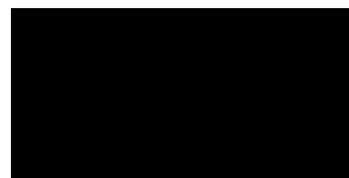
***Affordable Housing***

- 2.14 The Council's Strategic Housing Market Assessment (SHMA) identified a need for 573 affordable homes per annum (accepting that this need model includes existing households who may require a different size or tenure of accommodation rather than new accommodation).
- 2.15 Assuming an annual housing requirement of 822 dwellings, we would expect an average of 25% affordable provision (205 dpa) – mid-way between the 20% brownfield target and 30% greenfield targets. Over the 16-year lifetime of the plan this should deliver **3,280** affordable units (205 x 16).
- 2.16 The Council's Affordable Housing Note (ref. Table 10 of EX/CYC/36) predicts the affordable supply during the Plan Period (based on delivery assumptions at 1<sup>st</sup> April 2017) to be as follows:

**Table 3 – Anticipated affordable housing supply (Council's Assessment)**

Source of Affordable Housing Supply	Total Delivery	Total Anticipated Affordable Housing Provision	Affordable Housing Provision per annum
Strategic Housing sites over 5ha	11,067	2,534	158
Sites under 5 ha	1,452	429	27
Affordable from extant consents	3,578	380	24
Housing Delivery Programme		70	4
Housing sites approved since 2017		12	1
Older persons programme		83	5
Windfall Projections		31	2
<b>Total</b>	<b>16,097</b>	<b>3,539</b>	<b>221</b>

Data from CYC Affordable Housing Note



2.17 However, because of the delays with the Plan, the development of strategic sites has been pushed further back into the Plan Period. Our estimate is that strategic sites will only deliver 6,983 dwellings in the Plan Period (allowing for 10% non-implementation), which would reduce affordable delivery from this source to 1,599 dwellings and total delivery to 2,591 or 162 affordable dwellings per annum over the plan period. This figure is at the lower end of what should be achievable in a city that is experiencing significant house price inflation and when there is huge pressure on the limited supply of affordable housing.

**Table 4 – Our Estimate of affordable housing delivery with revised trajectory**

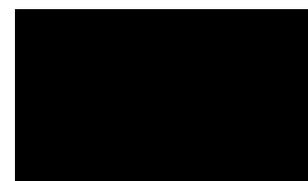
	Anticipated percentage (paras 11-21 CYC Affordable Housing Note)	Total Delivery	Affordable	Affordable per annum <sup>4</sup>
Affordable Housing delivery 2017-2020 <sup>1</sup>			141	47
Strategic Housing sites over 5ha <sup>2</sup>	22.90%	<b>6,983</b>	1,599	123
Sites under 5 ha	29.50%	1,529	451	28
Affordable from extant consents <sup>3</sup>		3,578	204	13
Housing Delivery Programme			70	
Housing sites approved since 2017			12	
Older persons programme			83	
Windfall Projections			31	
<b>Total</b>		<b>12,090</b>	<b>2,591</b>	<b>162</b>

<sup>1</sup> Table 12 from Affordable Housing Note and our estimate of 51 affordable completions in 2019/20

<sup>2</sup> Our estimate of completions from Strategic sites plus 10% non-implementation

<sup>3</sup> 380 as at 1/4/2017 less 176 completions 2017-20

<sup>4</sup> Figures for Housing sites assume 13 years of plan remaining. Total affordable is divided by 16 years



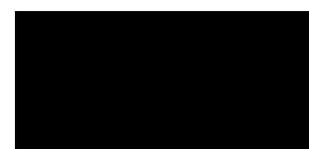
- 2.18 Furthermore, the recent record of affordable housing delivery does not give us any confidence that even this modest rate of 162 dwellings will be achieved. In recent years the record of affordable housing delivery has been very poor. Table 12 from the Council's Affordable Housing Note shows that between 2013/14 and 2018/19 a total of just 461 affordable dwellings were delivered, equating to or 77 dwellings per annum.
- 2.19 The limited contribution of the provision of these 461 affordable dwellings over the past 6 years to ease the affordable housing crisis is further reduced when the impact of Right to Buy (RTB) is factored into the calculation. Table 14 from the Affordable Housing Note shows that between 2013 and 2019 there were 384 RTB sales in York – resulting in a net addition to the affordable stock of just 77 dwellings or 13 dwellings per annum as shown in Table 5 below. Between 2014/15 and 2018/19 the Council purchased 85 affordable homes with commuted funds, but that only provided a net addition to the social housing stock of 27 dwellings per annum for the 6-year period.

**Table 5 – Actual affordable housing delivery and net change in affordable stock 2013/14 to 2018/19**

Year	Net Housing Completions*	All affordable Housing Completions (resulting from planning consent)	% of All AH Completions Compared to All Net Housing Completions	Right to buy sales	Net change in affordable housing stock
2013/14	345	43	12.46%	53	-10
2014/15	507	129	25.44%	52	77
2015/16	1121	109	9.72%	68	41
2016/17	977	90	9.21%	79	11
2017/18	1296	45	3.47%	72	-27
2018/19	449	45	10.02%	60	-15
<b>Totals 2013-18</b>	<b>4695</b>	<b>461</b>	<b>9.82%</b>	<b>384</b>	<b>77</b>

\* Councils figures include student housing

- 2.20 It is clear from the Council's own analysis that the greatest potential for delivery of affordable housing is from large greenfield sites. Student housing, communal establishments, and windfalls simply will not deliver the scale of affordable housing required to address the City's housing crisis. If there is to be a step change in affordable housing delivery, more consideration must be given to increasing the potential for additional



greenfield housing allocations to address the shortfall in supply generally and the shortfall in delivery of affordable housing in particular.

- 2.21 In the course of the consultation on these modifications, press reports highlighted the significant increase in house prices in 2020/21 (Appendix 2). The Council's own Housing Needs Update (EX/CYC/43a, Sept 2020) confirms that in 2019 the median workplace ratio for York was 8.2 (i.e. median house prices are 8.2 times the median earnings of those working in the district).

### ***The Barwood Appeal***

- 2.22 The Council's poor record on housing delivery was picked up by Inspector Clark who considered a recovered appeal against the Council refusal of outline planning permission for a 516-unit residential scheme at Moor Lane, Acomb, York (Barwood Appeal ref. APP/C2741/W/19/3233973).

- 2.23 For the purposes of the appeal the appeal site was considered to fall within the Green Belt. The Appeal decision was issued in May 2020 and although the appeal was dismissed, Inspector Clark made some telling observations regarding housing land supply in the City. At Paragraph 340 of his report, he notes that that:

*"All parties are agreed that there is a housing crisis in York, with a wholly inadequate identified Housing Land Supply."*

- 2.24 He went on to say at paragraph 342 that:

*"Housing supply, of itself, does not represent very special circumstances for permitting development harmful to the Green Belt. But housing supply in the face of a marked and intractable shortage of housing land supply, may do so."*

- 2.25 The paragraph continued:

*"The five-year housing land requirement is for 5,345 dwellings. The anticipated undersupply (shortage) for the next five years is 2,500 dwellings. This proposal therefore represents just under 10% of the total five-year requirement, or about 20% of the currently identified shortage. That is a considerable benefit which could contribute towards a finding of very special circumstances."*

- 2.26 Inspector Clark noted that York has an affordability problem in both home ownership and rental which is more acute than the national average. Affordable housing supply is well below need. In considering the 35% provision of affordable housing proposed in the scheme, he noted, at Paragraph 344, that:

*"Although a very commendable benefit, the excess over the record of the Council's recent achievements (13.31%) should not amount to an argument in favour of declaration of very special circumstances because policy required a benefit of 30% in any event."*

- 2.27 Significantly, however, Inspector Clark commented at paragraph 345 that:  
*“What can be considered towards a declaration of very special circumstances is the 5% excess over policy. The Council’s disparagement of this excess should not detract from its value in terms of national policy, even though there is a history in York of delivery falling short of promises.”*
- 2.28 Inspector Clark considered that the considerable benefit from the supply of housing in a situation of crisis and the modest excess contribution to the supply of affordable housing may be given disproportionate value because of the overall deficiency of supply. These benefits combined with net biological diversity gains and contributions towards open space deficiencies in the local area could be considered to amount to very special circumstances but in this instance the benefits were outweighed by the potential harm to Askham Bog SSSI.
- 2.29 The Secretary of State agreed with the Inspectors decision but noted in paragraph 22 of his letter that:  
*“All parties are agreed that there is a housing crisis in York and that a five-year supply of housing land cannot be demonstrated. The Secretary of State agrees with the Inspector at IR342 that the provision of housing would be a considerable benefit of the proposal. He has also taken into account that the proposal would provide 35% of the dwellings as affordable units, above a policy requirement of 30%, and agrees that this has value in terms of national policy, particularly in the light of the overall deficiency of supply.”*
- 2.30 All of this evidence suggests that if York is to **“...boost significantly...”** the supply of housing to address the current housing crisis, significant additional housing land allocations are required.
- 2.31 Regarding the Barwood appeal we would highlight the weight the Inspector gave to the 5% additional affordable provision above the required 30% and would note that the scheme for the New Lane site intends to offer 100% affordable housing provision.

### ***Revised Housing Trajectory***

- 2.32 There are clearly many scenarios to the housing trajectory for the Plan Period depending on assumptions that are made about the delivery from housing sites; use of student completions; windfalls; and the use of non-implementation rates.
- 2.33 To test the robustness of the Plan’s housing requirement we have run three scenarios using a modified version of the Council’s update to Table 5.2 (PM 63b) on page 30 of the Composite Modifications Schedule using data and assumptions from Figure 3 from the

SHLAA Housing Supply and Trajectory Update. These are illustrated in Scenarios 1, 2, and 3 at Appendix 3:

#### Scenario 1

2.34 Scenario Table 1 sets out the detailed housing trajectory but the housing delivery for strategic sites has been adjusted to reflect our assessment of when completions are likely to occur assuming the Plan is adopted in 2023. Our detailed adjusted trajectory is illustrated in Table 3(a) at Appendix 4. The Council's other assumptions are also incorporated. They are:

- Housing target (790 dwellings);
- Shortfall (32 dwellings pa between 2020/21-2032/33)
- Delivery of anticipated strategic and general housing site allocations incorporating the assumptions (including 10% non-implementation rate);
- The anticipated delivery of extant planning permissions (including a 10% non-implementation rate);
- Windfall assumptions from year 2023/24 of the Plan Period;

SCENARIO 1 OUTCOME *Housing requirement exceeded by 2,279 dwellings*

#### Scenario 2

In Scenario Table 2, the housing delivery for strategic sites has been adjusted to reflect our assessment of when completions are likely to occur assuming the Plan is adopted in 2023. The adjusted trajectory is illustrated in Table 3(a) at Appendix 4. However, we have adjusted the assumptions on shortfall, windfall, and communal and educational establishments. They are:

- Housing target (790 dwellings);
- Shortfall (135 dwellings pa between 2017/18-2032/33 – student housing excluded from calculations)
- Delivery of anticipated strategic and general housing site allocations incorporating the assumptions (including 10% non-implementation rate);
- The anticipated delivery of extant planning permissions (including a 10% non-implementation rate);
- No windfall included;
- Communal and student establishments excluded from supply

SCENARIO 2 OUTCOME *Housing requirement shortfall of 1,801 dwellings*

#### Scenario 3

In Scenario Table 3, the housing requirement was the Standard Method figure of 1,026. The housing delivery for strategic sites has been adjusted to reflect our assessment of when completions are likely to occur assuming the Plan is adopted in 2023. The adjusted trajectory is illustrated in Table 3(a) at Appendix 4. However, we have adjusted the

assumptions on shortfall, windfall, and communal and educational establishments. They are:

- Housing target (1026 dwellings);
- Shortfall (78 dwellings pa between 2017/18-2032/33 – student housing excluded from calculations)
- Delivery of anticipated strategic and general housing site allocations incorporating the assumptions (including 10% non-implementation rate);
- The anticipated delivery of extant planning permissions (including a 10% non-implementation rate);
- No windfall included;
- Communal and student establishments excluded from supply

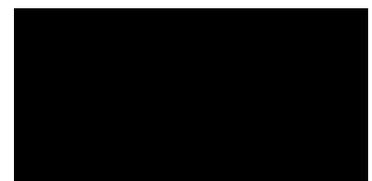
SCENARIO 3 OUTCOME *Housing requirement shortfall of 5,577 dwellings*

**Table 6 – Summary of Scenario outcomes on Housing Trajectory**

Council Local Plan Position - Oversupply	5,268*
Scenario 1 - Oversupply	2,279
Scenario 2 – Shortfall	-1,801
Scenario 3	-5,577

\*This does not allow for 10% non-implementation

2.35 What this scenario testing demonstrates is the sensitivity of the Local Plan housing supply to small changes in the trajectory of the strategic sites and a 10% allowance for non-implementation (Scenario 1). When a more robust position to housing supply is taken (Scenarios 2 and 3) a significant shortfall is evident highlighting the need for the Local Plan to take a robust, pro-active approach to significantly boosting the supply of housing by including additional allocations in the Plan.



2.36 Table 7 below provides our assessment of 5-year land supply in the first 5 years of the Plan Period.

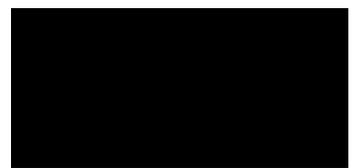
**Table 7 - 5 Year land Supply Calculation 2020/21 to 2024/25**

		Assessment using Councils Housing requirement of 790 and Council assumptions on Supply trajectory		Our Assessment using Standard method figure 1,026 and our revised trajectory and 10% non-implementation	
A	Requirement	(5x790)	3,950	(5x1026)	5,103
B*	Plus Shortfall 2012-2020	(7x32)	224		2,030
C	Sub total		4,174		7,380
D	20% buffer	(C x .2)	834.8	(C x .2)	1,476
E	Total 5-year Requirement	C+D	5,009	C+D	8,856
F	Annual requirement	(E ÷ 5)	1,002	(E ÷ 5)	1,771
G**	Supply (Commitments)		5,896		3,713
H	Windfall		364		0
I	5-year supply	(G+H) ÷ F	6.25		2.16

\*Our backlog is calculated using the 790 OAN (see Table 2, para 2.13)

\*\* For the Council assessment the Figure is the projected delivery for years 2020-2024/25 from the Updated SHLAA Figure 2. Our figure is from our Scenario Table 2 at Appendix 3 and includes a 10% allowance for non-implementation.

2.37 What this analysis demonstrates is that whilst the optimistic supply trajectory assumed by the Council results in a supply of 6.25 years, a more realistic assumption about commitments and a more robust approach to the housing requirement results in a supply of only 2.16 years highlighting the need to make additional housing allocations.



**(iv) Phasing in relation to brownfield - PM 52**

2.38 Whilst we support the emphasis on development of brownfield land, in the York context the proposed change to insert an additional bullet point that says “*Prioritise making the best use of previously developed land*” is not required for the following reasons:

- The modification duplicates guidance in paragraph 17 of the NPPF 2012 and paragraph 117 of the NPPF 2019
- York does not have a legacy of heavy industry that would give rise to significant brownfield sites.
- All the major brownfield sites identified in the Plan (British Sugar; Nestle; York Central; Terrys) have planning consent;
- There can be genuine obstacles to development of brownfield sites that can delay development coming forward for several years (a good example is the 3-5 years required to remediate the British Sugar site). In that time, development of sustainable greenfield sites could be held back because of this policy;
- Owners of brownfield sites cannot be forced to develop them (although in York this does not appear to be a problem);
- This additional emphasis on brownfield sites could accelerate the loss of employment land that is occurring in the city centre;
- Brownfield sites do not deliver the same level of affordable dwellings as greenfield sites
- The evidence indicates that brownfield sites in York are aggressively developed even when development on greenfield sites is taking place. For example, the Terry’s site and more recently the former Heworth Gas Works site are being developed while development is also occurring on greenfield sites at Germany Beck and Derwenthorpe

2.39 For these reasons we conclude the suggested text should not be included in the Plan.

### 3.0 REPRESENTATIONS ON GREEN BELT EVIDENCE BASE

#### Planning Policy Context

3.1 The 2012 NPPF at Paragraph 80 states that the purposes of including land in the Green Belt are:

- 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.

- 3.2 Saved policies YH9 and Y1 of the RSS remain extant and relate to the general extent of the York Green Belt. It is the role of the local authority to establish the boundaries of the Green Belt through the Local Plan. The relevant policy for this is set out in paragraphs 84 and 85 of the 2012 NPPF (and is broadly retained in paragraphs 138 to 139 of the 2019 NPPF).
- 3.3 Paragraph 85 expands on the issue of green belt permanence and adds that when defining boundaries, 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*
  - *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.*
- 3.4 The Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. In defining/establishing boundaries the Council must meet the identified requirement for sustainable development, i.e. it must allocate land to meet identified needs for housing, employment, leisure and other needs.
- 3.5 In other words, it is not a question of what land ***should be taken out of the Green Belt***. The Council is deciding what land ***should not be included in the Green Belt*** in order to meet the identified requirements for sustainable development while ensuring that it ***does not include land which it is unnecessary to keep permanently open***.

**EX/CYC/59: Topic Paper I: Approach to Defining Green Belt Addendum (January 2021)**

- 3.6 The Council has produced an extensive Addendum to Topic Paper I (‘TPI Addendum’). The document revises and replaces the 2019 TPI Addendum (EX/CYC/18) and seeks to provide further evidence explaining its approach to defining York’s Green Belt Boundaries.
- 3.7 As part of the approach taken in the 2019 TPI Addendum, the Council had produced a series of maps (Figures 3-6) to illustrate land associated with each purpose of the Green Belt (excepting Purpose 5 re. urban generation). These maps informed an overall composite map (Figure 7) which identified “Strategic Areas to keep permanently open”.

The 2019 Figure 7 plan did not include the site at New Lane (or the land to the north) within the strategic areas deemed necessary to be kept open.

- 3.8 At Para 4.17 of the 2019 TPI Addendum, the Council stated in relation to Purpose 4 that “*areas not identified on the appraisal maps could still be important to the historic character and setting [of York]*”. This was considered by the Inspectors to be one of several areas of potential weakness in the Council's evidence. Paragraph 5.15 of the 2021 TPI Addendum states in response that “*this was not intended to indicate that other areas remained unassessed: rather, more detailed assessment had been taken into account by reference to the Heritage Topic Paper.*”
- 3.9 The January 2021 TPI Addendum aims to clarify the methodology developed and applied to the proposed establishment of York's Green Belt boundaries in response to concerns raised by the Inspectors, including ensuring that the local assessment criteria have a clear and unequivocal connection to Green Belt purposes. The Addendum confirms that the Council consider the following purposes as being appropriate to York's Green Belt:
- Purpose 4 – Preserving the historic setting of York
  - Purpose 1 – Preventing unrestricted sprawl
  - Purpose 3 – Safeguarding the countryside from encroachment
- 3.10 The TPI Addendum sets out how the “*more detailed assessment*” has been undertaken through evaluation to the boundary sections as set out in Annexes 2, 3 and 4 of TPI, and as informed by the key evidence documents of the Approach to Green Belt Appraisal (2003, and Updates 2011 & 2013) and the Heritage Topic Paper (2014).
- 3.11 The Addendum further confirms that the green belt assessment is informed by the Local Plan strategy, which is framed around meeting York's development needs and spatial principles (Policy SS1) and which states that the *primary purpose* of the Green Belt in York is to safeguard the setting and the special character of York whilst delivering the spatial strategy.
- 3.12 Leaving aside concerns set out in sections above that the Local Plan clearly fails to meet identified requirements for sustainable development, in principle this seems an appropriate approach to defining Green Belt boundaries.
- 3.13 However, there remain fundamental issues with the way the Green Belt methodology has been applied in the assessment of local detailed boundaries. In particular, the Council has taken an overly restrictive approach in their evaluation to the boundary sections set out in Annexes 2, 3 and 4. This evaluation seems intent more on serving a pre-established conclusion that land not allocated to meet the Plan's growth requirements must be

designated as Green Belt, rather than providing a critical analysis of whether it is necessary to keep the land permanently open.

- 3.14 In this respect, **we object** to the Council's assessment of the inner boundaries of the Green Belt relating to the New Lane site, which represents a deliverable and viable infill site, and which does not contribute to the three purposes identified by Council as relevant to its assessment of the Green Belt.

**EX/CYC/59d: Topic Paper 1: Green Belt Addendum (January 2021): Annex 3 – Inner Boundaries: Part 2, Sections 30-31**

- 3.15 The site is located immediately to the south and west of the New Lane cemetery, between existing housing at New Lane, Huntington and the Monks Cross/Vangarde development to the east. Land to the north of the cemetery is subject of a current outline planning application (ref. 21/00305/OUTM) for circa 300 dwellings. Land between the southern boundary of the site and the major through route of Malton Road includes a car dealership, a vehicle repair garage and contractors' yard, houses and a camping/caravan site as well as greenfield land and the drainage mitigation for the Vangarde development.
- 3.16 The New Lane site falls within Section 5 of the proposed Inner Boundaries detailed in TPI Annex 3 (Appendix 6), with the relevant boundaries numbered 30 and 31 (Appendix 7). The boundary proposed for this area is drawn tightly around existing development, and closely follows the southern and eastern edge of the Vangarde site (abutting the Monks Cross Park & Ride and Community Stadium); the southern edge of housing at Forge Close; and runs along the eastern edge of New Lane.
- 3.17 From the aerial view in Appendix 8, it is evident that the New Lane site forms part of a tranche of land that is surrounded on three sides by existing development, with more open land further to the south bounded by Malton Road also incorporating a variety of uses. The site does not form part of, or physically connect with, the open countryside, nor does it contribute to the setting or understanding of the historic city or other relevant purposes of the Green Belt.
- 3.18 The Council's detailed assessment in EX/CYC/59d for Inner Boundaries 30-31 states that it is necessary to keep the New Lane site permanently open in relation to each of the three purposes identified as relevant to the York Green Belt. We address each of these below, starting with Purpose 4 in line with its primacy in the Local Plan strategy.

***Purpose 4 - To preserve the setting and special character of historic towns***

- 3.19 The Council's assessment for Purpose 4 refers to its three criteria of 'Compactness', 'Landmark Monuments' and 'Landscape & Setting'. In analysing these, the Council leans heavily on its assertion that the area forms part of the "*wider open countryside setting of*

York”. It also gives strong emphasises to the contribution made to the setting and understanding of the historic city by a Green Infrastructure Corridor formed by a Green Wedge and Monk Stray (with reference to evidence contained in the Approach to the Green Belt Appraisal. In assessing Purpose 4, the Council's appraisal also highlights views of the Minster from within the green corridor and from York Outer Ring Road.

- 3.20 However, the site clearly does not form part of the countryside, being contained by development on three sides and separated from the open countryside which lies some distance to the southeast beyond Malton Road. References to the Green Wedge and Monk Stray are particularly misleading in relation to appraising the site, since the Council's 2003 Green Belt Appraisal evidence as hereby referred identifies that this green corridor does not relate to the land between New Lane and Monks Cross, but is located to the south of this land, extending adjacent to Malton Road on a NE-SW orientation.
- 3.21 Furthermore, and contrary to the assertion in the Council's appraisal, the enclosed nature of the land at New Lane means that the site does not form part of views of the Minster from the green corridor or from any identified 'key views' from the Ring Road or elsewhere.
- 3.22 The Council's assessment for boundary 30-31 acknowledges that the land proposed to be encased is *“not identified in the Green Belt appraisal work as being of primary importance to the setting of the historic city.”* We would further assert that the Council's detailed boundaries analysis offers no additional clear or compelling justification why it is necessary to keep this land permanently open to preserve the setting and special character of York.
- 3.23 If further sites are required to meet York's housing needs, it would clearly be possible for the New Lane site to accommodate development without having an adverse impact on the city's special historic character. This is supported by the consultation responses from Historic England on the current outline planning application (ref. 21/00305/OUTM) for circa 300 residential dwellings on land to the north. Issues raised in these responses related only to site specific heritage issues (eg relating to a Scheduled Roman camp on part of the site), rather than wider impacts on the historic setting or character of the City. The most recent response dated 14 June 2021 states that Historic England *“has no objection to the proposal on heritage grounds, subject to the outcome of the archaeological evaluation”*.
- 3.24 Given the circumstances outlined above, the allocation of this in-fill site for housing would be entirely in accordance with the Council's strategy of prioritising development within urban areas to minimise harm to York's historic character.

***Purpose 1 – To check the unrestricted sprawl of large built-up areas***

- 3.25 The Council's assessment fails to identify any convincing reasons to support its conclusions that the land enclosed by Boundaries 30-31 must be kept open to prevent unrestricted sprawl. It refers to the land being connected to the urban area, and containing a relatively limited number of existing buildings, but neither of these factors would demonstrate why it is necessary for the land to be included in the Green Belt to serve Purpose 1.
- 3.26 In line with our own assessment of the site, the Council acknowledge that *“Further expansion of the residential village of Huntington to the east and north or from the leisure, transport/retail development to the east could take place and together could be seen as an area ideal for rounding off”*. It further states that the land *“is constrained on three sides by these boundaries which serve to contain and enclose the land which would prevent sprawl”*, which again we would support. This latter comment is provided with the counterpoint that, *“However, the land is of sufficient size that sprawl could take place within it”*. Seemingly, this provides the sole basis on which the land is deemed necessary to be included in Green Belt for the purpose of checking unrestricted sprawl.
- 3.27 It is evident that in this case, the Council's conclusions do not follow the evidence or correctly apply its methodology. If the land were not to be included in Green Belt, it would still be the case that unrestricted sprawl would be controlled by robust and enduring boundaries. The allocation of the site to assist in meeting an identified requirement for sustainable development would enable the Council to define Green Belt boundaries that will endure beyond the Plan period, and in doing so provide a meaningful check to unrestricted sprawl of the wider urban area.

***Purpose 3 - To assist in safeguarding the countryside from encroachment***

- 3.28 The basic premise of the Council's assessment in terms of Purpose 3 is that the land within Boundaries 30-31 comprise part of the countryside, on account of an absence of built development; function or acceptable uses; and character.
- 3.29 This is strongly challenged. As demonstrated by Appendix 8, the land represents an in-fill site surrounded on three sides by existing development. Land to the south, bounded by Malton Road, includes a variety of non-agricultural uses that neither functions as, or contributes to the character of the countryside. Malton Road itself provides a physical and visual separation from the New Lane site to the open countryside which is located beyond this major road and to the southeast. A footpath/cycleway provides access through the site between the developed areas of Huntington and Monks Cross, but there is no such physical connectivity between the land and this countryside. Visual connectivity between the site and the open countryside is mitigated by the suburb of Heworth, which is located just to the south of Malton Road and forms part of the wider urban area of York.

- 3.30 The allocation of the site would assist in meeting an identified requirement for sustainable development and enable the Council to define Green Belt boundaries that will endure beyond the Plan period. It will therefore help safeguard the countryside from encroachment, and strong and defensible Green Belt boundary could be provided either along the southern edge of the New Lane site, or along Malton Road.

#### **Enduring Boundaries and Safeguarding**

- 3.31 Paragraph 85 of the NPPF advises that when defining Green Belt boundaries for the first time, LPAs should, where necessary identify areas of 'safeguarded land' between the urban area and Green Belt, to meet longer-term development needs beyond the plan period. In doing so it must make clear that the safeguarded land is not allocated for development at the present time.
- 3.32 The failure of the Council to address this requirement is a fundamental flaw of the Local Plan and goes to the heart of the soundness of the Plan.
- 3.33 Critically, the Council must evidence that the Green Belt boundaries will not have to be altered at the end of the plan period. As demonstrated in this evidence, the Plan has not allocated adequate land to meet housing needs with the plan period and has failed to exclude land to meet longer-term development needs stretching **well beyond** the Plan period as recommended by paragraph 85 of the NPPF.
- 3.34 Exactly what constitutes "well beyond" the Plan period was put forward for consideration at the Local Plan Working Group meeting on 29 January 2015. Officers had instructed John Hobson QC to advise on the approach that should be adopted in determination of the Green Belt boundary. In particular, Mr Hobson was asked to consider how long beyond the Plan period a Green Belt should endure once it is defined in a statutory plan.
- 3.35 In the advice dated 16 January 2015, Counsel stated:

*"9. 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."*

*"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.”*

- 3.36 The 2013 Preferred Options Draft Local Plan sensibly included a reasonable amount of safeguarded land to ensure the proposed Green Belt Boundaries would remain permanent beyond the Plan period. Unfortunately, the removal of this sensibility was confirmed in the Preferred Sites Consultation (2016).
- 3.37 The Council's TPI Addendum (Paras 10.33 to 10.42) suggests that the removal of the safeguarded land provides more certainty to local communities and developers, whilst allowing for more comprehensive place shaping and master planning of development. However, certainty is not the test in this situation, rather it is the need to ensure enduring Green Belt boundaries.
- 3.38 In this regard, we maintain an objection to the omission of safeguarded land within the Plan. The omission of such a key component of the Local Plan spatial strategy is a serious weakness and may well result in the Plan being found unsound. Particularly so as the Plan period is only up to 2033 and from a best-case point of adoption of 2023, it will only be a 10-year plan with land identified for development needs for a further 5 years. This would give a Green Belt boundary of 15 years, as opposed to a 25-year boundary that would be provided by a 15-year plan with land safeguarded for potential development needs for the 10 years beyond.

#### 4.0 CONCLUSIONS

- 4.1 This submission is made following consideration of the consultation documents for the Council's Proposed Modifications to the Local Plan. It states that:
- realistically, adoption of the Plan is not likely until 2023. By then, 6 years of the Plan Period will have passed. This will give an operational Plan Period of just 10 years.
  - the Green Belt will only be in place for 15 years after adoption. This falls well short of the permanence for Green Belt boundaries required by National Planning Policy.
  - the Council's assessment of its housing requirement is fundamentally flawed and does not make adequate provision for housing land supply.

- the Plan is over-reliant on a small number of isolated strategic housing allocations, and the proposed allocations cannot deliver the houses the City needs.
- delivery of affordable housing will fall significantly short of what is required to meet the acute need in York. Completions on strategic sites – the most significant source of supply – will occur later in the Plan Period than anticipated by the Council.
- the Council's approach to justifying the inner Green Belt boundaries relating to the Moor Lane site is flawed and the Council's assertion that the land serves each of the three Green Belt purposes relevant to York is disputed.

4.2 The representations serve to illustrate the fundamental need for the Council to allocate additional land for residential development if the Local Plan is to meet an increased housing requirement, deliver more realistic housing yields from allocated housing sites and establish a permanent Green Belt boundary. The requirement for additional flexibility is amplified by the absence of any safeguarded land within the Draft Plan, and it is vital that these issues are addressed.

4.3 It is anticipated that examination of the housing requirements and housing yields for the proposed allocations will establish that additional sites must be allocated by the Council. Given the lack of viable brownfield sites in York, consideration of additional sites will necessarily have to include greenfield sites outside existing settlement limits, such as the those formerly allocated to the east of New Lane, Huntington.

4.4 Our analysis demonstrates that the Council's current approach creates a significant risk that there will be a shortfall in the total number of houses to be provided across the various allocations. To avoid this scenario, the Local Plan must allocate additional land for residential development and identify safeguarded land. This will provide greater flexibility in the way that individual sites are brought forward so that they can respond to housing need, and the surrounding context.

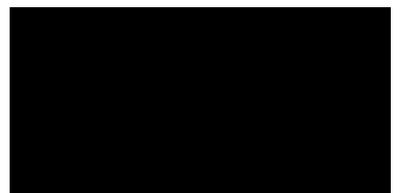
4.5 Section 5 of these representations confirm that the site at New Lane is not required to be kept open to serve the purposes of the Green Belt, and in this context, should be omitted from the Green Belt and considered for allocation in the Local Plan. It represents a suitable, available and viable infill site that could make a valuable contribution to York's housing need. There are no abnormal development costs or infrastructure constraints, and the site has a housing developer able to make the site available and to contribute delivery of affordable housing within the early years of the plan.

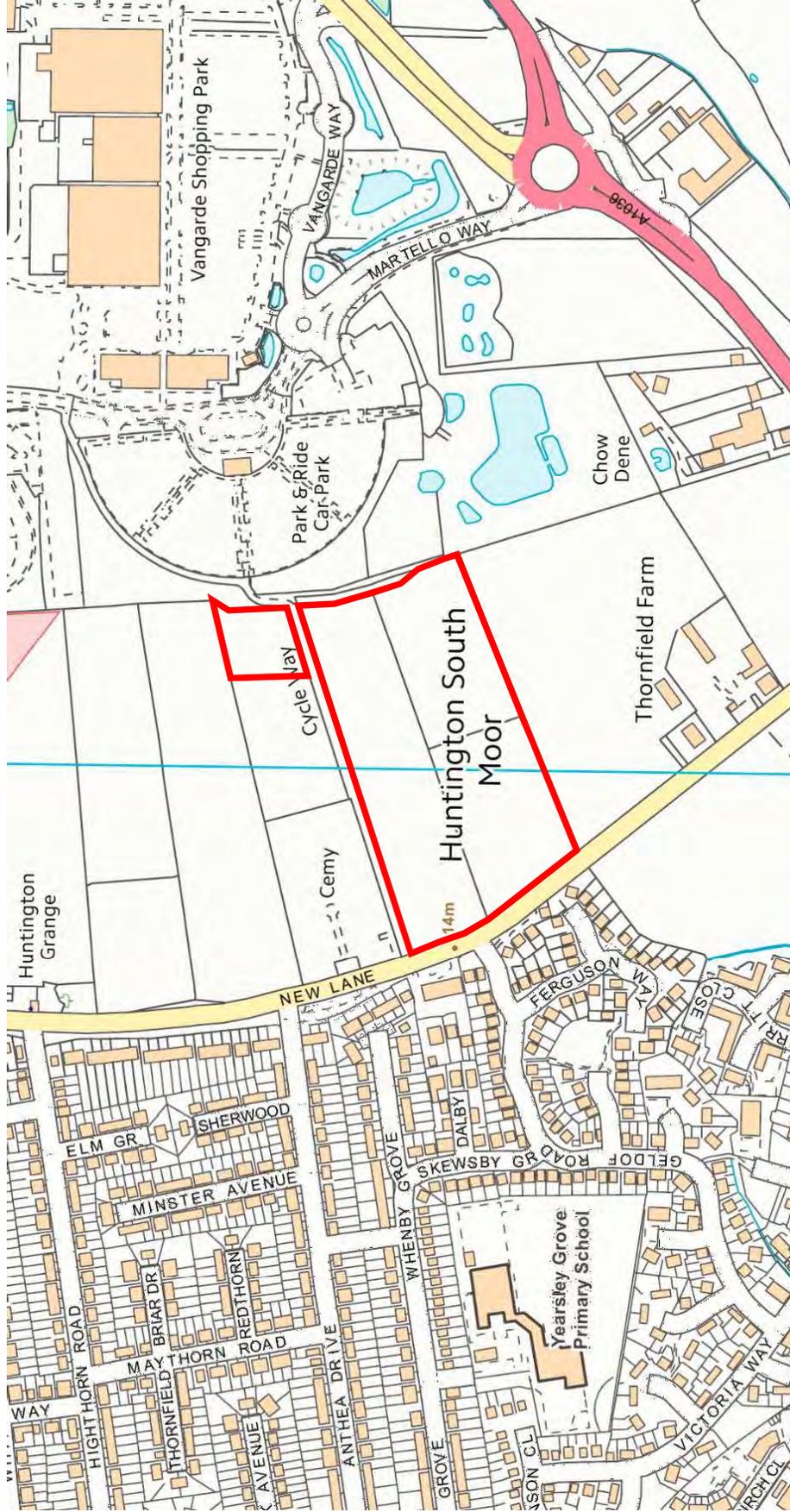
- 4.6 Crucially, without additional housing land allocations the Council would not be able to demonstrate that the Green Belt boundaries will endure beyond the plan period, thus failing one of the fundamental objectives for Green Belt Policy as set out in the NPPF. On the previous occasions that Planning Inspectors have considered the Council's Draft Development Plan for the city in 2000 and 2010, each Inspector has concluded that the Green Belt could not be confirmed due to inadequate development land being identified. This is also the case with the current plan.

yhl2107.lp  
July 2021

# APPENDIX 1

Location Plan

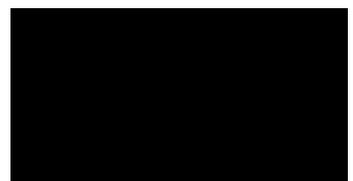




Land at New Lane, Huntington – Location Plan

## APPENDIX 2

York Press article, 26 June 2021





NEWS

26th June

## First time buyers pay £24,000 more for a York home than a year ago



f t v 34 comments

**HOUSE prices in York** have soared in the past year - with first time buyers spending an average of £24,000 more on buying a home than they were 12 months ago.

And property prices across the city have risen by an average of 11.4 per cent since April 2020.

██████████ from estate agency ██████████ said he is seeing buyers places bids that are above the asking price for properties - driving up house prices.

He said: "Many houses that we thought were correctly priced have gone for higher than the asking price. The market has driven the prices up."



"It's the busiest I have seen it since the 1980s."

He said reasons for the rise include people moving to York from London and the south east as a result of being able to work from home. Buyers selling up in the south tend to have a bigger budget.

He added that people are keen to move as a result of the pandemic, for reasons including because they want to downsize, because they have been living with their parents or because they want to move to a more rural location.

There is also less supply than demand - which can push up prices.

Popular areas include Poppleton, Dunnington, Bishopthorpe and South Bank such as Bishopthorpe Road.

He said there is also increasing interest in buying apartments: "We are finding that city living, now that it is reopening, is starting to come back. Certainly during lockdown, apartments were slow. Apartments can be a good way of getting on the housing ladder."

Land Registry figures show the average York house price in April 2021 was £286,987.

In the past year, properties in the city have sold for an average of £29,000 more than 12 months earlier.

Semi detached houses have seen the biggest price rise - but the cost of detached homes, terraced housing and flats have all risen.

First-time buyers in York spent an average of £246,000 on their property – £24,000 more than a year ago, and £46,000 more than in April 2016.

The average house price in York of £286,987 is higher than the national average of £250,772.

Mr Hudson said: "Last year on March 23 none of us knew what was going to happen, I certainly wouldn't have predicted this.

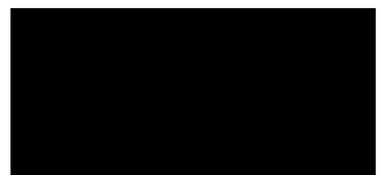
"Since we reopened, it's been crazy. I think a lot of people are reassessing where they are living and a lot of people from the likes of London have been told they don't need to come into the office anymore."

He said he suspects the market will slow down but that York has a strong housing market and prices are unlikely to fall.

The most expensive properties in Yorkshire and The Humber are in Harrogate, costing £298,000 on average.

## APPENDIX 3

Scenario Tables 1, 2, and 3



Scenario Table 1 - Reflecting revised trajectory and 10% non implementation and OAN of 790 dpa

Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	25/02/26/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33		
Previous Housing Completions	482	345	507	542	977	1331	451	627															
Projected Housing Completions- H Sites (allocated sites < 5 ha)									31	197	270	513	93	595									
Projected Housing Completions- ST Sites (allocated sites > 5 ha)									0	184	187	233	458	923	962	764	827	810	774	784		853	
Projected Housing completions from Unimplemented Consents									477	396	529	347	211	75	75	75	21						
Projected Housing Completions from communal establishments									88	163	154	193	153	32	0								
All Projected Housing completions with 10% non implementation rate applied									536	846	1026	1157	824	1463	933	755	763	729	697	706		768	
Windfall allowance from 2023/24												182	182	182	182	182	182	182	182	182		182	
Projected Housing completions including Windfall allowance (From 2023/24)									536	846	1026	1339	1006	1645	1115	937	945	911	879	888		950	
Annual Housing target	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790		790	
Inherited Shortfall Annualised over plan period						32	32	32	32	32	32	32	32	32	32	32	32	32	32	32		32	
Annual Target (inclusive of shortfall)						822	822	822	822	822	822	822	822	822	822	822	822	822	822	822		822	
Over/ Under supply of Housing against cumulative target						509	138	-57	-342.6	-318.6	-114.6	402.8	586.3	1408.8	1702.1	1817.2	1940.4	2029.4	2086	2151.6		2279	

Scenario Table 2 reflecting revised trajectory and 10% non implementation; no student or communal and no windfalls and OAN of 790

Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	25026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33		
Previous Housing Completions	482	345	507	542	977	659	409	521															
Projected Housing Completions- H Sites (allocated sites < 5 ha)								31	197	270	513	93	595										
Projected Housing Completions- ST Sites (allocated sites > 5 ha)								0	184	187	233	458	923	962	962	764	827	810	774	784	853		
Projected Housing completions from Unimplemented Consents								477	396	529	347	211	75	75	75	75	21						
Projected Housing Completions from communal establishments								0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
All Projected Housing completions with 10% non implementation rate applied								457	699	887	984	686	1434	933	933	755	763	729	697	706	768		
Windfall allowance from 2023/24											0	0	0	0	0	0	0	0	0	0	0	0	
Projected Housing completions including Windfall allowance (From 2023/24)								457	699	887	984	686	1434	933	933	755	763	729	697	706	768		
Annual Housing target	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	
Inherited Shortfall Annualised over plan period						78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	
Annual Target (inclusive of shortfall)						868	868	868	868	868	868	868	868	868	868	868	868	868	868	868	868	868	
Over/ Under supply of Housing against cumulative target						-209	-668	-1015	-1426	-1595	-1575	-1459	-1642	-1076	-1011	-1124	-1228	-1367	-1539	-1701	-1801		

Scenario Table 3 reflecting revised trajectory and 10% non implementation; no student or communal and no windfalls and OAN of 1026

Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	25026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	
Previous Housing Completions	482	345	507	542	977	659	409	521														
Projected Housing Completions- H Sites (allocated sites < 5 ha)								31	197	270	513	93	595									
Projected Housing Completions- ST Sites (allocated sites > 5 ha)								0	184	187	233	458	923	962	962	764	827	810	774	784	853	
Projected Housing completions from Unimplemented Consents								477	396	529	347	211	75	75	75	75	21					
Projected Housing Completions from communal establishments								0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
All Projected Housing completions with 10% non implementation rate applied								457	699	887	984	686	1434	933	933	755	763	729	697	706	768	
Windfall allowance from 2023/24											0	0	0	0	0	0	0	0	0	0	0	0
Projected Housing completions including Windfall allowance (From 2023/24)								457	699	887	984	686	1434	933	933	755	763	729	697	706	768	
Annual Housing target	790	790	790	790	790	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	
Inherited Shortfall Annualised over plan period						78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78
Annual Target (inclusive of shortfall)						1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104
Over/ Under supply of Housing against cumulative target						-445	-1140	-1723	-2370	-2775	-2991	-3111	-3530	-3200	-3371	-3720	-4060	-4435	-4843	-5241	-5577	

## APPENDIX 4

Table 3a – Adjusted Housing Trajectory

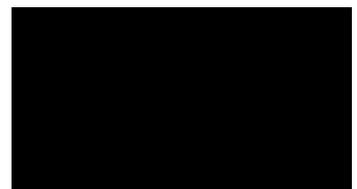
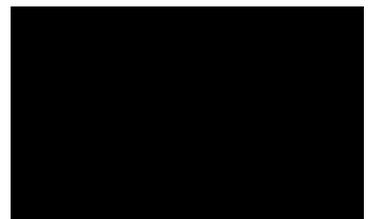


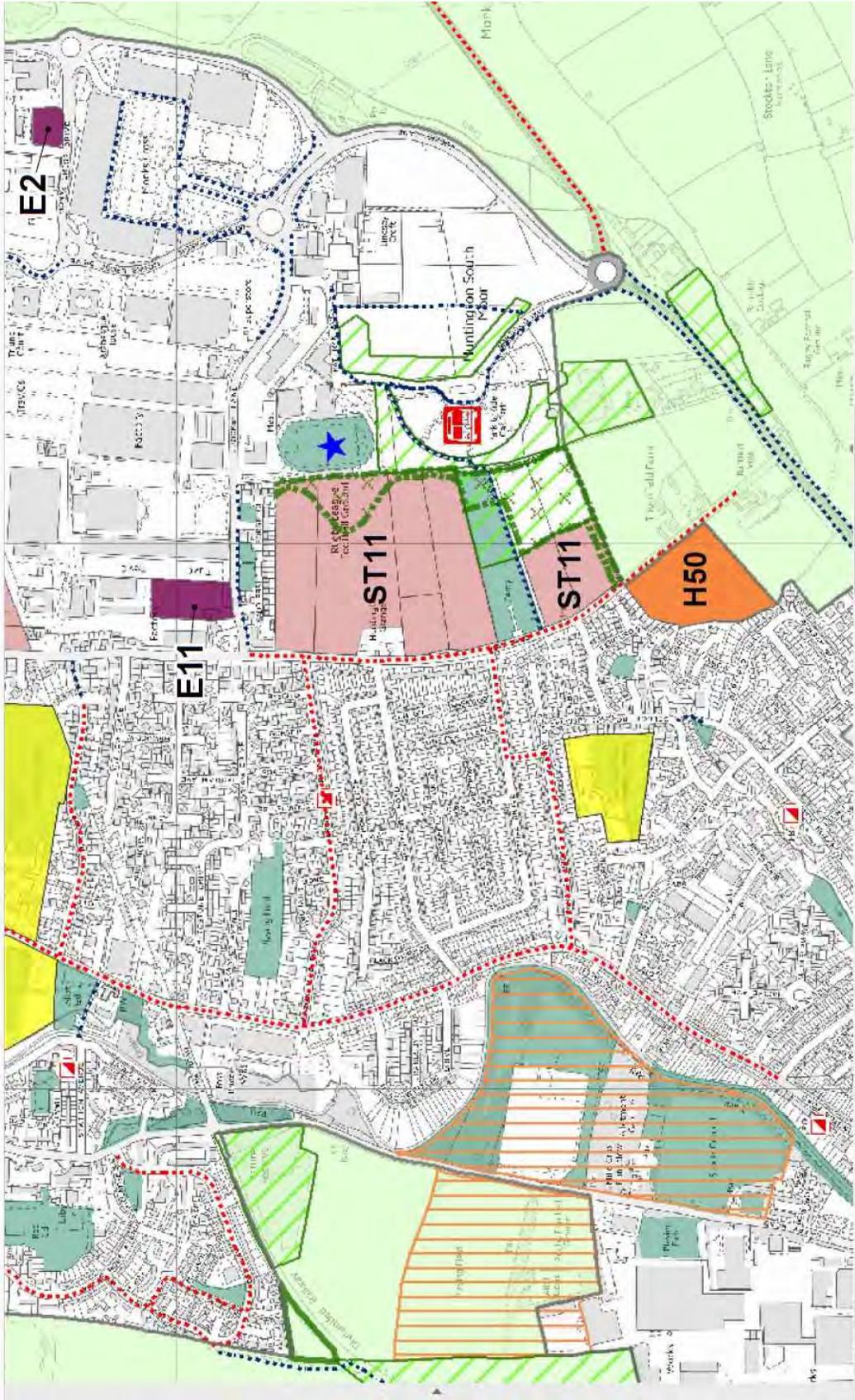
Table 3(a) Amended trajectory for ST sites all other inputs as per Council's Figure

3	TOTAL	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	Plan Period	33/34	34/35	35/36	36/37	37/38	yr post plan	Post 2038
<b>1. Net Housing Completions 2017 to 2020</b>		1296	449	560																					
<b>2. Housing Allocations Below 5 ha (H-Sites)</b>		35	2	67																					
<b>Total</b>		1331	451	627																					
H1a & b	Former Gas Works, 24 Heworth Green (National Grid Properties)					215	392																		
H3	Burnholme School				35	37																			
H5	Lowfield School				31	128	6																		
H6	Land R/O The Square																								
H7	Bootham Crescent					35	35	16																	
H8	Askham Bar Park & Ride					35	25	187																	
H10	The Barbican																								
H20	Former Oakhaven EPH					35	21																		
H23	Former Grove House EPH																								
H29	Land at Moor Lane Copmanthorpe					35	35	18																	
H31	Eastfield Lane Dunnington					35	35	6																	
H38	Land RO Rufforth Primary School Rufforth					33	18	15																	
H39	North of Church Lane Elvington					32	17	15																	
H46	Land to North of Willow Bank and East of Haxby Road, New Earswick					35	35	34																	
H52	Willow House EPH, 34 Long Close Lane					15	15																		
H53	Land at Knapton Village					4	4																		
H55	Land at Laverthorpe					69	69																		
H56	Land at Hull Road					20	20																		
H58	Clifton Without Primary school					15	10																		
<b>Annualised Projected Completions H Sites (H/Sites)</b>		31	197	235	527	114	595	0	0	0	0	0	0	0	0	0	0	1699	0	0	0	0	0	0	
<b>3. Housing allocations above 5ha (ST Sites)</b>		1100																							
ST1a	British Sugar/Manor School					150	150	150	150	150	150	150	150	150	150	150	150	1100							
ST1b	Manor School					35	35	30										100							
2 ST2	Former Civil Service Sports Ground Millfield Lane				0	0	35	70	70	70	21						266								
3 ST4	Land Adj. Hull Road and Grimston Bar					35	35	35	35	35							211								
4 ST5	York Central					45	107	107	107	119	119	119	119	119	119	143	1092								
5 ST7	Land East of Metcalfe Lane					35	35	70	70	70	70	70	70	70	70	70	960								
6 ST8	Land North of Monks Cross					35	35	70	70	70	70	70	70	70	70	70	770								
7 ST9	Land North of Haxby					35	35	35	35	35	35	35	35	35	35	35	450								
8 ST14	Land to West of Wigginton Road					35	70	105	105	105	105	105	105	105	105	105	840								
9 ST15	Land to West of Elvington Lane					35	70	105	105	105	105	105	105	105	105	105	770								
ST16	Terrys Extension Site - Terrys Clock Tower (Phase 1)				22												22								
ST16	Terrys Extension Site - Terrys Car park (Phase 2)				17	16											33								
ST16	Terrys Extension Site - Land to rear of Terrys Factory (Phase 3)				18	17	21										56								
ST17	Nestle South (Phase 1)				162	117											279								
ST17	Nestle South (Phase 2)					50	50	50	50	50	50	50	50	50	50	25	425								
10 ST31	Land to the South of Tadcaster Road, Copmanthorpe					35	35	35	35	35	35	35	35	35	35	35	378								
ST32	Hungate (Phases 5+4) (Blocks D & H)					196	179										158								
ST32	Station Yard Wheelbarke					35	35	35	35	35	35	35	35	35	35	35	147								
ST36	Imperial Barracks, Fulford Road					100	100	100	100	100	100	100	100	100	100	100	100	100							
<b>Annualised projected completions for ST Sites</b>		509	138	57	-288	-165	118	778	1074	2059	2456	2655	2863	3038	3167	3311	3524	7759	873	861	768	770	683	3955	
<b>4. Projected Housing Completions From Non Allocated Unimplemented Consents</b>		2206			477	396	529	347	211	75	75	75	21	0	0	0	0	2206	0	0	0	0	0	0	
<b>Total</b>		783			88	163	154	193	153	32	0	0	0	0	0	0	0	783	0	0	0	0	0	0	
<b>5. Projected completions from communal establishments and student accommodation</b>																									
<b>Supply Trajectory</b>		1331	451	627	596	940	1105	1300	936	1625	1037	839	848	810	774	784	853	2409	873	861	768	770	683	3955	
Actual Net Completions (2017 to 2020)		1331	451	627	596	940	1105	1300	936	1625	1037	839	848	810	774	784	853	2409	873	861	768	770	683	3955	
Projected Completions (all sites)		1331	451	627	596	940	1105	1300	936	1625	1037	839	848	810	774	784	853	2409	873	861	768	770	683	3955	
Windfalls		822	1782	2409	3005	3945	5050	6532	7650	9457	10676	11687	12727	13719	14675	15641	16676	16676	1055	1043	950	952	865	4865	
Actual and Projected Housing Completions (inc. Windfall Allowance)		822	1782	2409	3005	3945	5050	6532	7650	9457	10676	11687	12727	13719	14675	15641	16676	16676	1055	1043	950	952	865	4865	
Cumulative Completions (including Windfalls)		822	1782	2409	3005	3945	5050	6532	7650	9457	10676	11687	12727	13719	14675	15641	16676	16676	1055	1043	950	952	865	4865	
Requirement (750pa plus 32 under supply) 822pa		822	1782	2409	3005	3945	5050	6532	7650	9457	10676	11687	12727	13719	14675	15641	16676	16676	1055	1043	950	952	865	4865	
Cumulative Requirement		822	1782	2409	3005	3945	5050	6532	7650	9457	10676	11687	12727	13719	14675	15641	16676	16676	1055	1043	950	952	865	4865	
Over/Under Supply		509	138	57	-288	-165	118	778	1074	2059	2456	2655	2863	3038	3167	3311	3524	13152	13942	14732	15522	16312	17102	0	
<b>Detailed Trajectory (including 10% Non-Implementation Rate)</b>		0	0	0	596	940	1105	1300	936	1625	1037	839	848	810	774	784	853	12447	873	861	768	770	683	3955	
Projected Completions (all sites)		0	0	0	596	940	1105	1300	936	1625	1037	839	848	810	774	784	853	12447	873	861	768	770	683	3955	
Projected Completions (all sites) - 10% Non-implementation Rate Applied		0	0	0	536	846	995	1170	842	1463	933	755	763	729	697	706	768	11202.3	786	775	691	693	615	3555.5	
Windfall Allowance		0	0	0	182	182	182	182	182	182	182	182	182	182	182	182	182	1820	182	182	182	182	182	910	
Total Projected Completions (with 10% Non-implementation rate applied and windfalls) + Actual completions 2017-2020		1331	451	627	536	846	995	1170	1018	1645	1115	937	945	911	879	888	950	15431	968	957	873	875	797	4469.5	
Cumulative Completions (with 10% non-implementation rate applied and windfalls)		1331	1782	2409	2945	3791	4786	6138	7162	8807	9922	10859	11804	12715	13594	14482	15431	16399	16399	17356	18229	19104	19901	3950	
Annual Housing Target		822	1782	2409	32	32	32	32	32	32	32	32	32	32	32	32	32	10270	790	790	790	790	790	3950	

**APPENDIX 5**

2014 Publication Draft Local Plan – Proposals Map (north)



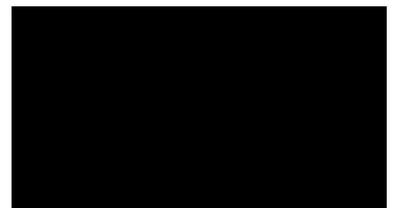


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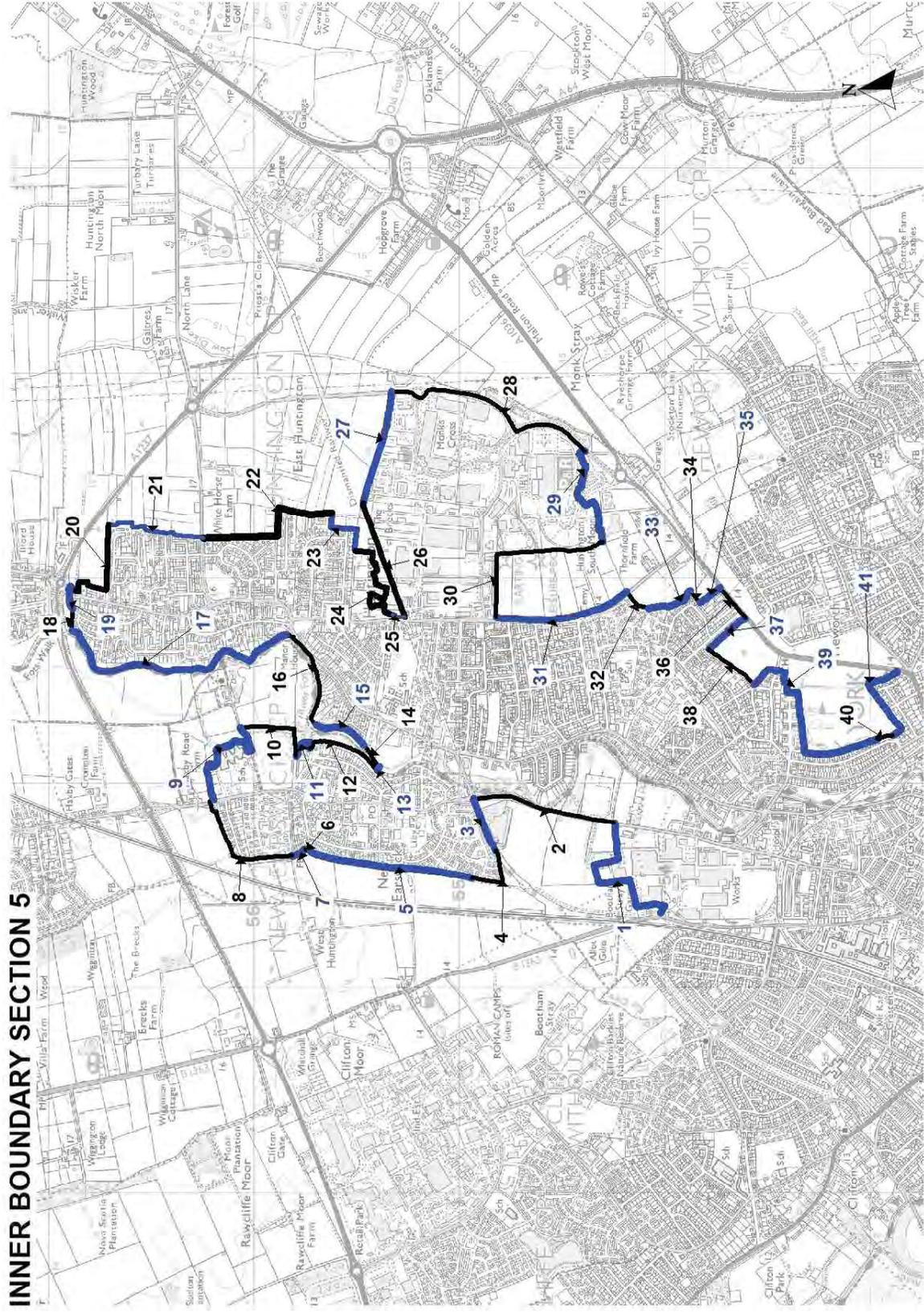
2014 Publication Draft Local Plan – Proposals Map (North)

## APPENDIX 6

EX/CYC/59d - Green Belt Inner Boundaries, Section 5

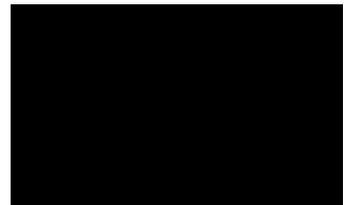


# INNER BOUNDARY SECTION 5

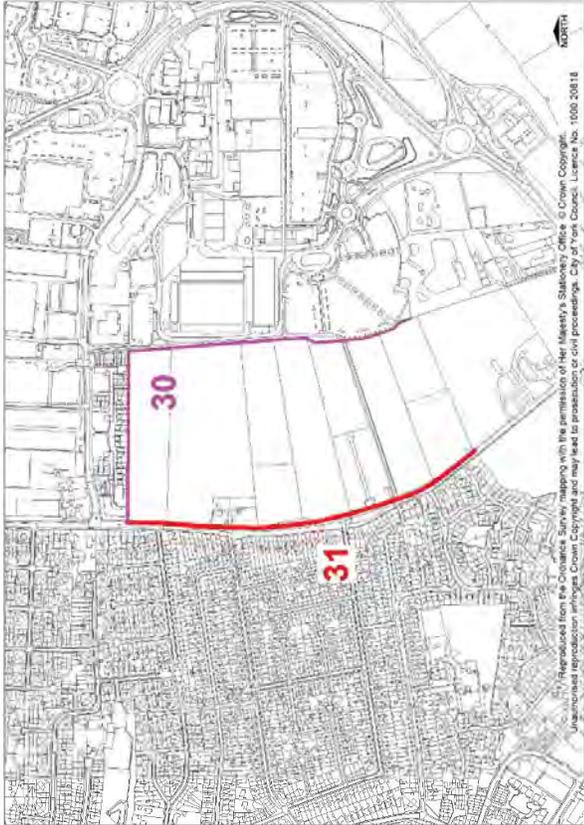


## APPENDIX 7

EX/CYC/59d - Inner Boundary: Section 5, Boundary 30-31

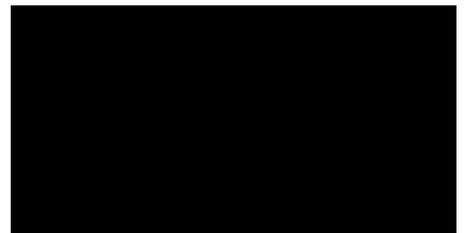


Section: <b>5</b>	Boundary: <b>30 - 31</b>	Boundary Name: <b>Land West of Monks Cross Park &amp; Ride and the Stadium, south of Saddlers Close and Forge Close and east of New Lane Huntington</b>
----------------------	-----------------------------	--

The boundary follows the western boundary of Monks Cross Park and Ride and the Stadium site and rear of Saddlers Close and Forge Close						
						
						
Criterion 1 Compactness	1.1	Yes	Criterion 4 - Sprawl	4.1	Yes	<b>Purpose 1 –</b> IT IS NECESSARY TO KEEP LAND PERMANENTLY OPEN TO PREVENT UNRESTRICTED SPRAWL
	1.2	Yes		4.2	No	
	1.3	Yes		4.3	Yes	
Criterion 2 Landmark Monuments	2.1	Yes	Criterion 5 - Encroachment	5.1	Yes	<b>Purpose 3 –</b> IT IS NECESSARY TO KEEP LAND PERMANENTLY OPEN TO SAFEGUARD THE COUNTRYSIDE FROM ENCROACHMENT
	2.2	Yes		5.2	Yes	
	2.3	No		5.3	Yes	
Criterion 3 Landscape and Setting	3.1	Yes	<b>Purpose 4 –</b> IT IS NECESSARY TO KEEP LAND PERMANENTLY OPEN TO PRESERVE THE SETTING OF THE HISTORIC CITY			
	3.2	No				

## APPENDIX 8

Aerial View



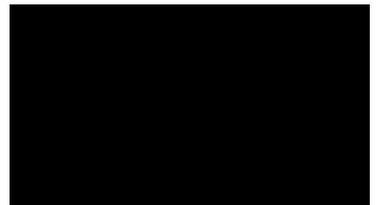


#

Site at New Lane, Huntington - Aerial View

## APPENDIX 9

Alternative Green Belt boundary





Site at New Lane, Huntington - Alternative Green Belt boundary



Green Belt Boundary as Proposed by Council



Potential Alternative Green Belt Boundary



The plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

We would like to suggest changes that we consider necessary to make the New Local Plan Legally Compliant and sound.

### **Housing Trajectory**

The CYC Housing Trajectory is fundamentally flawed in that it assumes unrealistic contributions from early Windfall sites that are actually likely to take 4 to 5 years to deliver and artificially includes extremely high contributions from larger sites at the back end of the plan period, but the size and complexity of delivery of these sites means that this is an unrealistic assumption and that there non delivery means that CYC will not be able to meet its housing needs target.

### **Affordable Housing**

The councils own figures show that CYC will not come anywhere close to meeting its own Affordable Housing targets, and suggests that CYC need to include additional deliverable sites in order to be able to meet its need.

Their historic delivery rates of Affordable Housing range between 100 up to 200 units per year, and their projected delivery rates to 2033 show 300 per year, which we consider to be an unrealistic upturn that is unachievable and involves an overreliance on an early contribution from strategic sites representing 71% of its overall target.

### **EX/CYC/59f: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas**

**Page 226(as per the .pdf page numbering, not the page numbers on the sheets): Skelton.**

Consideration is just given to the village of Skelton and fails to take into account its outlying areas, particularly the land adjacent to the A1237, and Rawcliffe Bar and the Rawcliffe Bar Park & Ride, see attached plan.

Rawcliffe Bar does not even be considered as part of the Topic Paper, yet represents an obvious and sustainable opportunity.

Regards.

**Peter G M Vernon BSc (Hons) MRICS**

[Redacted signature line]

[Redacted address line 1]

[Redacted address line 2]

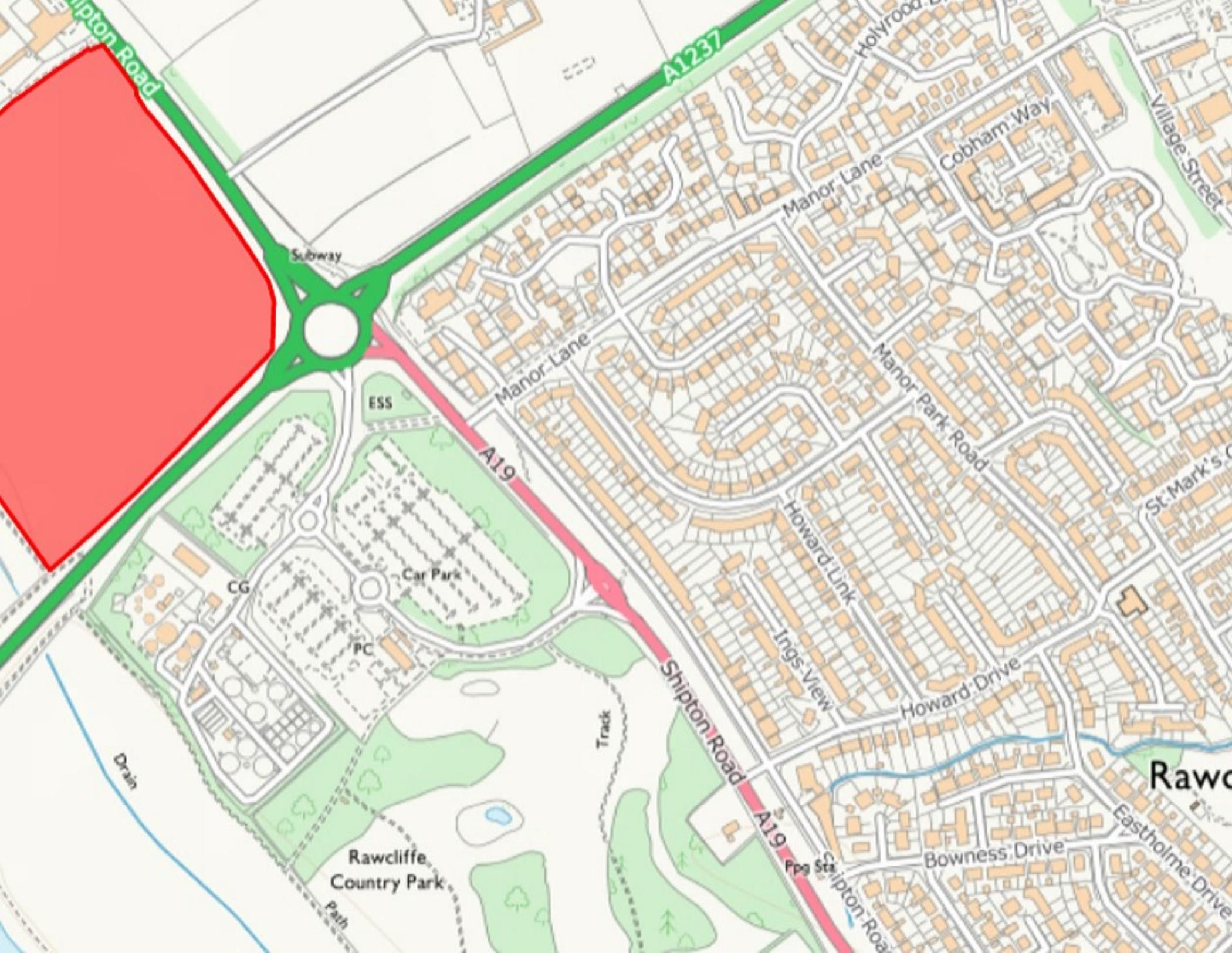
[Redacted address line 3]

[Redacted address line 4]

[Redacted address line 5]

[Redacted address line 6]

[Redacted address line 7]



**From:** [REDACTED]  
**Sent:** 07 July 2021 16:32  
**To:** localplan@york.gov.uk  
**Subject:** CYC Proposed Modifications and Evidence Base Consultation - Wheldrake

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

I understand that the Inspector will use the public examination process to explore and investigate the CYC New Local Plan against the **National Planning Policy Framework's** 4 tests of soundness:

- Test 1: 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.
- Test 2: Justified. The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- Test 3: Effective. The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- Test 4: Consistent with national policy

The plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

We would like to suggest changes that we consider necessary to make the New Local Plan Legally Compliant and sound.

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**EX/CYC/59f: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas**

**Page 308 (as per the .pdf page numbering, not the page numbers on the sheets). Wheldrake.**

The consideration of this settlements boundaries ignores the status of adjoining land in Selby District that is adjacent, identical in use and status, yet is not designated as Green Belt, which illustrates the arbitrary nature of CYC's approach to land that needs to be within the Green Belt and suggests that the settlement boundary should be further extended to the south.

Regards.

**Peter G M Vernon BSc (Hons) MRICS**

[Redacted]

[Redacted]

[Redacted]

**From:** [REDACTED]  
**Sent:** 07 July 2021 16:30  
**To:** localplan@york.gov.uk  
**Subject:** CYC Proposed Modifications and Evidence Base Consultation - Askham Bryan  
**Attachments:** Land at Askham Bryan - Plan.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**EX/CYC/59f: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas**

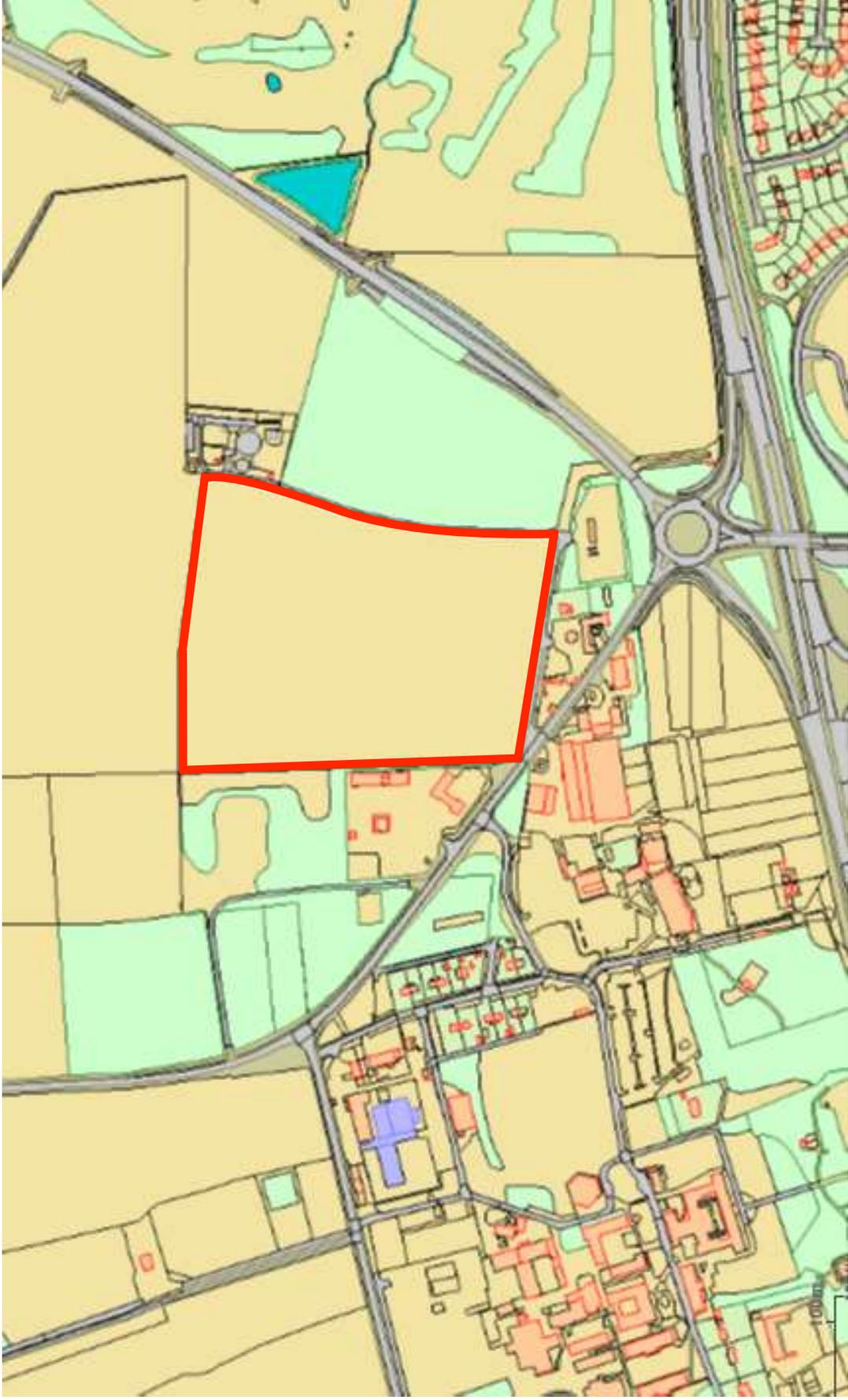
**Page 341 (as per the .pdf page numbering, not the page numbers on the sheets): Askham Bryan College**

Askham Bryan College is washed over by the GB, rather than inset. This makes no sense as it is a major site and CYC have historically permitted its further development. The College should be inset and as such we believe that the settlement area would justify expansion of the settlement into the land shown on the attached plan.

Regards.

**Peter G M Vernon BSc (Hons) MRICS**

[Redacted signature block]



Land to North of Mill Lane, Askham Bryan

**From:** [REDACTED]  
**Sent:** 07 July 2021 16:34  
**To:** localplan@york.gov.uk  
**Subject:** CYC Proposed Modifications and Evidence Base Consultation - Poppleton  
**Attachments:** Additional Paper Vernon & Co Poppleton.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dear Sir/Madam

I understand that the Inspector will use the public examination process to explore and investigate the CYC New Local Plan against the **National Planning Policy Framework's** 4 tests of soundness:

- Test 1: 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.
- Test 2: Justified. The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- Test 3: Effective. The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- Test 4: Consistent with national policy

The plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

We would like to suggest changes that we consider necessary to make the New Local Plan Legally Compliant and sound.

### **Housing Trajectory**

The CYC Housing Trajectory is fundamentally flawed in that it assumes unrealistic contributions from early Windfall sites that are actually likely to take 4 to 5 years to deliver and artificially includes extremely high contributions from larger sites at the back end of the plan period, but the size and complexity of delivery of these sites means that this is an unrealistic assumption and that their non delivery means that CYC will not be able to meet its housing needs target.

### **Affordable Housing**

The councils own figures show that CYC will not come anywhere close to meeting its own Affordable Housing targets, and suggests that CYC need to include additional deliverable sites in order to be able to meet its need.

Their historic delivery rates of Affordable Housing range between 100 up to 200 units per year, and their projected delivery rates to 2033 show 300 per year, which we consider to be an unrealistic upturn that is unachievable and involves an overreliance on an early contribution from strategic sites representing 71% of its overall target.

**EX/CYC/59c: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 Sections 1 to 4**

Page 288 (as per the .pdf page numbering, not the page numbers on the sheets). Upper/Nether Poppleton.

The plans used within the document do not even show the physical existence of the Park & Ride to the south of the A59, which is proposed to be further extended. The impact and opportunity of the Park & Ride is also not taken into consideration.

The way that CYC have divided up their consideration into Green Belt Addendum of specific settlements and Sections means that its assessment of the Green Belt has not been comprehensive in particular with regards to a site to the North of Northminster Business Park, and Poppleton.

The site has been the subject of previous representations, none of which have ever been acknowledged or considered by CYC in breach of its legal requirement to be sound.

The main point of the representations is that the site is currently allocated as 'White Land' (without any designation) and it would need to be taken into the Green Belt.

In addition, for some strange reason, CYC have put the P&R into the Green Belt and followed the road as the boundary. We object to that approach and if it is correctly excluded from the Green Belt it would mean that the adjoining White Land should not be considered as Green Belt, nor taken into the Green Belt as a consequence of this proposed plan.

In effect we are saying that the land is not currently not included in the Green Belt and should allow for future sustainable growth in a location adjacent to employment and a Park & Ride and is exactly the kind of location CYC should be allocating.

If it were to be included as Green Belt, CYC have not done so appropriately and therefore the proposed plan is again unsound.

Regards.

**Peter G M Vernon BSc (Hons) MRICS**



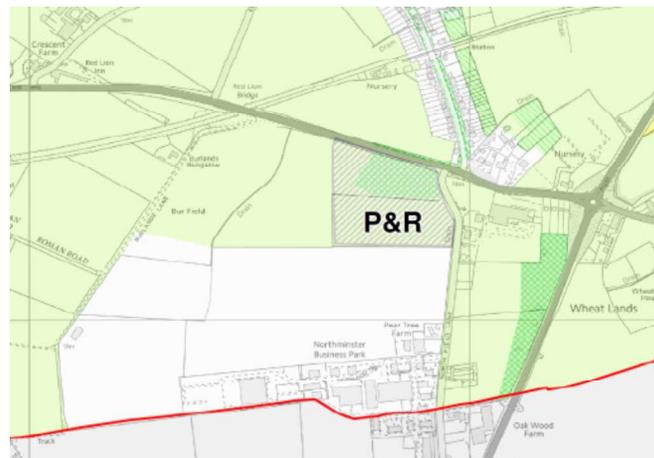
## City of York Local Plan Proposed Modifications (June 2019)

### Proposed Modifications Consultation June 2019

The York Green Belt has never been identified in an adopted plan but that the saved RSS key diagram provides a firm basis for showing the general extent of the Green Belt.

This representation is about the proposed changes to the Green Belt boundary, the associated evidence and other proposed modifications to the submitted Local Plan. This includes the 'Addendum to Topic Paper 1 – The approach to defining York's Green Belt', dated March 2019.

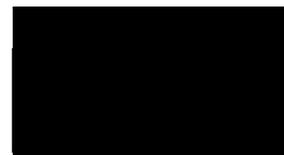
The purpose of these representations relates to a site to the south of the Poppleton Park & Ride, as shown on this plan.



Extract from Upper and Nether Poppleton Neighbourhood Plan  
CYC Executive 'made' the Neighbourhood Plan on 19th October 2017

The Council 'made' the Upper and Nether Poppleton Neighbourhood Plan on 19th October 2017. It was made after the saved RSS policies (by some very considerable number of years) and therefore are to take precedence given that the plan now defines the area. Any inconsistency in any event must be resolved in favour of the Neighbourhood Plan having regard to Section 38(5).

Given that the land to the south of Poppleton Park & Ride is now allocated as 'White Land' (without any designation), the land should properly be considered as a housing allocation given the objectively assessed need for housing. As a matter of principle therefore, the allocation of this site for housing must be preferred.



The site could be considered for employment or mixed use purposes but given the proposed employment allocation to the south of the Northminster Business Park, and proximity to the Poppleton Bar Park and Ride, its most appropriate predominant use is residential.

Given that the site is therefore allocated as 'White Land' (without any designation) it would need to be taken into the Green Belt, but there has been no mention of this or consideration of any of the tests that would need to be considered should this be the case.



**From:** [REDACTED]  
**Sent:** 07 July 2021 17:08  
**To:** localplan@york.gov.uk  
**Subject:** City of York Local Plan - Proposed Modifications - Consultation Response - ST7 Developer Consortium  
**Attachments:** ST7 Consortium Response to CYC Updated Evidence 07-07-21.pdf; ST7 Developers Consortium - CYC Proposed Mods Form 07-07-21.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir or Madam,

Please find attached a completed Consultation Response Form and Statement in relation to the developers and landowners with collective land interests in the proposed ST7 allocation. The ST7 developers consortium comprises the following three companies represented by the following consultants.

[REDACTED]

Please could you acknowledge receipt of the attachments.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

# **CITY OF YORK LOCAL PLAN**

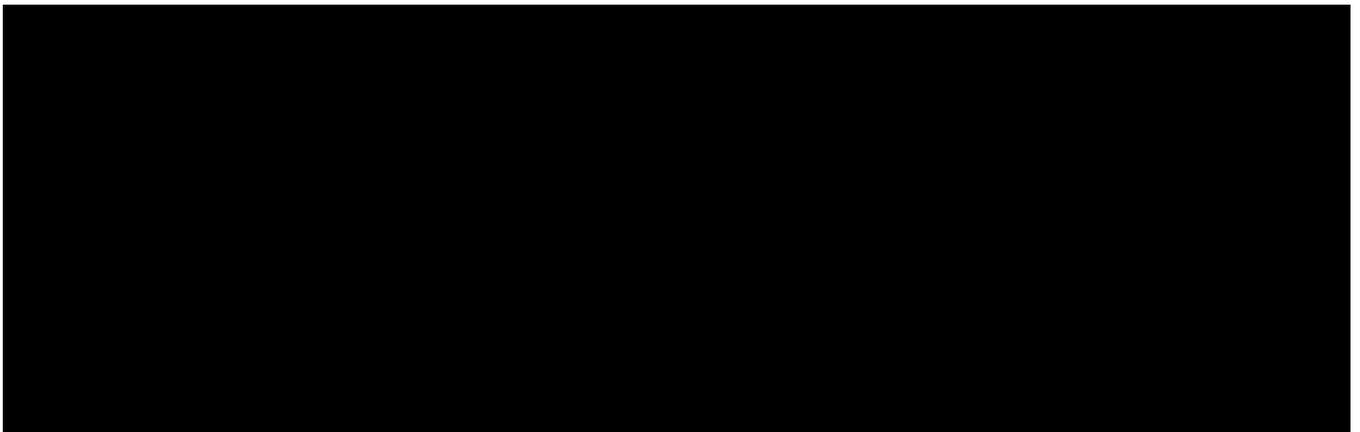
**PROPOSED MODIFICATIONS AND EVIDENCE BASE CONSULTATION**

**LAND AT ST7, EAST OF METCALFE LANE,  
YORK**

**On Behalf of ST7 Developer Consortium:**



**June 2021**



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1. Representations on Housing Matters – ██████████
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3. Review of Heritage Matters – ██████████
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5. Assessment of Alternative Development Options against Draft Policy SS9

## 1. INTRODUCTION

1.1 This response has been prepared on behalf a consortium of developers and landowners with collective land interests in the proposed ST7 Allocation. The consortium comprises the following three companies represented by the following consultants.

- [REDACTED]
- [REDACTED]
- [REDACTED]

1.2 The three parties mentioned above over the period of 2018 and 2019 have made various representations to the Local Plan regarding the proposed allocation of ST7. Those submissions have been individual representations and more often than not, not fully aligned with one another. Both [REDACTED] have consistently objected on the grounds of ST7 as currently drafted being too small and may not be capable of delivering the quantum of development expected by the Council, whilst still delivering high quality design and garden village feel. However, in more recent times the three named parties above have become more co-ordinated, with the aim of delivering ST7. The parties continue to disagree with the Council's proposed allocation as currently drafted.

1.3 The primary objections remain as follows:

- The site access roads are too long and no doubt costly. Extending the limit of development in the allocation to reduce the access roads would improve deliverability.
- The developers do not accept the land between the allocation and the edge of the main urban area needs to be Green Belt and collectively request the Council entertain a slightly expanded ST7 (expanded westwards) to marginally reduce the gap whilst maintaining a degree of separation.
- Whilst the developers are prepared to support the garden village concept in its current shape and form, however the dwellings likely to be delivered are unlikely to be able to sustain the community facilities sought by the Council which then may undermine the principal of the garden village. In short, the allocation needs to be slightly larger.

1.4 To assist the Inspectors and the Council the three developers have agreed this joint submission and have jointly appointed experts including architects, landscape architects and heritage

consultants. Work of the Landscape Consultant and Heritage Consultant is appended to this submission. In addition, via a separate consortium, [REDACTED] have commissioned [REDACTED] to provide a critique of the Council's House Needs Update evidence. All of these technical documents are referenced in the following submission and are appended.

- 1.5 The developers have now agreed a joint response to this evidence base update and are collectively working with the architect to bring forward a more robust boundary for ST7 which respects the gap, its landscape qualities, heritage qualities and ecological qualities. That work will be presented at the Stage 2 Examination.
- 1.6 In the following submission we reference the [REDACTED] housing critique but are not repeating it in full in this response. This will no doubt be a matter for [REDACTED] to address themselves at the Examination.
- 1.7 All three ST7 parties through this joint response wish to maintain their right to speak individually on the ST7 allocation at the Local Plan Examination. That said, with now a higher degree of co-ordination, those parties will seek to liaise to reduce any repetition. Assuming the Council are open to dialogue regarding an alternative boundary, the ST7 Consortium look forward to constructing a Statement of Common Ground with the Council for the Stage 2 Examination Hearings.

## 2. HOUSING NEEDS UPDATE

### Proposed Modifications PM50, PM53, PM54, PM63a and PM63B

- 2.1 We continue to object to the Council's approach to identifying Local Housing Need and their continued use of the 2018 projections despite the PPG requiring the continued use of the 2014 based household projections.
- 2.2 The September 2020 Housing Needs Update proposes no further changes to the housing requirement and concludes that the housing need in the City has not changed materially since the last assessment in January 2019, hence the continuation of the 790 dwellings per annum requirement (plus 32 dpa to meet the shortfall between 2012 and 2017).
- 2.3 In alignment with HBF comments on the Housing Needs Update and modifications relating to the annual net housing provision in Policy SS1 it is recommended that the housing requirement is increased to reflect the most up to date Standard Method. The HNA includes the 2020 Standard Method calculation at 1,026 dpa.
- 2.4 It should be noted that since the September 2020 Housing Needs Update the Affordability Ratio has been updated and for the year 2020 the median house price to median earnings ratio for 2020 is 8.04 (slightly lower than the 2019 ratio of 8.2). The standard methodology, using the present 10 year period (2021 – 2031) results in a housing need of 1,013 per annum. This is slightly lower than the 2020 calculation included in the HNA Update at 1,026 dpa, but is nevertheless similar and is significantly higher than the [REDACTED] HNA of 790 dpa. Clearly the direction of travel remains above 1,000 dwellings per annum.
- 2.5 The implications of fixing a housing requirement via the Local Plan that is lower than justified has significant implications for York, and will lead to the worsening of an already severe affordability situation. It is likely that the affordability ratio in York will continue to remain high, particularly if there is pent up demand as a result of a restricted housing requirement. Based on the direction of travel, it is likely that the housing requirement will be increased in future reviews, therefore continuing to restrict the housing requirement now will make it increasingly difficult to deliver a potentially significant increase in housing requirement via future reviews.
- 2.6 Appended to this submission at Appendix 1 is a statement that has been prepared by [REDACTED] on behalf of three different participants including [REDACTED]. The [REDACTED] statement analyses the Council's updated evidence on housing needs that establishes the scale of need

and demand for market / affordable housing in the City. This includes comments on the following documents.

- EX/CYC/32: CYC Annual housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019;
- EX/CYC/36: Affordable Housing Note final February 2020;
- EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020;
- EX/CYC/43a: Housing Needs Update September 2020;
- EX/CYC/56: SHLAA Update April 2021;
- EX/CYC/58: Composite Modifications Schedule April 2021.

2.7 The [REDACTED] critique concludes that the Local Plan housing requirement fails to meet the full OAHN, which is considered to be significantly higher than the Council has estimated. To summarise the findings,

- [REDACTED] consider that a greater market signals uplift of at least 25% should be applied;
- Given the significant affordable housing need identified [REDACTED] considers a further 10% uplift would be appropriate to address affordable housing need and should be applied to the OAHN;
- [REDACTED] propose an additional 92 dpa for student growth targets;
- Concerns are highlighted regarding the Council's calculation of past housing delivery.
- As a result, [REDACTED] calculate the OAHN requirement at **1,010** dpa which is not dissimilar to the 1,013 dpa Standard Method figure.
- Factoring in shortfall of housing delivery results in a [REDACTED] Local Plan requirement of **1,111** dpa.

2.8 In conclusion the [REDACTED] analysis states:

*“The evidence provided by the council is not sufficient to demonstrate that the housing requirement over the first five years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgefield approach to backlog, it is clear that the Council cannot demonstrate a 5 year housing land supply. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.”*

- 2.9 Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, ST7 could be expanded to contribute to meeting this need.

### 3. HRA 2020

- 3.1 The Council's updated Habitat Regulations Assessment (REF. EX/CYC/45 HRA 2020) identifies that the Osbaldwick site is situated approximately 4.8km from the most convenient access point to Strensall Common.
- 3.2 The HRA states that the development of the site would have a 1.6% increase in visitor pressures to Strensall Common, in combination with Site Ref. H46 and Site Ref. ST17.
- 3.3 In response the HRA identifies that the policy text for the site should be amended to ensure that the impacts identified in the HRA as a result of recreational pressure on Strensall Common are mitigated. Accordingly, the Council have proposed a modification to include the following additional criteria within Policy SS9 of the Local Plan: -

#### **PM58**

*xi. Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include: -*

- *Creation of a new open space (as shown on policies map as allocation OS7) to protect the setting of the Millennium Way that runs through the site. Millennium Way is a historic footpath which follows Bad Bargain Lane and is a footpath linking York's strays and should be kept open. A 50m green buffer has been included along the route of the Millennium Way that runs through the site to provide protection to this Public Right of Way and a suitable setting for the new development.*
- *Open space provision that satisfies policies GI2a and GI6*

- 3.4 We have no objection to the amended policy wording for the site, as there are a number of specific measures that the site would deliver that will reduce the need and desire for future residents to visit Strensall Common to a negligible level including: -

- A minimum of 10.72ha of public open space, green corridors and recreational facilities as part of the development proposals.
- The retention and enhancement of existing hedgerows and trees located within and surrounding the site. Appropriate accessibility into these areas will be provided.

- The provision of substantial levels of new landscape planting within and surrounding the site. Appropriate accessibility into these areas will be provided.
- New walking and cycling routes will be provided to connect the site to the wider York footpath and cycle network. The HRA identifies these as *Bad Bargain Lane a public bridleway that connects south via a Public Right of Way (PRoW) to the Sustrans Route 66 (Foss Island dismantled railway) and onwards west to St Nicholas Fields Local Nature Reserve a few hundred metres away. All comprise part of the Millennium Way, a 37 kilometre walking route linking the historic open strays of York.*
- The setting of Millennium Way will be preserved and enhanced through a series of green corridors proposed within the development masterplan. Including a large strategic greenspace located in the central area of the site in accordance with CYC's proposals.
- The walking and cycling routes in and around the site would be in excess of 5km in length and therefore remove any day to day need or desire to visit Strensall Common for general recreation purposes (including dog walking).

- 3.5 Furthermore, any strategic issues, such as the disposal of wastewater are effectively screened out through adhering to the requirements of Local Plan Policy GI2 (vii). In particular, the Drainage Strategy for the development proposals will ensure that the water quality of the site and surrounding area is not negatively affected through the provision of three phase Sustainable Urban Drainage Systems and the removal of silt and chemical inputs. A Construction Environment Management Plan will also be produced to demonstrate that construction run-off will be attenuated to prevent silt or diffuse pollutants entering the wider catchment area.
- 3.6 The distance of the Osbaldwick site from Strensall Common; the provision of a substantial quantity of high quality on-site publicly accessible open space; and the provision of sustainable urban drainage systems will ensure that the development has a negligible impact on Strensall Common, which is no greater than any other part of the City.
- 3.7 The above measures would of course be provided to meet the requirements of Policy GI6, Policy GI2a and Policy SS9 of the Local Plan.

## 4. GREEN BELT ADDENDUM

### Topic Paper 1 Approach to defining Green Belt Addendum January 2021

EX/CYC/59	TP1 Addendum
EX/CYC/59a	TP1 Addendum Annex 1
EX/CYC/59c	TP1 Addendum Annex 3 Inner Boundary Part 2 S5-6
EX/CYC/59g	TP1 Addendum Annex 5 Freestanding Sites

- 4.1 The ST7 Developer Consortium have appointed SLR to undertake a review of the Council's updated evidence base regarding how the York Green Belt boundaries have been drawn and justified, specifically in relation to landscape. The full report is contained at Appendix 2.
- 4.2 SLR state that the methodology described in the TP1 Addendum is not a standard approach to appraising against the NPPF Green Belt purposes. A number of issues are raised with the Council's methodology and resultant approach to defining Green Belt boundaries. In particular relation to the land west of ST7, the assessment does not define parcels of land and so is unable to quantify how much land extending from the suburban edge should be kept open to safeguard against sprawl, encroachment etc. The assessment does not appear to take account of the proposed freestanding settlement (ST7) which would be located directly to the east of these boundaries and therefore no judgements have been made as to how much land should be kept open between the existing suburban edge and the proposed new settlement to ensure functionality of them and against the NPPF purposes of the Green Belt.
- 4.3 The Council's assessment does not provide any justification for retaining land between the suburban edge and ST7 within the Green Belt.
- 4.4 An alternative approach to defining land in between the suburban edge and ST7 in the Green Belt is proposed by SLR. It is considered that a more appropriate and sensible alternative approach would be to designate the land as a Strategic or Local Gap to ensure that a sense of separation between the edge of York and the proposed freestanding settlement ST7 remains. A Strategic or Local Gap policy does not preclude development but would enable the extent of proposed development within the proposed freestanding settlement ST7 to be tested against established criteria to ensure that a physical and perceptual sense of separation between areas of settlement remains.
- 4.5 It is recommended that further analysis is undertaken to understand the openness of land between the suburban edge and the proposed freestanding settlement (ST7). The TP1 Addendum update only assesses boundaries.

## 5. HERITAGE CONSIDERATIONS

- 5.1 [REDACTED] have been appointed by the ST7 Developer Consortium to review the Council's methodology as set out in the TP1 Addendum in relation to matters of heritage and the defining of Green Belt boundaries with respect to the draft ST7 allocation. The full Heritage Report is contained at Appendix 3
- 5.2 [REDACTED] highlight a number of concerns with the Council's revised TP1 Addendum. There are criticisms regarding the continued complexity of the Addendum information. The outcomes of the methodology are not substantively different to that presented in the 2019 TP1 Addendum documentation and the effect of the 2021 TP1 Addendum revisions has made no material difference to the outcome of the Green Belt boundaries, as put forward in 2019.
- 5.3 There are criticisms of how the Council's methodology regarding the 5 criteria relates to the bearing of purpose 4 of Green Belt ('to preserve the setting and special character of historic towns'). For example, in relation to the Landmark Monuments criteria it is noted that not all views of the Minster will contribute in the same way to the understanding and significance of the historic core, with not every single view of the Minster being significant or worthy of protection or contributing towards the understanding of the historic core.
- 5.4 In particular relation to question 2 of the Landmark Monuments criteria – *Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument?* [REDACTED] point out that this question has no bearing on Purpose 4 of Green Belt and refer to the purpose of Green Belt not being to protect individual buildings, landmarks or monuments.
- 5.5 Queries are raised regarding the methodology which seems to consider the entire built-up area of York as being the historic town, including all areas of modern development, industrial, commercial, retail etc that encircle the historic core. Whilst it is not in doubt that the historic core of York could be identified as having interest commensurate with a heritage asset, this cannot be said to cover the entire built-up area of York.
- 5.6 It is not considered that the methodology is robust in identifying Green Belt boundaries that would serve the function of purpose 4 of Green Belt.
- 5.7 In relation to the proposed Green Belt west of Site ST7 it is noted that the inner boundary at this location is all bordered by modern residential housing estates, with no appreciation of any element of the historic core of York from within this wedge of land, nor is there an appreciation of Osbaldwick from within this wedge.

- 5.8 In response to the Council's consideration that the historic field boundaries and patterns provide the setting of the historic settlements by providing evidence of the historic surroundings, Pegasus remark that the remainder of a small area of strip fields in an area abutted by modern development all along its western boundary, whilst providing an indication of former surroundings, does not provide the setting of the settlement. The area is not an area within which the historic settlement can be understood or experienced.
- 5.9 Land west of ST7 is not identified as an area contributing to the special character and setting of York in Figure 3 of the TP1 Addendum (EX/CYC/59). Every one of the boundaries adjacent to the inner boundary relevant to the land west of ST7 is located directly abutting modern development. It is maintained that this area of land does not contribute to the historic character due to the separation between the historic core of York and the wedge of land formed by extensive modern development, including very recently constructed development within Osbaldwick.
- 5.10 It is not agreed that the land in between the existing urban edge and ST7 will preserve the perception of a compact city in a rural hinterland. The thin strip of land will have no relation to the historic core, nor will it preserve the idea of a compact city preserved in a rural hinterland, as the land will be encompassed on all sides by modern development. The land will not serve purpose 4 of Green Belt.
- 5.11 In relation to long-distance views of the Minster, it is noted in the Council's documentation that it is likely the Minster would still be visible. It is maintained that the proposed development of ST7 will maintain the assessed key east - west views of the Minster. There are no key views from within the land west of ST7 towards the Minster.
- 5.12 The setting of the Osbaldwick Conservation Area is already protected through the normal planning mechanisms and it is not necessary for the Green Belt to cover this area.
- 5.13 It is concluded that there is inadequate justification for the inclusion of the area of land west of Site ST7 within the Green Belt. The justification for the boundaries is weak. It has not taken into account the context of the area which would be a thin wedge of land between two areas of modern development, thus not preserving the understanding of the compact, historic city within a rural hinterland. The area would be surrounded by development on all sides. The Council's own evidence has not shown that this area serves the purpose of Green Belt purpose 4 and it is considered that this area does not demonstrate the essential characteristics of Green Belt.

## **6. ALTERNATIVE DEVELOPMENT OPTIONS AND CONCLUSIONS**

- 6.1 Whilst the ST7 Developer Consortium remain supportive of the identification of Osbaldwick ST7 site as a new Garden Village within the emerging City of York Local Plan, they remain concerned with the size of the current site allocation boundary.
- 6.2 Whilst the site could deliver 845 homes within the plan period within CYC's proposed site allocation boundary, the consortium remain of the view that the current boundary should be expanded in order to enhance the community and green infrastructure that the site can deliver in respect of the policy aspirations required by Policy SS9 of the Local Plan. Particularly in relation to design and density; increased areas of public recreation and open space; internal and external areas of landscaping; and the viable delivery of the required infrastructure through ensuring that the critical mass for the site is achieved.
- 6.3 In relation to housing need, the [REDACTED] critique of the Council's Housing Need Update concludes that the Local Plan housing requirement (790 dpa) fails to meet the full OAHN. [REDACTED] calculate the OAHN at 1,010 dpa and a housing requirement of 1,111 dpa which factors in shortfall of housing delivery. Should it be determined through the Examination process that the housing requirements of the Local Plan are required to be increased, the Osbaldwick site could be expanded to contribute to meeting this need.
- 6.4 One member of the consortium (TW Fields) previously presented three potential development options to the Council to provide a new Garden Village of either 845 homes; 975 homes; or 1,225 homes alongside the delivery of significant community infrastructure. All of these options retain a gap between the existing urban edge and the ST7 allocation in line with the Council's Garden Village approach.
- 6.5 The net developable residential area of each of the proposed options are similar in size to the current allocation site area identified within the Local Plan. The westward expansion of the site required to deliver each of the proposed options would not require a significant amount of further land when considered against the wider extent of the proposed boundaries of the York Green Belt.
- 6.6 The previously proposed option to deliver 975 homes within a site area of 44ha was endorsed by the Council's Officers in their report to the Council's Local Plan Working Group on the 10<sup>th</sup> July 2017. The reasoning behind the recommendation was as follows: -

***“This reflects developers/landowners concerns raised regarding the viability/deliverability of the site, the related ability to deliver the planning principles including provision of educational and community facilities and concerns over the provision of site access to the south of the site. Officers consider that this boundary amendment could improve the viability of the site and ensure that the planning principles can be delivered.”***

- 6.7 This option was also put forward by the Council's Officers as a potential change to the Local Plan ahead of consultation in respect of the Publication Draft Local Plan at CYC's Local Plan Working Group on the 23<sup>rd</sup> January 2018.
- 6.8 Whilst the recommendations of Officers were not approved on either occasion, there remains a strong case for the expansion of the site to deliver each of the aspirations of Policy SS9 of the Local Plan and to ensure that the development is viable and achieves the necessary critical mass.
- 6.9 The potential expansion of the site will be discussed further as part of the Phase 2 hearing sessions; however, for ease the following plans are again enclosed at Appendix 4, providing further details of each of the proposed options: -
- 845 Home Garden Village Masterplan
  - 975 Home Garden Village Masterplan
  - 1,225 Home Garden Village Masterplan
- 6.10 The previously submitted assessment of the three proposed development options against the site-specific policy parameters identified within Local Plan Policy SS9 is enclosed at Appendix 5.
- 6.11 SLR have assessed the Council's TP1 Green Belt Addendum documentation in specific relation to landscape. The methodology does not define parcels of land and is therefore unable to quantify how much land extending from the suburban edge should be kept open. The Council's assessment does not provide any justification for retaining land between the suburban edge and ST7 within the Green Belt. Further analysis is recommended to understand the openness of land west of ST7. TP1 currently only assesses boundaries. It is suggested that a more appropriate and sensible alternative approach would be to designate land west of ST7 as a Strategic or Local Gap. A Strategic or Local Gap policy does not preclude development but would enable the extent of proposed development within the proposed freestanding settlement

ST7 to be tested against established criteria to ensure that a physical and perceptual sense of separation between areas of settlement remains.

- 6.12 In relation to heritage considerations, it is concluded that there is inadequate justification for the inclusion of the area of land west of ST7 within the Green Belt. The land does not demonstrate essential characteristics of Green Belt and it is noted that there are existing planning policy controls that would ensure the green wedge (albeit reduced) would largely remain free from development, further rendering the inclusion in Green Belt as redundant and contrary to policy.
- 6.13 An increase in the size of the ST7 allocation is justified and would ensure the delivery of the Local Plan's site-specific policy parameters for the site, alongside the proportionate uplift in socio-economic benefits to the City. This would of course include an uplift in the delivery of much needed affordable housing.

**BARTON  
WILLMORE**



**JohnsonMowat**  
Planning & Development Consultants

**pbp**  
PB Planning

## **APPENDIX ONE**

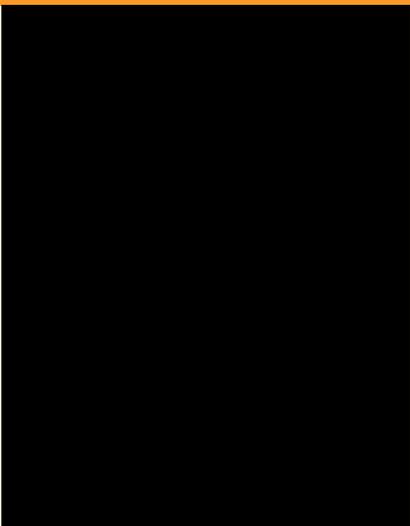
# City of York Local Plan

Proposed Modifications Version

Representations on Housing Matters



July 2021





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Representations **on Housing Matters**

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## 1.0 Introduction

1.1 This statement is prepared on behalf of three different and separate participants who have jointly instructed [REDACTED] to represent them on matters of housing need and supply. The participants are [REDACTED]. Each has their own distinct interests in the City and have submitted separate responses on other matters, but present the following shared position on housing need.

1.2 The **assessment of York’s housing need in this statement** forms part of the above **participant’s** response to the City of York Council’s [CYC] latest consultation on the Key Evidence and Supporting Documentation that was published since the York Local Plan Hearing Sessions.

1.3 In particular, this representation analyses **CYC’s** updated evidence on housing needs that establishes the scale of need and demand for market/affordable housing in the City. In this regard, we comment on the following recently-published consultation documents:

- EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019
- EX/CYC/36: Affordable Housing Note Final February 2020
- EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020
- EX/CYC/43a: Housing Needs Update September 2020
- EX/CYC/56: SHLAA Update April 2021
- EX/CYC/58: Composite Modifications Schedule April 2021

## City of York Council’s Local Plan Proposed Modifications (April 2021)

1.4 A review of the Objectively Assessed Housing Need [OAHN] was undertaken on behalf of CYC by [REDACTED] in September 2020 (*The Housing Needs Update report*), which supersedes the previous SHMA Update (2017) and a further Housing Needs Update in January 2019. This new report advised that in light of the latest set of 2018-based Sub-National Household Projections [SNHP] in March 2020, **York’s** housing need would fall to just 302 dwellings per annum [dpa] between 2012 and 2032. However, due to concerns over the methodology employed in both the population and household projections, [REDACTED] recommended that greater weight be given to the use of longer-term trends and economic-led housing needs, resulting in a requirement for 779 dpa. The consultants concluded that as there was no material change since the last assessment in January 2019, there was no need for the Council to move away from its OAN of 790 dpa.

1.5 On the basis of this evidence, the Council considered that under the transitional arrangements of the 2012 NPPF and the requirements of the National Planning Practice Guidance [the Practice Guidance] in relation to the assessment of housing need, it was justified in making minor modifications to its submitted Plan as a result of the updated OAN. It included an annualised shortfall of 32 dpa (unmet need between 2012/13 and 2016/17), bringing the housing requirement to 822 dpa.

1.6 These modifications include an update to Policy SS1, to clarify that **the Council’s housing requirement**, inclusive of shortfall should be amended to a *‘minimum average annual net provision of 822 dwellings over the plan period to 2032/33’*.

1.7 Furthermore, paragraph 3.3 of the accompanying explanation to Policy SS1 is now (again) revised to state that:

*“Technical work has been carried out by ██████████ in the Strategic Housing Market Assessment Update (2017). This work has updated the demographic baseline for York based on the July 2016 household projections. ~~to 867-790 per annum~~. Following consideration of the outcomes of this work, the Council aims to address an objectively assessed housing need of 790 homes per annum. This produces a housing requirement amounting to ~~meet an objectively assessed housing need of 867-790 new dwellings per annum for the plan period to 2032/33~~ a minimum average annual net provision of 822 dwellings over the plan period to 2032/33, including an allowance for ~~any~~ a shortfall in housing provision ~~against this need from the period 2012 to 2017, and for the post plan period to 2037/38.~~”*

1.8 Our review concludes that on the basis of the approach taken to reaching the 790 dpa housing requirement identified within the City of York Housing Needs Update (September 2020) (“the 2020 HNU”), **this housing requirement fails to meet the full OAHN**, which is significantly higher than the Council has estimated.

1.9 Furthermore, we consider that the Plan would fail to make appropriate provision for sufficient housing to sustainably deliver, in a timely manner, housing in line with the **City’s** full OAHN, with further site allocations required within this Plan in order to ensure an overall strategy that is deliverable and sufficiently flexible to respond to change.

## Report Structure

1.10 The report is structured into the following sections:

- Section 2.0 –sets out the housing policy context at a national and local level;
- Section 3.0 – reviews the **robustness of the Council’s evidence on housing need** within the City, and whether the Council is meeting its OAHN;
- Section 4.0 – reviews market signals;
- Section 5.0 – analyses affordable housing needs;
- Section 6.0 – considers the integration of student housing needs;
- Section 7.0 – **reviews the Council’s approach to factoring in backlog;**
- Section 8.0 - critiques the assumptions which underpin the **Council’s currently** claimed housing land supply and reviews the 5YHLS; and,
- Section 9.0 - provides a summary and conclusion **on the City of York’s housing need** and supply.

## 2.0 Housing Need

### Introduction

2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. **This is in the context that the Council’s Local Plan** was submitted during the transitional arrangements for the 2019 National Planning Policy Framework [NPPF]. That said, the standard method for calculating housing need set out in the NPPF (and set out in more detail in the revised 2019 Practice Guidance and again in December 2020), provides relevant context for the direction of change the Government has moved towards, and the unwavering emphasis of seeking to substantially boost the supply of housing to attain an overall national target of 300,000 dwellings per year.

2.2 This will provide the benchmark against which the 2020 HNU 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.

### National Planning Policy Framework

2.3 The 2012 NPPF outlines that local planning authorities [LPAs] should positively seek opportunities to meet the development needs of their area (paragraph 14). It adds that, in order to **“boost significantly”** the supply of housing, they 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...”** (paragraph 47)

2.4 The NPPF (paragraph 159) specifies the evidence required to objectively define housing needs within an area, setting out that LPAs should:

*“Prepare a Strategic **Housing Market Assessment to assess their full housing needs... 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;*
- *Addresses the needs for all types of housing, **including affordable housing...; and***
- *Caters for housing demand and the scale of housing supply necessary to meet this demand.”*

### 2019 NPPF

2.5 The Revised Framework was published in February 2018. It has an unequivocal emphasis on housing, with the introduction to the 2018 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.

2.6 **The 2019 NPPF 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 [§59].

- 2.7 In particular:
- “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”.* [§60]
- 2.8 The revision also makes 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) [§61].
- 2.9 Paragraphs 67 - 76 also set out how Councils should identify and maintain a five-year supply of housing against their housing requirement.
- 2.10 In terms of the weight that can be attached to this key policy document, it is accepted that paragraph 214 to Annex 1 of the NPPF states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans were submitted on or before the 24<sup>th</sup> January 2019.
- 2.11 However, the 2019 NPPF 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.
- 2.12 Furthermore, the *Planning White Paper: Planning for the Future*, published on 6<sup>th</sup> August 2020, proposes some very significant changes to the planning system and has a clear focus on accelerating housing delivery. **It acknowledges that “Assessments of housing need, viability and environmental impacts are too complex and opaque: Land supply decisions are based on projections of household and business ‘need’ typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for.” [page 11]**
- 2.13 As a result, the White Paper acknowledges that the current system simply does not lead to enough homes being built, especially in those places where the need for new homes is the **highest**. *“Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).<sup>7</sup> The result of long-term and persisting undersupply is that housing is becoming increasingly expensive”.* [page 12]
- 2.14 The White Paper therefore aims to address housing affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market. To ensure more land is available for the homes and development people and communities need, and to support renewal of town and city centres, the White Paper proposes the following:
- **“A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused**

*on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.” [page 19]*

## Planning Practice Guidance

- 2.15 The Planning Practice Guidance [PPG] contains a section providing guidance on housing and economic development needs assessments. It identifies that whilst there is no one methodological approach, an OAHN should fulfil the following criteria:
- be proportionate and not consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur (ID: 2a-003);
  - be based on facts and unbiased evidence. Constraints should not be applied to the overall assessment of need (ID: 2a-004);
  - utilise household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need (ID: 2a-015);
  - consider sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates (ID: 2a-017); and
  - take account of employment trends (ID: 2a-018), appropriate market signals including market indicators of the balance between the demand for and supply of dwellings (ID: 2a-019) and affordable housing needs (ID: 2a-029).

## 2019/2020 Planning Practice Guidance

- 2.16 Following on from the revisions to the Framework, on 13<sup>th</sup> September 2018 MHCLG published its revised PPG on Housing and economic land availability assessment covering changes to the 5YHLS approach, whilst on 20<sup>th</sup> March 2019 MHCLG updated its Housing and economic needs assessment to factor in the calculation of Local Housing Need via the standard methodology. This was again updated in December 2020 that scrapped earlier proposals and reverted back to the method it introduced in 2018, but with a modification to top up the number in the 20 largest cities and urban areas by 35%, reflecting Government objectives to, inter alia, drive housing into existing urban areas and encourage brownfield development.

- 2.17 The PPG states that:

*“The 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be **consistent with the Government’s objective of significantly boosting the supply of homes.**”*

- 2.18 If an authority uses a different method for calculating housing need the PPG sets out how this should be tested at examination:

*“Where a **strategic policy**-making authority can show that an alternative approach identifies a need higher than using the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point.”*

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<sup>1</sup> 2a-002-20190220

*“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.”<sup>2</sup>*

- 2.19 Although the Government's stated ambition remains to deliver 300,000 new homes per annum across England by the mid-2020s, as of April 2021 the figure only equates to 288,716 and relies on the delivery of 85,542 homes in Greater London alone, which will not happen given that the current London Plan requirement is 52,287 dpa, whilst average delivery rates over the past 3 years have totalled just 36,686. This means that for the nationwide target to be met, other districts across England will need to go above and beyond their SM2 target.
- 2.20 Applying this revised approach to the standard methodology would result in a LHN figure of 1,013 dpa for the City of York. This represents the minimum number of homes needed per year as set out in paragraph 60 of the revised Framework (February 2019).
- 2.21 This is calculated using the 2014-based household projections for 2019-2029, which equates to household growth of 809 per annum (8,089 over the 10-year period), plus a market signals uplift of 25.25%. This latter figure has been generated as follows, based on the most recent (April 2021) affordability ratio data for the City of York:
- Median local workplace-based affordability ratio (2019) = 8.04
  - deduct 4 = 4.04
  - divide by 4 = 1.01
  - multiply by 0.25 = 0.2525 (25.25%).
- 2.22 No cap is applied as York has no existing Local Plan figure to apply it to.

### Relevant Caselaw

- 2.23 There have been several key legal judgments which provide clarity on interpreting the NPPF and PPG in terms of how to address the issue of affordable housing need in the context of arriving at a concluded figure for OAHN:
- 1 ‘**Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370**’ referred to as “Satnam”;
  - 2 ‘**Kings Lynn and West Norfolk Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2464**’ referred to as “Kings Lynn”;
  - 3 ‘**Barker Mill Estates Trustees v Test Valley BC & Secretary of State for Communities and Local Government [2016] EWHC 3028 (Admin)**’ referred to as “Barker Mill”;  
and
  - 4 ‘**Jelson Ltd. v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2018] EWCA Civ 24**’ referred to as “Hinckley and Bosworth”.
- 2.24 Our previous 2019 representations explored the implications of these 4 judgements on **York’s housing need in depth and we do not repeat them again here.**

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<sup>2</sup> 2a-015-20190220[CD/021]

## Housing Need Local Policy Context

- 2.25 Before setting out a critique of CYC’s housing OAHN evidence base, it is important to recognise once more 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 Local Plan has been, it is not unfair to say, glacial. This is demonstrated by the fact that the Council is still relying on the outdated OAHN approach to calculate its housing requirement, **rather than the Government’s standard methodology for calculating Local Housing Need** for planning purposes, which was first consulted on in 2017, then adopted in 2018, three years ago.
- 2.26 This Standard Method is intended to shift time, resources and debate at examination **away from the ‘numbers’ question and towards the ‘how’ and ‘where’ of building new homes**. The fact that we are seemingly endlessly debating technical housing need issues **at York’s EiP many years after the Plan’s original submission to PINS is a clear vindication of the Government’s move towards a standardized** approach.
- 2.27 The development plan for York comprises two policies<sup>3</sup> 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 and a fluctuating housing need figure. **The Council published the following ‘further work’ on the Local Plan** relating to housing needs after a 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 [REDACTED]. 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 926 dpa<sup>5</sup>;
  - 2 In September 2015 the LPWG considered an **update on the ‘Objective Assessment of Housing Need’** [OAHN] report produced by [REDACTED]<sup>6</sup> and a **report on ‘Economic Growth’**<sup>7</sup>. **The [REDACTED] report concluded that the housing ‘requirement’ should be in the range of 817 dwellings per annum [dpa] to 854 dpa between 2012 and 2031. The LPWG’s recommendations were that the Executive Committee note the [REDACTED] 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 [REDACTED] jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]<sup>8</sup>. 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 27<sup>th</sup> June 2016. It concluded that the OAHN for the City of York was in the order of 841 dpa.

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<sup>3</sup> 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

<sup>4</sup> Assessment of the Evidence on Housing Requirements in York [REDACTED], May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update [REDACTED], September 2014)

<sup>5</sup> Local Plan Working Group 17 December 2014 - Minutes

<sup>6</sup> Evidence on Housing Requirements in York: 2015 Update – [REDACTED] (August 2015)

<sup>7</sup> York Economic Forecasts – Oxford Economics (May 2015)

[REDACTED] (June 2016): City of York Council Strategic Housing Market Assessment

- 4 On the 25<sup>th</sup> 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 [REDACTED] produced an Addendum<sup>9</sup> 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 898 dpa 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 706 dpa – 898 dpa, and therefore the Council considered that it did not need to move away from the previous 841 dpa figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. [REDACTED] 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 [REDACTED] 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 783 dpa (in the 2016 SHMA) to 867 dpa. In their Update, [REDACTED] then applied a 10% uplift to the 867 dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953 dpa. **However, a cover sheet to [REDACTED] 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 867 dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953 dpa figure on the basis that [REDACTED] conclusions stating:**

*“..[REDACTED] 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.”*

As a result of this approach, the February 2018 City of York Publication Draft stated 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.”*

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].

- 6 The Council then revised the OAHN down even further in light of [REDACTED] January 2019 HNA, which modelled the (then) latest 2016-based SNHP. The HNU concluded that the 2016-based SNPP provide a more robust assessment of **population growth for York than their predecessor, which is “ratified by more recent population estimates”** [5.2]. **Uplifting the 2016-based SNPP to meet an economic growth of 650 jobs per annum and adjusting household formation rates equates to a need for 790 dpa, which [REDACTED] considers to be the OAHN on the grounds that this “would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs”.** [§5.11]
- 7 The Council is now inviting comments on the 2020 HNU, again produced by [REDACTED], and which models the implications of the latest 2018-based SNPP and equivalent SNHP. The HNU concludes that the housing need in the City has not

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[REDACTED] (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

**changed materially since the last assessment in January 2019.** *“The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. There is, therefore, no need for the Council to move away from their current position based on this new data.” [para 5.8]*

2.28 [REDACTED] has submitted representations on behalf of housebuilders to the various stages of the York Local Plan formulation as and when the OAHN has been updated over the past 5 years. Our most recent representation, made on behalf of a consortium of housebuilders in 2019, concluded that the OAHN should be increased to a figure in the region of 1,300 dpa plus the housing backlog from 2012-2017.

2.29 The remainder of this section provides an overview of the findings of the latest 2020 HNU.

## **Overview of the City of York’s HNU**

2.30 The stated purpose of [REDACTED] Housing Needs Update [HNU] is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2018-based SNPP, equivalent 2018-based SNHP, and the 2019 Mid-Year Estimates. The analysis models housing need over the period from 2017-33 to be consistent with the Local Plan period. To align with previous studies carried out for the City, [REDACTED] has also have provided figures for the 2012 to 2037 period.

2.31 The HNU does not review the latest evidence on market signals within the City. Nor does it revisit the affordable housing need for the City, the mix of housing required, or the needs for specific groups. It is therefore limited in its scope.

2.32 The report [Table 1] finds that over the 2017-33 period, the 2018-based SNPP projects an increase in **York’s** population of around 7,432 people (+3.6%). This is very significantly lower than the 2014-based SNPP (24,229), which represents a difference of nearly 16,800 residents. The latest projections are also 6,120 lower than the equivalent 2016-based SNPP figures.

2.33 [REDACTED] consider that this is consistent with what is projected nationally as a result of lower fertility rates, reduced international migration and a more negative approach to life expectancy improvements.

2.34 [REDACTED] rightly reviews the implications of a number of variants produced by ONS to the 2018-based SNPP on the grounds that the principal projection only draws on internal migration trends **over 2 years from 2016 to 2018** *“which can distort the outputs of a projection if those years are particularly high or low.” [paragraph 2.4]*

2.35 The analysis therefore reports a range of demographic scenarios, including the 10-year Migrant Variant (which draws trends over the 2008 to 2018 period) and an Alternative Migration Variant (which draws on migration trends over 5 years not 2). Over the Local Plan period, the principal variant would see a 3.6% growth in the population, whereas the 10-year migration variant and alternative internal migration variant see growth of 5.9% and 4.6% respectively.

2.36 [REDACTED] then examines the household formation rates that underpin the latest round of 2018-based household projections. They highlight the fact that concerns have been raised regarding their robustness:

*“There are significant concerns around the HRRs, which it is argued lock-in recessionary trends during the 2001 to 2011 period from which they were drawn.” [paragraph 2.14]*

- 2.37 By focussing on shorter term trends ONS has effectively ‘locked in’ deteriorations in affordability and subsequently household formation rates particularly within younger age groups during that time.
- 2.38 The analysis finds that by applying part return-to-trend headship rates, the level of housing need increases to between 501 dpa to 669 dpa (incorporating a 3% allowance for vacancy/second homes) depending on the variant modelled – significantly higher than the 302-471 dpa derived in the HNU for the main demographic-based projections.

Table 2.1 Projected Household Growth 2017-33 - Range of demographic based scenarios

	2018-based SNHP HRR		Part Return to Trend HRR	
	Change in households	dpa	Change in households	dpa
Principal	4,687	302	7,784	501
10-Year Migration	7,314	471	10,399	669
Alternative Internal	5,955	383	9,285	598

Source: ██████████ (September 2020): *City of York Housing Need Update*, Tables 4 and 5

- 2.39 ██████████ notes that the 669 dpa does not equate to a meaningful difference from the 679 dpa based on the PRT HRRs in the previous 2019 HNU, and therefore the variant migration scenario is seen as the more suitable to use for York.
- 2.40 However, moving on, the report goes on to suggest that this is largely academic as demographic housing need is lower than the economic-led housing need.
- 2.41 ██████████ models a series of economic growth forecasts, settling on 650 jobs per annum as this is considered to align with the ELR Update and the Oxford Economics model published in December 2019. Using the OBR economic activity rates and keeping unemployment rates, double jobbing and commuting ratios constant, this equates to a need for 766 dpa based on the part return to trend HRRs (2017-33), rising to 788 dpa if **York were to take a greater share of its workforce’s accommodation (a 1:1 commuting ratio)**.
- 2.42 The HNU concludes that “*there is a clear need to increase housing delivery in York to support the City’s economic potential. The scenarios we have run show this need to be in a fairly narrow range of 766 to 788 dpa. This is broadly comparable to the 790 dpa identified in the Housing Needs Update of January 2019.*” [paragraph 3.11]
- 2.43 The HNU then provides an overview of the standard method for assessing housing need. ██████████ notes that at the time of writing it equates to 1,206 dpa, falling to just 763 dpa if **the Government’s August 2020 Consultation changes were implemented. They conclude** that whilst these should have no bearing on the housing need for York at the Local Plan **examination**, “*it should provide some comfort that the latest version of the standard method arrives at a very similar number*”. [paragraph 4.20]
- 2.44 This last point re: 763 dpa is now irrelevant given that the Government has abandoned the August 2020 Consultation changes. The SM2 remains at 1,013 dpa.
- 2.45 The HNU concludes that whilst the 2018-based SNHP demonstrates clear downward pressure on demographic trends for York, there are significant concerns about the methodology (particularly concerning the use of just 2 years of internal migration trends and household formation rates which lock in recessionary trends). As such ██████████

advocates the use of the variant population projection and bespoke household formation rates. The resultant 670 dpa is still lower than the economic growth projection of 779 dpa over the Plan period:

*“We have not updated market signals for the City however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited. For example, for the Plan period, the economic-led need of 779 dpa is 157% higher than the demographic starting point of 302 dpa. To conclude, the housing need in the City has not changed materially since the last assessment in January 2019. The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. There is, therefore, no need for the Council to move away from their current position based on this new data.”*  
[paragraphs 5.7-5.8]

## 3.0 Critique of the SHMA Update

### Introduction

- 3.1 The Companies represented by [REDACTED] have serious concerns and wish to raise objections to the way in which the Council has chosen to identify an OAHN of 790 dpa (reducing this down from the already unsatisfactory 867 dpa) and the subsequent identification of this need (plus 32 dpa backlog) as the housing requirement in the Policy SS1 of the Modified LPP.
- 3.2 This section provides a critique of [REDACTED] 2020 City of York Housing Needs Update [HNU].

### Starting Point and Demographic-led Needs

#### Population Change

- 3.3 The Practice Guidance<sup>10</sup> sets out that in assessing demographic-led housing needs, the latest 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]**<sup>11</sup>.
- 3.4 This previous guidance has of course been amended in the revised Practice Guidance, published in December 2020, which now formalises the standard methodology to calculate Local Housing Need. This is founded on the previous 2014-based SNHP rather than the more recent 2018-based equivalents as they “*provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes*”<sup>12</sup>.
- 3.5 [REDACTED] accepted in paragraph 2.18 of its 2019 HNU that the 2016-based projections do **not have the ability to meet the Government’s housing target of 300,000 homes per annum**. It is not mentioned in the 2020 Update, but given that the 2018-based household projections are even lower for York, then this 2019 comment is even more relevant today.
- 3.6 On 6 August 2020, the Government published its proposed ‘*Changes to the current planning system*’. The consultation paper set out four policy proposals to improve the effectiveness of the current system, which included changing the standard method for assessing local housing need, to plan for the delivery of 300,000 new homes a year and plan for more homes in the right places. The Government provided a detailed response to this consultation on 1<sup>st</sup> April 2021<sup>13</sup>:

*“In Changes to the current planning system, the government set out the importance of building the homes our communities need and putting in place measures to support our housing market to deliver 300,000 homes a year by mid-2020s. We set out that our proposed changes to the standard method were based on overarching principles as*

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<sup>10</sup> Practice Guidance - ID 2a-015-20140306

<sup>11</sup> Practice Guidance - ID 2a-017-20140306

<sup>12</sup> Practice Guidance - ID: 2a-005-20190220

<sup>13</sup> <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

*stated in paragraph 17 of the consultation. These were ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where there are affordability challenges. We remain committed to **these principles.***

- 3.7 **In the Government's** response, it clarified that the 2018-based projections are not a justification for lower housing need:

*“We will continue to use the 2014-based household projections. The government has carefully considered whether to use the 2018-based household projections and has concluded that, due to the substantial change in the distribution of housing need that would arise as a result, in the interests of stability for local planning and for local communities, it will continue to expect only the use of the 2014-based projections.”*

- 3.8 **It goes on to state that** *“We will continue to specify that the most recent affordability ratios should be used ensuring relevant market signals continue to play a role.”*

- 3.9 We acknowledge that the City of York Local Plan was submitted to the Secretary of State for Examination before 26<sup>th</sup> January 2019 and therefore should be examined under the transitional arrangements (i.e. the 2012 NPPF and 2014 Practice Guidance). For this reason, the LHN calculated by the standard method would not apply. We do stress however that it is totally unacceptable that the City of York has dragged out its Local Plan process for such an extended period of time that it is still able to rely on the OAHN approach despite the standard method having been enshrined in planning policy 3 years ago (in July 2018).

- 3.10 Furthermore, we accept that in accordance with the 2014 version of the Practice Guidance, ██████████ is correct to at least model the 2018-based SNPP/SNHP; that does not necessarily mean it is right to use the much lower projections to directly inform the OAHN without **making reasonable adjustments, particularly in light of the Government's** clearly stated objective to build more homes consistent with the 300,000 target by the mid-2020s, not to use potentially flawed projections to provide even fewer homes:

*“Population changes are only one aspect of the driver for housing supply. Rising incomes, changing social preferences and factors such as real interest rates and credit availability contribute to demand for housing. In summary, the **Government's judgment is that these factors combine to indicate that there is no need to change its aspirations for increasing housing supply. This is consistent with the argument in the housing White Paper that the ambition of delivering more homes should be about both keeping pace with population growth and looking to address worsening affordability through tackling the previous undersupply of homes.**”<sup>14</sup>*

- 3.11 We therefore agree with ██████████ that the 2018-based SNHP/SNPP should be sensitivity tested, based on alternative assumptions around underlying demographic projections, based on established sources of robust evidence:

*“The household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions. However, plan makers may consider sensitivity testing, specific to*

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<sup>14</sup> MHCLG (October 2018): *Technical consultation on updates to national planning policy and guidance*, paragraph 12

*their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. Account should also be taken of the most recent demographic evidence including the latest Office for National Statistics population estimates.*

*Any local changes would need to be clearly explained and justified on the basis of established sources of robust evidence. Issues will vary across areas but include:*

- migration levels that may be affected by changes in employment growth or a one off event such as a large employer moving in or out of an area or a large housing development such as an urban extension in the last 5 years*
- demographic structure that may be affected by local circumstances or policies e.g. expansion in education or facilities for older people.”<sup>15</sup>*

3.12 This is explored in more detail below.

## **The use of longer-term trends**

3.13 The PPG is clear that household projections are the starting point for overall housing need and that these are nationally consistent and statistically robust<sup>16</sup>. It goes on to state that plan-makers may consider sensitivity testing based on local circumstances, but that this must be based on established sources of robust evidence<sup>17</sup>. Some of circumstances it cites includes migration levels which are affected by changes in employment, such as a large employer moving to the area or urban extension, or where demographic structures are affected by policies related to specific groups, e.g. expansion in education facilities or facilities for older people.

3.14 The use of short-term trends means recent changes in growth are picked up more quickly, **although if recent trends are not representative of the longer term ‘norm’ they may over or under estimate future need** (hence ID 2a-017). Whilst longer term periods can allow unusual trends to be ironed out, they may fail to pick up recent changes and therefore may also over or under-estimate future need. Despite these advantages and disadvantages, it is set out within Government guidance that the official projections – i.e. short-term trends – should provide the starting point for housing needs assessment.

3.15 The question therefore is whether, in York, there are any “*specific local circumstances*” (e.g. movement of major employers, higher education expansion, etc, as cited in ID 2a-017) in recent years which mean that it is not appropriate to use the official 2018-based SNPP and that a longer-term trend is more appropriate.

3.16 We can ascertain whether there have been any unusual or one-off circumstances in the City of York specifically which warrant the use of long-term trends over short term trends by looking at historic completions and migration data (an exercise only partially undertaken in the HNU).

### Housing completions

3.17 Figure 1 show completions in the City of York back to 2001/02, along with the 10-year averages. It shows that in the 7 years up to the recession (2007/08), average completions were 809 per annum. Since then completions have been rapidly falling, with the average declining to just 652 dpa for the 10 years to 2017/18.

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<sup>15</sup> Practice Guidance - ID: 2a-017-20140306

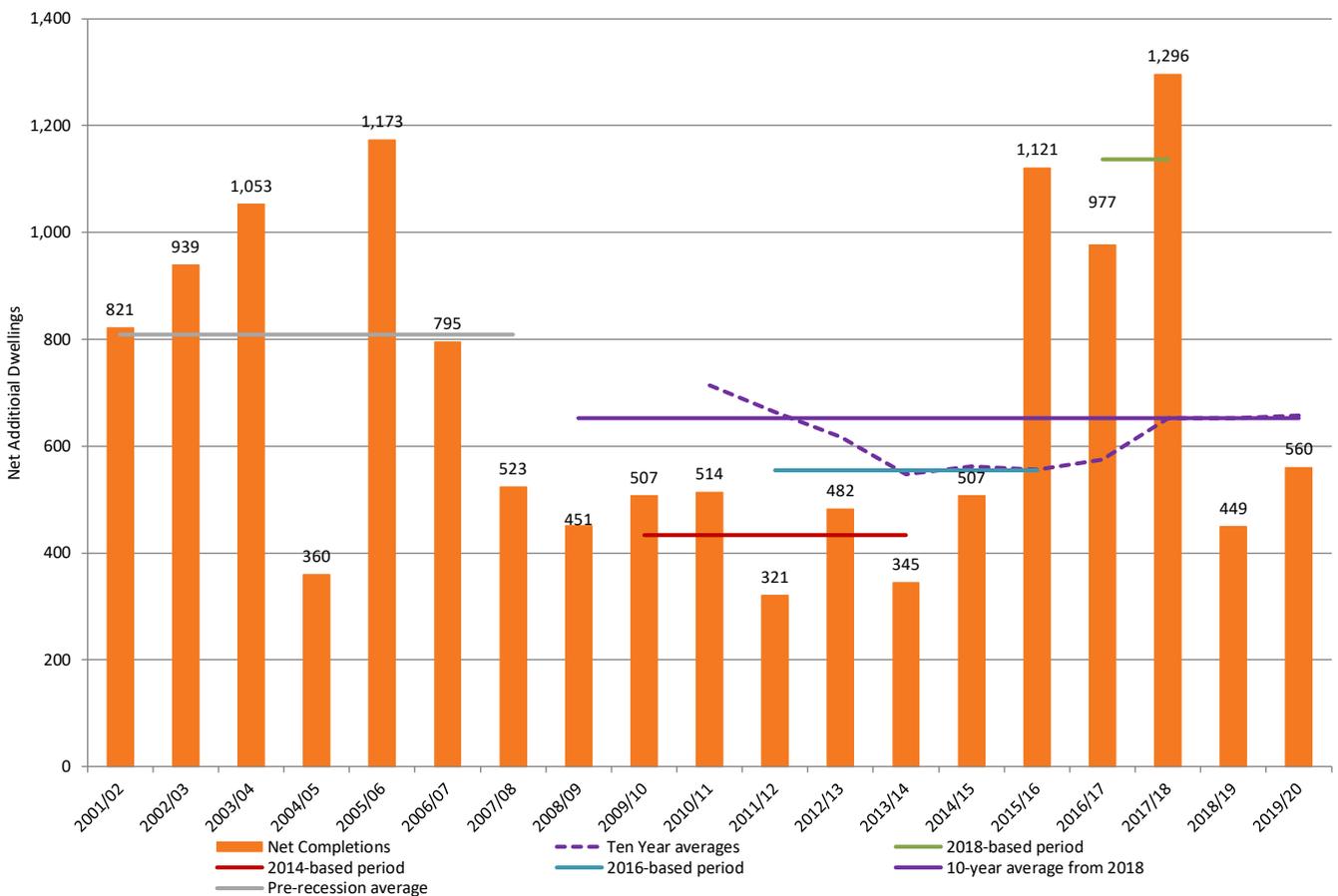
<sup>16</sup> Practice Guidance - ID: 2a-015-20190220

<sup>17</sup> Practice Guidance - ID: 2a-017-20190220

3.18 In the base period for the 2016-based projections, completions were lower, at 555 dpa. The 2014-based projections are even lower, at 434 dpa. However, the most recent 2018-based projections draw upon a 2-year period where average completions were higher than any of the comparator time periods, of 1,137 dpa, picking up the steady increase in housebuilding in York that rose to 1,296 dwellings in 2017/18. This suggests that housebuilding is recovering to levels that were consistently seen in the boom years prior to the recession, the drop in the past two years notwithstanding.

3.19 Whilst the link between housing completions and population growth is complex, it is surprising that the 2018-based SNPP is based on a time period when the level of housebuilding is at a very high level, when strong levels of net inward migration might have reasonably been expected. We note that for 2016/17, the LT122 MHCLG figure for dwelling completions was just 378, not 977 as reported by CoY and there are very **significant discrepancies between the Council’s figures and those that were reported to MHCLG (and which originally informed the Housing Delivery Test’s figures). The Council now suggests that it has delivered 5,177 dwellings over the plan period to date (2012/13-2019/20), whereas their returns to MHCLG suggested that this was only 3,255, a huge discrepancy of 1,922 dwellings.**

Figure 1 Historic completions in the City of York - 2001/02 to 2019/20



Source: EX\_CYC\_HFR vs. AMR 2021 / MHCLG Table 122: Net Additional Dwellings by Local Authority District

3.20 It would be helpful for the Council to outline why these figures are so out of line (for example in 2016/17 it informed MHCLG that it had delivered 378 net additional dwellings, whereas it is now suggesting that 977 were actually delivered – a difference of

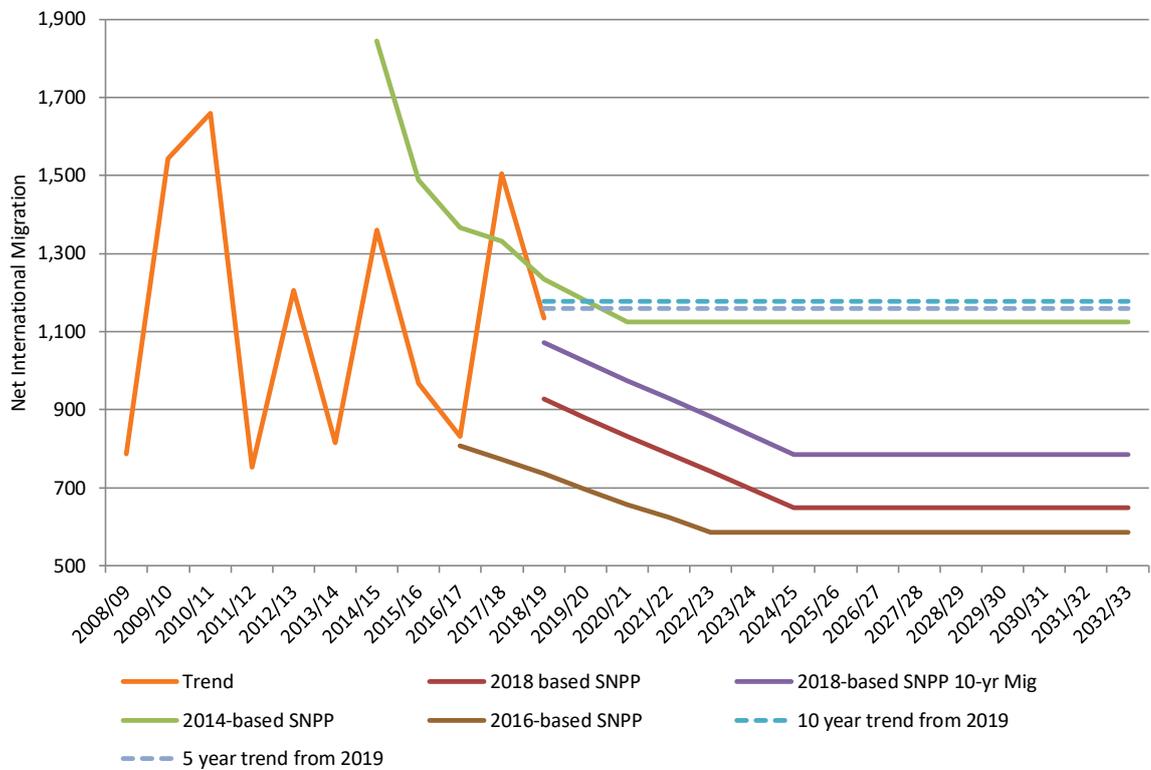
599 units), particularly as this has informed the 32 dpa under supply uplift (which would rise to 153 da if the LT122 MHCLG figures were used).

International Migration

3.21 Another way to consider whether the City of York **has seen any ‘unusual’ or one-off events** which mean longer term trends are more appropriate is to look at migration. Figure 2 shows historic levels of net international migration to the City of York. It is similar to **Figure 4 in the** 2019 HNU (they chose not to replicate this in their 2020 Update), but it includes more up-to-date data relating to the 2019 Mid-Year Population Estimates and the latest 2018-based SNPP.

3.22 Overall the international migration figures suggest net migration rose after the recession, at a time when housebuilding was falling. However, since that time, net migration has fluctuated between c.750 and 1,660 annually.

Figure 2 Historic Net International migration to the City of York, 2008/09 to 2018/19 and Future Projections



Source: ONS

3.23 The 2018-based SNPP net international migration figures look anomalous compared to past trends. From 2022/23 onwards, the principal projection is adjusted down to just 649 annually, a figure that is far lower than any net international migration figure for the past 18 years with the exception of 2005/06. In contrast, the 10-year trend equates to 1,177 annually (almost double the 2018-based SNPP), whilst the 5-year trend is almost as high, at 1,160. As can be seen in the Figure, the 2014-based SNPP net international migration figure sits just below these trends, at 1,125.

3.24 Importantly, **argues that greater weight should be attached to the 10-year Migrant Variant as these “are arguably more robust from a methodological point of view than the principal projection as they use longer term trends”, and indeed they have used this to inform their preferred OAHN scenario.** However, we can see from the Figure that

the scenario is clearly not based on 10 year international migration trends, as with a net rate of just 786 this sits well below the actual 10 year trends (*note: the 10 year trend for net international migration to 2018, rather than 2019 is also much higher, at 1,143 per annum*).

- 3.25 The 2019 HNU argued (in paragraph 2.11) that there is a close alignment between the 2016-based SNPP and the recorded MYE for 2016/17, which is correct; however, for 2018/19 the 2016-based SNPP recorded a net international migration figure of just 736, when 1,134 were actually recorded in the 2019 MYE. It is worth noting that [REDACTED] stays silent on this point in the 2020 HNU – presumably because it is quite clear that the 2019 net international migration figure for the principal 2018-based SNPP, at 878, is considerably lower than the 1,134 actually observed for that year.
- 3.26 In terms of what may be causing this discrepancy, it is worth noting that the emerging Local Plan recognises that York has a large proportion of higher education students which is set to continue following the expansion of the University of York and as other establishments continue to provide modern education facilities to accommodate growing student numbers [paragraph 1.48]. In particular, York St John University has experienced rapid student growth in recent years:
- “The University currently has 6,500 students (FTEs) and employs 750 staff. The increase in student numbers of the last 10 years is circa 93% and it is anticipated that the total will increase to 8,000 by 2018.” [1.60]*
- 3.27 It is possible that a significant proportion of these students have come from abroad, helping to boost the projections, and that this is forecast to continue for the foreseeable future once the economy recovers from the Pandemic/Brexit fallout.

## Economic Growth

- 3.28 The 2020 HNU modelled only one economic growth scenario, the REM projections for December 2019, which relates to net job growth of 650 per annum 2019-2033. The modelling undertaken by [REDACTED] translates this job growth into a housing need of 766 dpa, rising to 779 dpa when a 1:1 Commuting Ratio is applied. This is considered by [REDACTED] **to be the Council’s new OAHN, although as this is broadly comparable to the 790 dpa identified in the 2019 HNU it was considered that there was no need for the Council to move away from their current position based on this new data.**
- 3.29 There are **some clear omissions with [REDACTED] approach:**
- 1 There is a clear discrepancy regarding the modelling period. The job growth figure used in the ELR relates to 2014-2031 (+11,050 jobs, §3.4 of the HNU), whereas [REDACTED] has projected this forward over a completely different time period, 2019-33/37 (Table 8 of the HNU).
  - 2 It is unclear how [REDACTED] has modelled job growth in the years 2017-2019. **Reference to NOMIS’s Job Density information suggests that the City’s workforce grew by 2,000 over that 1-year period at a rate of 1,000 annually. [REDACTED] modelling does not appear to have factored this strong growth into its assessment.**
  - 3 [REDACTED] **states that they** “*have not examined the economic need associated with historic employment growth as the accommodation has already been provided to support that growth. We have therefore focussed on the economic-led need required to support 650 jobs per annum for the period 2019-33 and 2019-*

37 with the interim period to 2019 taken from published in MYE” [sic, paragraph 3.5]. [REDACTED] justification for not examining the economic need associated with historic employment growth is therefore because “the accommodation has already been provided to support that growth”. However, that is not the case, hence the fact that the Council is factoring in a backlog of 32 dpa into its housing requirement to reflect historic under-supply.

- 4 The HNU has not analysed past economic growth trends. York has been very successful in boosting economic growth, with job growth of 16,000 between 2000 and 2017<sup>18</sup>, equivalent to a Compound Average Growth Rate [CAGR] of 0.83%. This is significantly higher than the 0.53% equivalent to 650 jobs per annum 2017-37. In our previous representations, [REDACTED] modelled this past trend job growth figure in our Technical Appendix and generated a need for up to 1,062 dpa – close to the standard method LHN figure of 1,1,013 dpa.

- 3.30 **The Council’s housing and employment land evidence is therefore inconsistent and misaligned due in part to confusion over the timescales.**

## Housing Market Areas

- 3.31 **The Council’s Housing Market Area [HMA] evidence is founded on the June 2016 City of York SHMA produced by [REDACTED]. The report concludes that:**

*“While we propose a HMA which links to Selby and York we are not considering housing need across the HMA”. [§2.106]*

- 3.32 We support the principle of the City of York meeting its own housing needs (in full) within its own boundaries. However, if the Council is suggesting that it forms part of a joint HMA with Selby, then a joint SHMA should have been prepared<sup>19</sup>.

- 3.33 *The Joint Position Statement between the City of York and Selby District Council in relation to the Housing Market Area, April 2020 [EX\_CYC\_38] seeks to head this criticism off by stating that “any links between York and Selby only extend to part of the Selby area and that this is considered to support the approach taken by the Councils through the Duty to Co-operate to meet their own objectively assessed housing needs within their own administrative areas”, and that “it is not practical to seek to align the preparation of the two Plans and to consider housing needs jointly across the HMA.” [page 1]*

- 3.34 However, for all intents and purposes, Selby and York share the same Housing Market Area. This is why the two Councils have prepared joint SHMAs in the past. They are also **part of the same Travel to Work Area [TTWA], as set out in the ONS’s 2015 TTWA** analysis (incorporating 2011 Census data). Whilst we do not object to the Councils meeting their own needs in full within their own areas, despite both Councils appointing [REDACTED] to undertake SHMAs in recent years then at the very least, we would at least expect that [REDACTED] would have used consistent data sources and methodologies. This has not happened.

- 3.35 As a result, we now have a situation whereby [REDACTED] produced the City of York – Housing Needs Update in 2020. They also produced a SHMA Update on behalf of Selby District Council in February 2019. Presumably the company had virtually identical datasets available to them, yet chose to apply completely different approaches (*please*

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<sup>18</sup> NOMIS Jobs Density data

<sup>19</sup>MHCLG (March 2012): National Planning Policy Framework, §159

*refer to our previous representations for an assessment of the differences between the 2019 York HNA and the 2019 Selby SHMA Update).*

- 3.36 The Joint Position Statement now clarifies that whilst the City of York continues to use the NPPF 2012 OAHN approach to identify its housing needs, Selby will be using the standard method to identify its housing requirement. Conveniently, this results in a ‘drive to the bottom’ for both parties, with York pursuing an OAHN figure of 790 dpa rather than an SM2 figure of 1,013 dpa, whilst Selby uses the SM2 figure of 342 dpa rather than its previous OAHN of 410 dpa!
- 3.37 There are therefore numerous disparities in the approaches taken to determine the scale of housing need for York and Selby. It is ██████████ view that CoYC should seek to meet its housing needs in full within its own boundaries. Nevertheless, if CoYC does consider that Selby forms part of a wider HMA with York then it should have a consistent evidence base, which it does not. **The fact that Selby’s Core Strategy is out of date and the Standard Method is in play highlights the inconsistency even more.**

### **Implications of revising the Plan Requirement**

- 3.38 We also raise the issue which could arise should the Council choose to revise down its requirement as a result of the new projections, namely that in light of the Standard Method producing a figure of around 1,013 dpa, this would reduce the longevity of the plan and trigger an early review (as per the PPG, ID 61-043). Therefore, reducing the plan requirement now in light of the 2018-based household projections would create an even greater gap between the current plan requirement and the requirement under the Standard Method, further undermining the longevity of the plan and credibility of the plan-led system which is a Core Principle of the NPPF (2012).

### **Changes to housing evidence during Local Plan examination processes – examples from elsewhere**

- 3.39 On 9<sup>th</sup> July 2020 the Inspectors of the York Local Plan Examination wrote to the Council stating that the ONS recently published their 2018-based household projections (2018-2028) on 29<sup>th</sup> June 2020. *“On the face of it, from our understanding of these latest ONS projections, there is a reduction in the household projections for York, particularly between the 2014-based and 2018-based projections. As such, it appears that the latest available information leads to a different starting point for the calculation of the OAHN for York. **In order for us to determine whether or not the Plan’s housing requirements are soundly based, we will need to consider whether or not the publication of the 2018-based household projections represents a meaningful change in the housing situation from that which existed when the OAHN was assessed and determined for the submitted Plan, subsequently updated through the Housing Needs Update and at the time of the relevant hearing sessions in December 2019.”***
- 3.40 The Council was therefore invited to address this question, with evidence-based reasons, on whether or not they consider that the publication of the 2018-based household **projections represents a ‘meaningful change’ in the housing situation from that which existed at the time of the Plan’s submission, the subsequent re-assessment of the OAHN in the Housing Needs Update (January 2019) and the relevant hearings in December 2019. “Furthermore, if it is considered that there has been a ‘meaningful change’, could the Council set out what the implications are for the housing requirement figures in the**

*submitted City of York Local Plan and those subsequently submitted as a result of the Housing Needs Update (January 2019).”*

- 3.41 The ongoing publication of new data (with population and household projections being published on a two-yearly cycle, until recently on alternate years) has often led to delay where publication has caught up with plan preparation or plan examinations. This has been the case despite the PPG highlighting that a balance needs to be struck between ensuring plans are based on up-to-date evidence whilst, at the same time, ensuring assessments are not rendered out-of-date every time new projections are published. **In this context, the PPG discusses how “a meaningful change in the housing situation should be considered...” (PPG 2014 ID 2a-016)** but this needs to be balanced with the **NPPF’s core planning principle that planning should be “genuinely plan-led” (NPPF 17)** which can, by definition, only be achieved by having a plan in place.
- 3.42 The York Local Plan examination will soon enter its fourth year having been submitted in **2017 and this is the Council’s first new plan ever (i.e. it has yet to adopt a plan which post-dates the introduction of an NPPF)**. There is clearly a balance to be struck between further delays to the adoption of the plan on the basis of debates around OAHN and getting the plan in place. Arguably, continued delays to the adoption of the plan would **seek to undermine the NPPF’s core planning principle** that the system should be genuinely plan-led.
- 3.43 In this context, there are numerous examples where the publication of new projections (i.e. where more recent projections indicate a lower starting point/lower demographic change than previous assessments) through the examination process has not led to a revision in the OAN, including Wycombe<sup>20</sup>, Broxbourne<sup>21</sup>, Braintree<sup>22</sup>.
- 3.44 From these examples there are two commonalities when Inspectors have considered the impact of new, lower projections published during the examination process on OAHN:
- 1 Even where there are apparently substantial reductions in the household projections (to a degree of 40% in two of these examples) there is a recognition that such projections are just the starting point and only one of many elements which influence the OAN, and thus a reduction in the starting point does not automatically justify a reduction on the overall OAHN (for example, a market signals uplift cannot simply be reapplied to this new starting point to derive an updated OAHN, as is being suggested in Welwyn Hatfield). There are other factors, such as affordable housing need, which should be part of the assessment leading to a concluded OAHN; and
  - 2 In all three examples the Inspectors seek to balance the need for up-to-date evidence **with the need for the planning system to be genuinely ‘plan-led’ by enabling timely** adoption of the plan by minimising delay. In the case of Wycombe and Broxbourne the updated evidence represented just one set of projections (from 2014-based in each of their submitted plans to 2016-based projections being published during the examination) and in both cases the Inspectors discussed the need to minimise delays and ensure timely adoption of the respective plans. In the case of the North Essex Plan (which saw three sets of projections put in front the examination; 2014-based, 2016-based and 2018-based, as is the case in Welwyn Hatfield) the Inspector placed an even greater emphasis on the need for timely plan adoption, noting that the examination had already been ongoing for over three years.

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<sup>20</sup> See Wycombe Local Plan Inspector’s Report July 2019 [here](#)

<sup>21</sup> See Broxbourne Local Plan Inspector’s Report April 2020 [here](#)

<sup>22</sup> See the North Essex Authorities’ Shared Strategic Section 1 Plan Inspector’s Report December 2020 [here](#)

- 3.45 The above examples further demonstrate that using the 2018-based SNPP as a justification to reduce the housing target would not be in accordance with the NPPF or PPG, and there has been clear precedent for rejecting this approach by other Inspectors.

## Summary

- 3.46 We welcome [REDACTED] use of the 10-year migration trend and the modelling of the **alternative internal migration scenario**. The ONS's 2018-based SNPP now assumes lower fertility rates, lesser improvements in life expectancy (i.e. higher death rates) and lower net international migration across the country (with past trends migration confined to just 2 years of data), and York is no exception. The latter input does, however, appear excessive given past trends.
- 3.47 However, given the issues raised above regarding the extremely low levels of international migration underpinning even this variant scenario compared to past trends we do question why [REDACTED] chose not to model the High International variant produced by ONS alongside the other variants. This suggests that over the 2018-2033 period, net international migration could contribute 16,645 new residents to the local area (net), compared to 12,794 based on the 10-year migration trend and just 10,705 based on the principal 2018-based SNPP. The longer-term net international migration figure of 1,144 residents under this scenario is also much more readily comparable with the 10-year trend (to 2019) of 1,177.
- 3.48 It is considered that at the very least there should be a sensitivity testing for long term **migration trends in the HNU for York based on 'specific local circumstances'** (as per PPG ID 2a-017). In this respect, the HNU does not fulfil the requirements set out in ID 2a-017 regarding sensitivity testing of the official projections.
- 3.49 We are also concerned that there are flaws with the approach followed by [REDACTED] regarding the alignment with economic growth, not least the discrepancies over the time period and the missing data for 2017-2019 (a period of very strong economic growth).
- 3.50 Furthermore, as we have repeatedly raised in our previous representations, the Council accepts that both York and Selby share a Housing Market Area. It therefore makes no sense for the two districts to follow completely different approaches to identifying their housing needs, choosing to follow conflicting methods that result in the lowest possible housing target for each area.

4.0

## Market Signals

4.1

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]*

4.2

The Practice Guidance<sup>23</sup> requires that the housing need figure as derived by the household 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 Guidance<sup>24</sup> highlights the need to look at longer term trends and the potentially volatility in some indicators.

4.3

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...”<sup>25</sup>.*

4.4

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.

4.5

As set out in detail above, ██████████ has rather unusually, decided not to update market signals for the City; *“however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited”*.

4.6

This is not necessarily the case – ██████████ has concluded that the demographic starting point should be adjusted due to issues with the principal 2018-based SNPP, and that they see *“the variant migrations scenarios as being the more suitable to use for York”*. [paragraph 2.22] The adjustment, from 465 dpa to 669 dpa (2017-2033) is not to address **affordability issues; it is to address** *“issues with the projections using internal migration trends over just 2 years and household formation rates which lock in recessionary trends” [paragraph 5.2].*

4.7

As is clearly stated in the original PPG on the subject, the purpose of the market signals **adjustment is to** *“increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability.”<sup>26</sup>*

4.8

It would therefore be illogical to apply this to the principal SNPP projection, given that ██████████ accepts that this is not a robust trajectory of future population growth. Only by applying the market signals uplift to the realistic

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<sup>23</sup> Practice Guidance - ID 2a-019-20140306

<sup>24</sup> Practice Guidance - ID 2a-020-20140306

<sup>25</sup> ibid

<sup>26</sup> Paragraph: 020 Reference ID: 2a-020-20140306

demographic starting point (at the very least, the 10-year migration figure of 669 dpa) can we hope to boost supply to the extent that it starts to improve affordability in the City.

4.9 The most recent market signals analysis undertaken by ██████████ was in its 2019 Housing Needs Update (Section 4.0). In that report, the HNU noted that:

- Lower quartile house prices in York exceed that of England by £30,000 despite having a similar overall median house price;
- The gap of median house price growth between York and North Yorkshire has widened from 10 years ago. Since 2008 the rate of change for York has been 1.25, similar to the national growth of 1.3;
- Median rental values in York are £745, £70 higher than the rest of England and £220 higher than Yorkshire and the Humber region [4.13]. LQ rental price growth has increased by 14% over the past 5 years, compared to 11% nationally;
- York has a median affordability ratio of 8.62 and a 5-year rate of change equal to 1.88, compared to 5.90 for Yorkshire and the Humber (0.55 change) and 7.91 (1.14 change) for England [Table 12];

4.10 As a consequence of these poor (and worsening) housing market signals, ██████████ concluded that:

*“The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated” [4.19].*

4.11 On the basis of these signals, ██████████ applied an uplift of 15%. This is higher than the 10% previously recommended in the September 2017 SHMA Update. *“Such an uplift applied to the demographic starting point (484 dpa) would arrive at an OAN of 557 dpa...This is some way short of both the adjusted demographic growth and the economic growth. Therefore, the OAN should remain as 790 dpa in order to achieve both improvements to household formation and meet economic growth. This equates to an increase of 63% from the start point.” [4.34-4.35]*

4.12 In our previous representations<sup>27</sup>, ██████████ concluded that based on a detailed review of similar market signals, an uplift of 20% was suitable. Nothing that ██████████ has presented causes us to change our opinion, and indeed they have failed to provide any updated response despite the fact that house prices nationwide are increasing at record levels.

## Past Under Delivery of Housing

4.13 To take a clear example, which is not even examined in ██████████ 2019 assessment of market signals, the PPG is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. Table 4.1 sets **the Council’s various housing targets/presumed OAHN against the actual net housing completions**. With the exception of 3 years between 2015/16 and 2017/18, housing delivery in York has missed the target each year since 2006/07. Overall delivery targets for these 16 years was missed by c.15% which equals to 1,899 units below the target level. Over the plan period from 2012/13, ██████████ noted in its previous May 2017 SHMA Addendum [§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

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<sup>27</sup> ██████████ (March 2018): *Housing Issues Technical Report* / ██████████ (2019): *Housing Need Evidence Review*

report which uses a demographic projection-based analysis to establish the level of housing need moving forward.

Table 4.1 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2019/20

Year	Net Housing Completions	Council's OAHN	
		'Need'*	+/-
2004/05	360	640	-280
2005/06	1,173	640	533
2006/07	795	640	155
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	790	-308
2013/14	345	790	-445
2014/15	507	790	-283
2015/16	1,121	790	331
2016/17	977	790	187
2017/18	1,296	790	506
2018/19	449	790	-341
2019/20	560	790	-230
<b>Total</b>	<b>10,381</b>	<b>12,280</b>	<b>-1,899</b>

Source: EX\_CYC\_HFR vs. AMR 2021

\*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

4.14 The 2017 SHMA 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 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'.

4.15 **It is clear from the Council's own evidence** that the City has consistently under-delivered housing for 11 of the past 16 years. Furthermore, the **Council's already low housing delivery figures have been artificially boosted** by the inclusion of student accommodation in the completions figures.

## House Prices

The PPG<sup>28</sup> identifies that longer-term changes in house prices may indicate an imbalance between the demand for and supply of housing. We have reviewed the ONS's latest House Price Statistics for Small Areas (HPSSAs) release (2021), which reports the count and median price of all dwellings sold and registered in a given year. They are calculated using open data from the Land Registry, a source of comprehensive record level administrative data on property transactions. The latest median house prices in York, alongside North Yorkshire, Yorkshire and the Humber and England & Wales as of 2020 are presented in Table 4.2.

<sup>28</sup> 2a-019-20140306

Table 4.2 Median Dwelling price, York and comparator areas (2020)

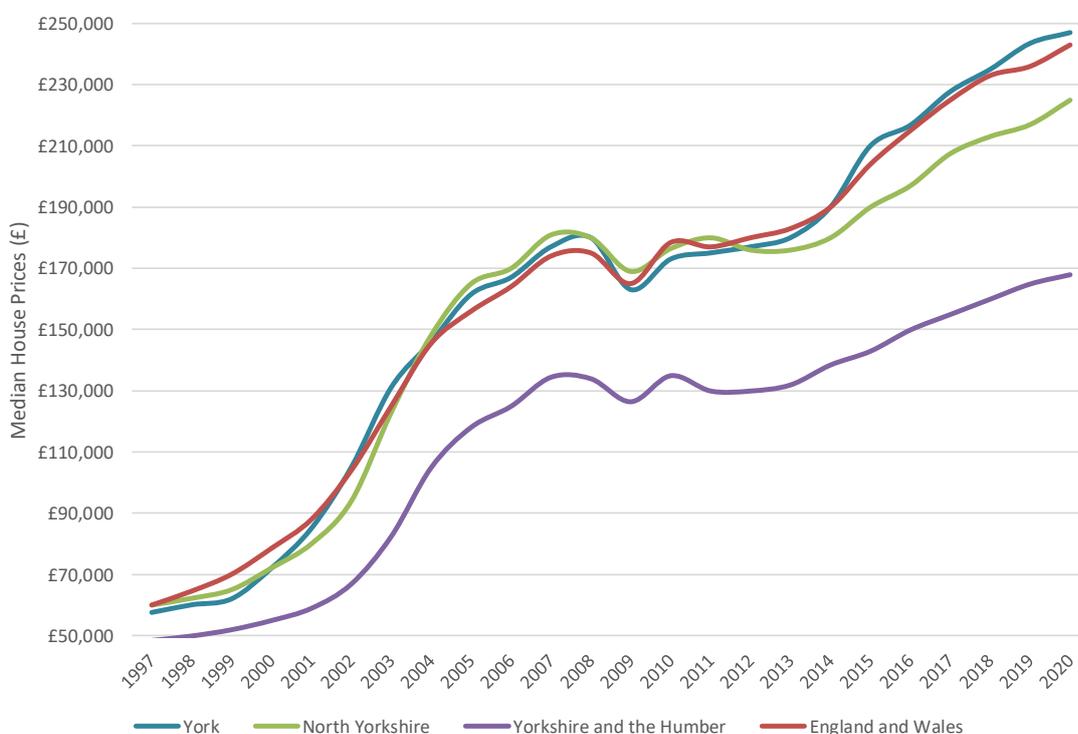
	Median Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£247,000	+£189,500 (+330%)	+£19,275 (+8.5%)
North Yorkshire	£225,000	+£165,000 (+275%)	+£17,500 (+8.4%)
Yorkshire and The Humber	£168,000	+£119,500 (+246%)	+£13,000 (+8.4%)
England & Wales	£243,000	+£183,050 (+305%)	+£18,000 (+8.0%)

Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.16 These median prices illustrate higher prices in York compared to national rates, with average house prices around £4,000 than England and Wales as a whole; £22,000 higher than in the surrounding sub-region, but a massive £79,000 higher than the Yorkshire region as a whole. Over the long term, the rate of growth has been considerably higher than all the comparator areas, at almost £190,000 since 1997 or 330%. Even over the past 3 years, the rate of growth has continued to accelerate, with an increase of £19,275, or 8.5%, since 2017 – higher in proportionate and absolute terms than the comparator areas.

4.17 The longitudinal analysis illustrated in Figure 4.1 is particularly revealing. This indicates **that the City of York’s median house prices generally mirrored the rate of growth of North Yorkshire up until 2012, at which point the economic recovery following the 2008/09 recession saw York’s house prices accelerate at a much faster rate. It has in recent years almost exactly followed the England and Wales average rate and in fact has started to exceed it, which is very concerning given that is (to an extent) skewed by the extremely high house prices in London and the Greater South East.**

Figure 4.1 Median House Prices



Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.18

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 more than tripled in 23 years, from £57,500 in 1999 to £247,000 in 2020, and have risen at a much faster rate than comparable national and sub-regional figures, which suggests that the local market is experiencing considerable levels of stress.

### Lower Quartile House Prices

Arguably of even greater concern is the data regarding Lower Quartile house prices in the City of York. These are presented in Table 4.2 for the same comparator areas and indicate that LQ prices have increased from just £46,500 in 1997 to a concerning £196,000 by 2020 – an increase of almost £150,000, far in excess of the comparator areas and a level of growth 75% higher than the regional growth.

Table 4.3 Lower Quartile Dwelling price, York and comparator areas (2020)

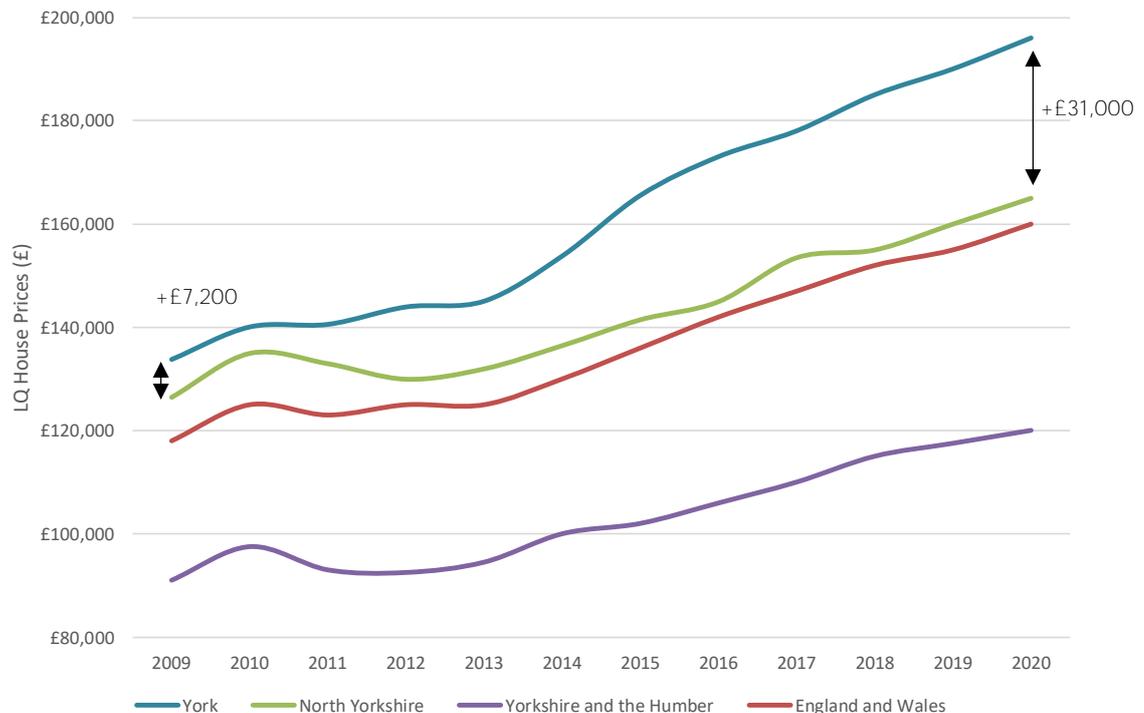
	LQ Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
<b>York</b>	<b>£196,000</b>	<b>£149,500 (+322%)</b>	<b>£18,000 (+10.1%)</b>
North Yorkshire	£165,000	£119,000 (+259%)	£11,500 (+7.5%)
Yorkshire and The Humber	£120,000	£85,000 (+243%)	£10,000 (+9.1%)
England & Wales	£160,000	£117,500 (+276%)	£13,000 (+8.8%)

Source: ONS (2021): Lower Quartile house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.19

To put this into context, the current LQ price in York of £196,000 was equal to the City’s median house price only five years ago (in 2015). By way of comparison, North Yorkshire’s current LQ house price of £165,000 last equated to the median house price ten years before in 2005.

Figure 4.2 Lower Quartile House Prices



Source: ONS (2021): Median house price, year ending September 1997 to year ending September 2020 (£)

4.20 This suggests that the gap between LQ and median house prices is narrowing in York at a very fast rate, making housing increasingly unaffordable for those on low incomes, a trend vividly illustrated in Figure 4.2.

## Affordability

4.21 The CLG’s former SHMA Practice Guidance defines affordability as a ‘*measure of whether housing may be afforded by certain groups of households*’<sup>29</sup>. 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].

4.22 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**<sup>30</sup>. Given that the median **Affordability Ratio [AR] is used to inform the Government’s standard methodology for calculating Local Housing Need**, we have also included this indicator in Table 4.4 below.

4.23 It indicates that the City of York has a very high Median AR of 8.04, which is significantly above the regional and national averages, although just below the comparable figure for North Yorkshire. The rate of change has also been worryingly high, at 4.33 points, or 117%, since 1997 – a rate of change equal to the national level. More recently, the rate of change has actually fallen slightly, although this is a trend that has been observed across the country. Furthermore, this is not due to house prices declining – as we have demonstrated above, they have continued to accelerate in York –rather that **workplace wages have actually increased at a faster rate (the City’s median wages increased by 16.2% between 2017 and 2020 to £30,725, well above the rate of change observed both nationally and regionally at 9.2%)**.

Table 4.4 Workplace-based Affordability Ratios, York and comparator areas (2020)

	Median Affordability Ratio			Lower Quartile Affordability Ratio		
	2020	Rate of Change 1997-2020	Rate of Change 2017-2020	2020	Rate of Change 1997-2020	Rate of Change 2017-2020
<b>York</b>	<b>8.04</b>	<b>+4.33 (+117%)</b>	<b>-0.57 (-6.6%)</b>	<b>9.09</b>	<b>+5.07 (+126%)</b>	<b>+0.03 (+0.3%)</b>
North Yorkshire	8.11	+3.91 (+93%)	-0.10 (-1.2%)	7.94	+3.53 (+80%)	-0.16 (-2.0%)
Yorkshire and The Humber	5.84	+2.72 (+87%)	-0.05 (-0.8%)	5.65	+2.55 (+82%)	-0.08 (-1.4%)
England & Wales	7.69	+4.14 (+117%)	-0.08 (-1.0%)	7.01	+3.47 (+98%)	-0.14 (-2.0%)

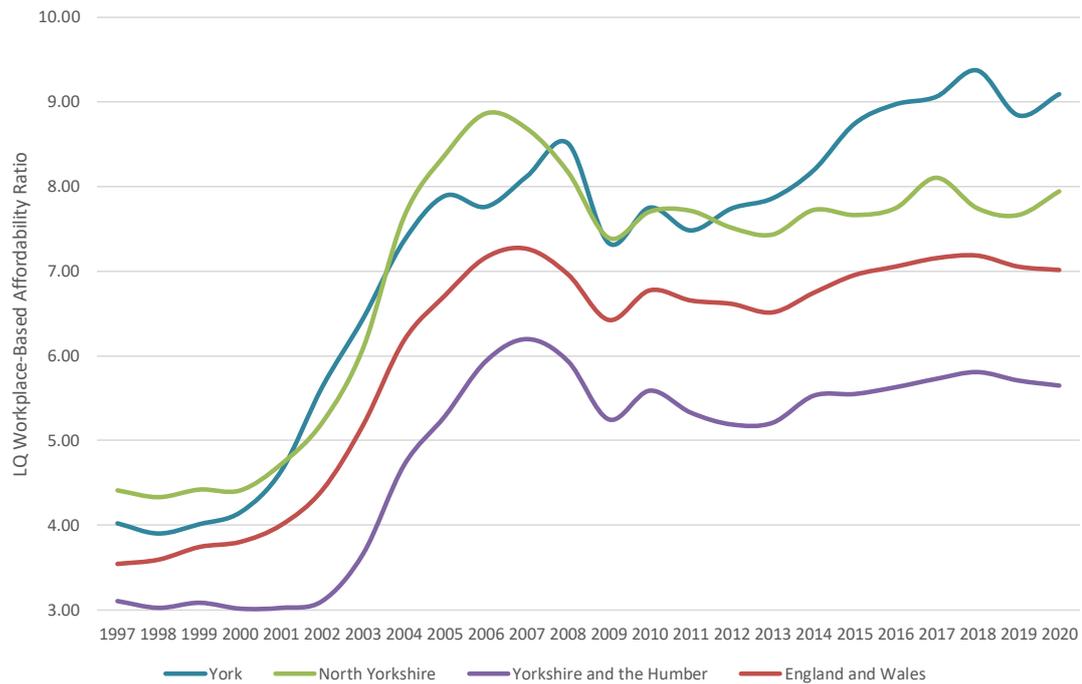
Source: ONS (2021): Ratio of median / Lower Quartile house price to median /Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020

4.24 **The situation is even worse when we analyse the City of York’s Lower Quartile Affordability Ratio.** Figure 4.3 illustrates that although the ratio fell substantially from a peak of 8.51 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than any of the comparator areas and is now 9.09 – significantly above the national level of 7.01 and particularly the regional rate of 5.65.

<sup>29</sup> Annex G

<sup>30</sup> 019 Reference ID: 2a-019-20140306

Figure 4.3 Ratio of Lower Quartile house price to Lower Quartile earnings



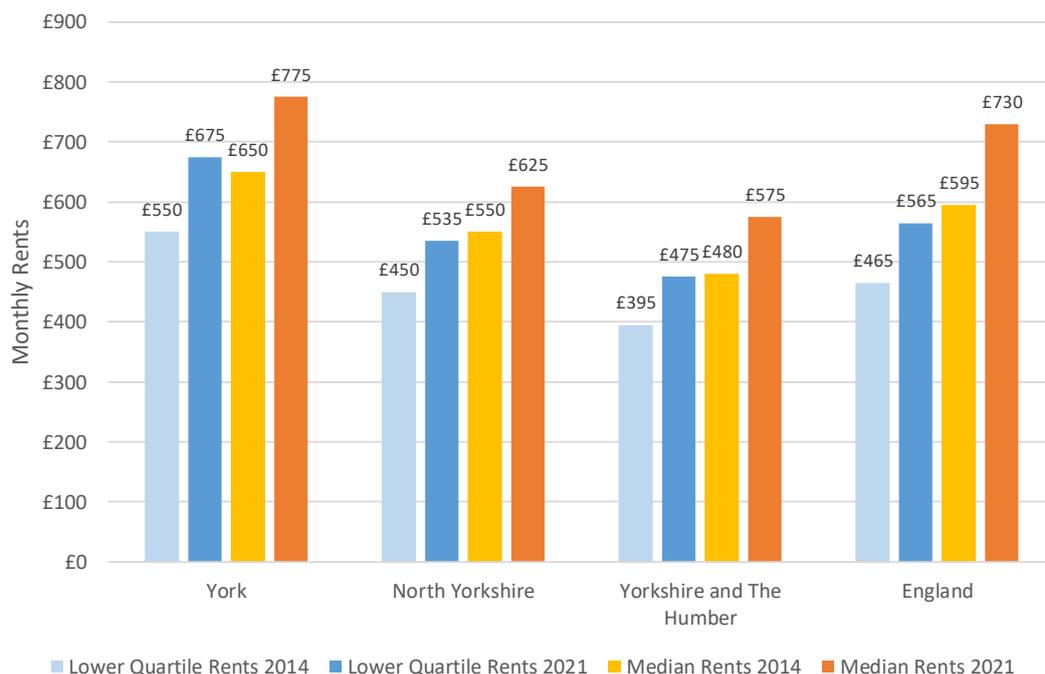
Source: ONS (20210: Ratio of Lower Quartile house price to Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020

4.25 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

4.26 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. As can be seen in Figure 4.4, Median rents in York are as high as £775 per month, well above the national level (£730) and over a third higher than the regional rate. The rate of growth of median rents over the past 7 years or so has also been very high in York, at 23% compared to 19% for North Yorkshire; 20% for Yorkshire and the Humber; and 21.5% nationally. As for LQ rents, these are even more concerning, with York’s at £675 per calendar month compared to £565 nationally.

Figure 4.4 Monthly Rents



Source: VOA Private Rental Market Statistics 2021

## What scale of uplift should be applied?

4.27

The PPG sets out a clear two-stepped process to addressing market signals within the calculation of OAHN:

- 1 Firstly, it is necessary to determine whether a market signals uplift is necessary. This is set out in PPG ID2a-019 within the first sub-paragraph as follows:

*“Appropriate comparisons of indicators should be made... A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”*

- 2 Secondly, when a market signals uplift is required, it is necessary to identify at what scale that should be set, with guidance given that it should be set at a level that could be expected to improve affordability. This is set out in PPG ID2a-019 within the second and third sub-paragraphs as follows:

*“In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable... 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 period.”*

4.28

The principle of a market signals uplift in York (i.e. Stage 1) has not been disputed by the **Council’s housing consultants** in the past (even though they have chosen not to re-enter the debate in their latest 2020 HNU). However, the scale of the uplift is disputed, principally because there is no sound basis to conclude that the uplift can be reasonably expected to improve affordability, and the HNU provides no evidence that it will do so. In addition, as previously noted, because the 2019 HNU applied its market signals uplift to a flawed demographic-led assessment of need, any figure flowing from this is in itself also flawed.

- 4.29 The market indicators show that there are significant imbalances between the demand for and supply of housing in the City of York. This analysis indicates pressure on the housing market, which will not be addressed by providing only for the level of growth produced by the continuation of demographic trends. A response is clearly required through an adjustment to the demographic-based scenarios, in line with the recommendations set out in the Practice Guidance.
- 4.30 By way of setting the initial context, the 2019 HNU recommends a 15% uplift to the demographic starting point of 484 dpa, which results in an OAHN of 557 dpa. However, [REDACTED] notes that this is some way short of the economic led need of 790 dpa, which is the housing requirement now identified in the Proposed Modifications to the City of York Local Plan. The 2020 HNU has not revisited the debate.
- 4.31 It is noted that although the Local Plan is being examined under the transitional arrangements for the NPPF, the standard method identifies that York would have an affordability uplift equal to 25% to the 2014-based SNHP. This is because the Ratio of median house price to median gross annual workplace-based earnings in York was 8.04 in 2020. This is significantly higher than the equivalent affordability ratio for England and Wales, at 7.69 for 2020.

## **Apportionment of national needs**

- 4.32 The City of York is relatively worse in respect of affordability than the national equivalent. As set out above, as of 2020 the City of York has an LO Affordability Ratio of 9.09, compared to the national rate of 7.15. All other things being equal, to improve affordability across the country, the City of York and its HMA peers would need to make a proportionately greater uplift than those where affordability issues are less acute. This exercise has been undertaken on the basis that Government has a frequently stated aim to bring housebuilding to a level of 300,000 per year by the mid-2020s. This national total equates to an uplift of 79,000 on the 2014-based household projections (which suggest a need for c. 221,000 homes per annum 2017-33, including a 3% vacancy allowance); an uplift of 131,000 dpa on the 2016-based SNHP and an uplift of 135,000 dpa on the 2018-based SNHP.
- 4.33 It is possible to consider how this required uplift should be shared between 320+ LPAs across the country in order to seek to hold the affordability ratio (at least at a national level) constant. Two alternative scenarios for market signals uplifts across the country have been modelled, as follows:
- 1 Each district with an affordability ratio above the national ratio makes a market signals uplift in proportion to its difference with the national figure;
  - 2 Every district (whether above or below the national ratio) makes a market signals uplift in proportion to its difference with the lowest affordability ratio, in Copeland at 2.4 (weighted 50%), and its projected household growth (weighted 50%).
- 4.34 The results for the City of York under these methods is shown in Table 4.5. The uplift has been based on a demographic baseline of 462 dpa, based on the 2016 projections plus a 3% vacancy rate, falling to just 302 dpa using the 2018-based SNHP. To meet a national figure of 300,000 per annum the scale of uplift would need to be 33% at least, although **taking into account the City of York's relative size this could be as high as 48%.**

Table 4.5 Outcomes for the City of York- Apportionment of National Needs

	National total of 300,000 2016-based SNHP			National total of 300,000 2018-based SNHP		
	Share of 131,000 uplift	Dwellings	Uplift (from 669 dpa)	Share of 135,500 uplift	Dwellings	Uplift (from 669 dpa)
Method 1	0.22%	293	44%	0.22%	303	45%
Method 2	0.24%	321	48%	0.16%	222	33%

Source: [REDACTED] based on ONS/MHCLG

4.35 The analysis clearly shows that an uplift well in excess of the 15% put forward in the 2019 HNU would be needed to reasonable expect an improvement in affordability in the City of York, and for the City to be contributing to the need nationally for new homes, taking into account affordability and its size. It is notable that using a 300,000 per annum total, the **uplift for York identified in the Government’s standardised methodology** – at 25% - falls below the very lower end of the range (33%-48%) identified through this exercise.

## Summary

4.36 In light of the above analysis, there is a case to be made that at the very least, the market signals uplift for the City of York should be a minimum of 25%. **Even taking [REDACTED]** adjusted baseline of 670 dpa based on the latest projections, this would equate to 838 dpa. Our modelling suggests that an uplift even greater than this may be needed to improve affordability **and achieve the Government’s long held aspiration for 300,000** dpa; however in light of stock growth elsewhere and the outcomes of the Standard Methodology, a minimum of 25% is considered appropriate.

4.37 This clearly underlines the failure of the HNU to adequately meet the PPG requirement to set its uplift at a level that is related to the problems of affordability or that could be expected to improve affordability; indeed, the HNU fails to approach this question at all.

4.38 When applied to **the Council’s adjusted demographic starting point of 669** dpa, this results in a need for 836 dpa.

## 5.0 Affordable Housing Needs

5.1 In line with the 2012 Framework<sup>31</sup>, 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.”*

5.2 The Practice Guidance<sup>32</sup> 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.”*

5.3 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 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.

5.4 The 2020 HNU does not review affordable housing need (indeed it is not even mentioned anywhere in the document). It is, however, discussed in the **City of York Council’s Affordable Housing Note** [EX\_CYC\_36] (February 2020). This report acknowledges that the most recent assessment of affordable housing need for the City remains the 2016 SHMA, which 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.

5.5 [REDACTED] 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, [REDACTED] has focused on how this need has informed the OAHN conclusion. CoY Council summarises the approach as follows:

*“The Housing Needs Update (2019) [EX/CYC/14a] considers this affordable housing need as part of the updated assessment of Objectively Assessed Housing need (OAN). [REDACTED] conclude that an uplift to the demographic need figure to improve delivery of affordable housing may be justified. Key judgements including Kings Lynn v Elm Park Holdings (2015) were examined. In paragraph 35 of the judgement Justice Dove says ‘the Framework makes clear that these needs (affordable housing needs) should be addressed in determining the full OAN, but neither the Framework or the PPG suggest that they have to be met in full when determining the full OAN’. The judgement is clear that an assessment of affordable housing need should be carried out but that the level of affordable housing need does not have to meet in full in the assessment of OAN. This is a*

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<sup>31</sup> Framework - Paragraphs 47 and 159

<sup>32</sup> Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

*similar conclusion to the Inspector at the Cornwall Local Plan EIP who concluded that **'National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase to the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites'**.*

*It was concluded that it may be necessary, based on affordable need evidence, to consider an adjustment to enhance delivery of affordable homes but that this does not need to be done in a mechanical way whereby the affordable need on its own drives the OAN." [paragraphs 41 to 42]*

- 5.6 **The Affordable Housing Note then goes on to state that** *"the updated market signals show that affordability is a worsening issue in York and therefore in accordance with the PPG an uplift to the demographic projections is appropriate and considering the evidence, ██████████ proposes a 15% uplift. When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa which is some way short of both the adjusted demographic growth (679) the economic led need (790). ██████████ ██████████ conclude that the OAN should remain at 790 to achieve both improvements to household formation and economic growth which represents a 63% uplift on the demographic starting point."* [paragraph 43]
- 5.7 In taking this approach, ██████████ 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.
- 5.8 In contrast, the 2019 HNU **reiterates the 573 dpa need and accepts that** *"a modest uplift to the demographic based need figure to improve delivery of affordable housing in the City may be justified."* [paragraph 4.20].
- 5.9 However, the HNU then reviews a number of High Court judgements and other **Inspector's reports, notably that for the Cornwall Local Plan, and concludes that** *"the expectation is that it may be necessary, based on the affordable needs evidence to consider an adjustment to enhance the delivery of affordable housing, but that this does not need to be done in a 'mechanical way' hereby the affordable need on its own drives the OAN".* [paragraph 4.28]
- 5.10 The HNU does not proceed to test the scale of uplift that might be appropriate to help meet this very high level of affordable housing need, merely stating in the conclusions that the employment-**led 790 dpa** *"would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs".*
- 5.11 A similar error is (silently) perpetuated in the 2020 HNU, where it is assumed that an economically-driven figure of 790 addresses the demographic need, worsening market signals and affordable housing requirements. That is clearly not the case.
- 5.12 The Affordable Housing Note suggests that as many as 3,539 affordable units could be delivered from all sources to 2032/33, at a rate of 221 dpa (Table 10). The Paper states **that** *"the Plan seeks to provide around 38.6% of the affordable housing need requirement. Whilst the Plan will not deliver the full affordable housing need it does seek to provide a significant uplift to the provision of affordable homes secured through the application of policy H10 and the provision of rural exceptions sites through the application of policy GB4."* [paragraph 44]
- 5.13 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. As set out in Table 12 of the Affordable

Housing Note, less than 10% (461 homes) of all completions (4,695 homes) during this period were affordable.

5.14 So the Council is clear that as a best case scenario, only 39% of the affordable housing need will be delivered in the Plan period, and no upward adjustment has been considered as required by the PPG. Even at a delivery rate of 30% of overall housing, the City of York would need to deliver 1,910 dpa to address its affordable housing needs in full.

5.15 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 Guidance<sup>33</sup> 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.”

5.16 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.

5.17 For example, it is interesting to note that in the Cornwall Local Plan example that [REDACTED] quotes from, the Inspector ultimately concluded that an uplift to the OAHN was justified, and this should be equal to an additional 1,500 dwellings over the course of the Plan period<sup>34</sup>.

5.18 The HNU 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.

5.19 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, if any, 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 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.

5.20 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 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).

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<sup>33</sup> Practice Guidance - ID:2a-003-20140306

<sup>34</sup> Planning Inspectorate (23<sup>rd</sup> September 2016): Inspector’s Report on the Examination into the Cornwall Local Plan Strategic Policies, paragraph 52

- 5.21 Given the significant affordable housing need identified in City of York, [REDACTED] considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

## 6.0 Integration of Student Housing Needs

6.1 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 ‘Communal establishment population’).

6.2 As summarised by CLG in its *Methodology used to produce the 2018-based household projections for England: 2018-based Report* (June 2020), 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 [CE], 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 CE population is then subtracted from the total usual resident population in the MYEs and SNPPs, by quinary age group and sex, to leave the private household population, split by age and sex in the years required for the household projections.”*  
[page 5]

6.3 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 [REDACTED] methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

6.4 In this regard, it is worth noting that in March 2017 [REDACTED] published an addendum to the West Surrey SHMA for Guildford Borough Council<sup>35</sup>. In that document, [REDACTED] recommended an adjustment of an extra 23 dpa be added to the OAHN of 539 dpa based on an analysis of future student numbers and accommodation need in the Borough.

6.5 According to the [REDACTED] Guildford analysis, there are three things necessary to consider when determining whether there is a need to adjust the objectively assessed housing need to take account of student growth:

- How the student population at University of Surrey is expected to change over the plan period;
- What growth in typical student age groups is expected within the population projections, on the basis that the CLG Household Projections model is not assuming growth in numbers in institutions;
- The number/ proportion of students which can be expected to require housing within Guildford, and of these what proportion might be expected to be accommodated in halls of residence rather than the wider housing stock.

6.6 This was accepted in the Inspector’s Report dated 27<sup>th</sup> March 2019, resulting in a new OAHN of 562 dpa. The Inspector concluded that:

*“From the figure of 539 dpa resulting from the assessment of jobs-led economic growth, the Council have made a further adjustment of 23 dpa for the growth of the student population based on analysis carried out in the SHMA addendum. Taking the University of Surrey’s known aspirations for growth, it is estimated that the number of full-time Guildford-based students at the University will increase by 3,800 between 2015-34, resulting in additional migration to Guildford. Assuming*

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<sup>35</sup> [REDACTED] (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

*that 45% would be accommodated in the wider housing market, and on the basis of an average 4 students per household, the SHMA Addendum calculates that this would equate to growth of 23 additional dwellings per annum. It has been argued that the 18 to 23 age group in the most recent population projections and mid-year estimates includes students; but this cannot be assumed to be the case, and by its nature Guildford is likely to be attractive to young people whether or not they are students. It is a sound step to add this allowance for students when considering the overall housing requirement, to ensure that there is not a significant incursion of students into the housing market which would diminish the supply available to others needing housing in the area.”*

- 6.7 Given that York has a disproportionately high student population following the ongoing success of the University of York, York St John University, Askham Bryan College of Agriculture and Horticulture and the landmark campus development of York College, it is surprising that [REDACTED] did not follow a similar exercise to the one they undertook for Guildford Borough Council.
- 6.8 **Using data and assumptions gathered from the University of York, York St John’s University and the City of York Council’s own analysis** (*Housing Requirements in York*, produced on its behalf by [REDACTED] in 2015) we can make a broad assessment of the housing needs of students in the City of York.
- 6.9 Table 6.1 presents the past six years of student headcount data for the University of York and York St John University. Over this period the total student headcount grew by 15% overall. However, whilst the University of York [UoY] grew its student population by 18%, **York St John’s University [YSJ]** grew at a much slower rate of 7%.
- 6.10 Both universities experienced an expansion in full-time students, although YSJ lost half of its part time students. The University of York gained 2,861 full-time students (+19%) but gained just 93 part-time students (+5%), **whilst York St John’s University gained** 974 full-time students (+18%) but lost half of its part-time students (-529).

Table 6.1 Recent trends in University student headcounts in York 2014/15-2019/20

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	% Change
<b>The University of York</b>	<b>16,835</b>	<b>17,150</b>	<b>17,899</b>	<b>18,824</b>	<b>19,469</b>	<b>19,789</b>	<b>+17.5%</b>
Full-time	14,920	15,210	16,283	17,221	17,604	17,781	<b>+19.2%</b>
Part-time	1,915	1,940	1,616	1,603	1,865	2,008	<b>+4.9%</b>
<b>York St John University</b>	<b>6,555</b>	<b>5,975</b>	<b>5,941</b>	<b>6,249</b>	<b>6,618</b>	<b>7,000</b>	<b>+6.8%</b>
Full-time	5,495	5,180	5,355	5,728	6,165	6,469	<b>+17.7%</b>
Part-time	1,060	795	586	521	453	531	<b>-49.9%</b>
<b>Total Students</b>	<b>23,390</b>	<b>23,125</b>	<b>23,840</b>	<b>25,073</b>	<b>26,087</b>	<b>26,789</b>	<b>+14.5%</b>
<b>Total Full Time</b>	<b>20,415</b>	<b>20,390</b>	<b>21,638</b>	<b>22,949</b>	<b>23,769</b>	<b>24,250</b>	<b>+18.8%</b>
<b>Total Part Time</b>	<b>2,975</b>	<b>2,735</b>	<b>2,202</b>	<b>2,124</b>	<b>2,318</b>	<b>2,539</b>	<b>-14.7%</b>

Source: HESA HE student enrolments by HE provider 2014/15 to 2019/20

- 6.11 For the purposes of this analysis, only full-time students are considered to be part of the additional student population in York living in C2 housing, as part-time students are more likely to be residents already living in York or commuting into the City.

- 6.12 **The City of York Council’s 2015 *Housing Requirements Study*** assumed (in Appendix B)<sup>36</sup> that, following consultation with both Universities, 5% of all UoY students live at home or commute into York, whilst 20% of all YSJ students do the same. The 20% figure for YSJ **has been reiterated in the University’s 2026 strategy, where it is stated that the University** aspires to grow to 10,000 students by 2026, with **8,000 of those being “on campus”**<sup>37</sup>. This would be an increase of 3,000 students on the current figure of 7,000. A **Refresh to the Strategy in 2021 following the Pandemic retains this target of “diverse growth to at least 10,000 students” by 2026**<sup>38</sup>.
- 6.13 By way of an alternative, a review of HESA data suggests that in 2019/20 (and prior to the Covid-19 Pandemic), 4.5% of UoY students lived at home with their parents/guardians, compared to 15% for YSJ, which is broadly in line with the figures mentioned above.
- 6.14 Applying these 5%/20% assumptions to the 2019/20 total full-time student figure of 24,250 generates a student baseline figure of 22,067 students requiring accommodation **within the City (i.e. 95% of UoY’s 17,781 FT students, plus 80% of YSJU’s 6,649 FT students)**.

## Expected Growth in Student Numbers

- 6.15 In a representation submitted to the draft York Local Plan examination in December 2019<sup>39</sup>, the **University of York’s planning agents (██████████)** set out potential growth scenarios for the university up to 2038. They are an update on those submitted in Appendix 4 of the Regulation 19 Representations April 2018:
- “The statistics cover a range of growth scenarios for student numbers, and growth in academic and non-academic staff follows this increase in students. The range of growth considered is from 0.5% to 4%. Because of the lengthy local plan period to 2033 and on to 2038, Government policy on Higher Education, students’ preferences and changing patterns of oversea recruitment will have an impact on this growth rate that cannot be accurately predicted. Suffice to say that the average growth rate in student numbers over the last 10 years has been around 4% per annum, to the higher end of the range considered.”* [paragraph 1.2]
- 6.16 The Paper concludes that it is **unlikely that the Council’s** employment forecasts for growth, and hence employment and financial impact on the local economy, reflect the recent growth rates in student numbers at the University of York.
- 6.17 **The Paper revisits the assumptions made in the University’s 2018 Representations.** It states that since March 2018 the University has grown steadily. Student numbers were at 17,200 [FTE] when writing the 2018 report and have grown to 18,100 [FTE] for the academic year 2018/19. This means that average growth in student numbers over the last ten years has been at about 4% per annum [paragraph 14].
- 6.18 The **University of York’s** built estate is continuing to expand as further space is required. A further £250m of investment is being made in the Campus over the next three years. This includes in Science & Medical facilities, and a new Management School facility on Campus West; and two more Residential Colleges (1,480 beds in all), an Energy Centre, a new Nursery and the RPIF funded Robotics building on Campus East [paragraph 15].

<sup>36</sup> ██████████ (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

<sup>37</sup> York St John University (2019): *2026 Strategy: Make the Possible Happen*, page 26

<sup>38</sup> York St John University Strategy 2026 Refresh (2021)

<sup>39</sup> ██████████ Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*

6.19 The Paper revisits the 6 growth scenarios in the previous 2018 representations and updates it to reflect the fact that 2018 student numbers were at 18,112 an increase of about 900 students from the 2017 figure used in the 2018 modelling:

**Table 2 - Summary of 2019 Update to Modelling.**

Scenario	Sc 1	Sc 2	Sc 3	Sc 4	Sc 5	Sc 6
Growth Rate to 2038	0.50%	1.00%	1.25%	1.50%	2.00%	4.00%
Student Nos (FTE) at 2038	20,012	22,100	23,220	24,394	26,913	39,686
Extra Students (FTE) vs 2017	2,799	4,887	6,007	7,181	9,700	22,473
% of 26ha of ST27 needed*	40%	85%	100%+	115%+	150%+	420%+

Source: [redacted] Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*, page 4

6.20 Of the six growth scenarios, **the University confirms that “Scenario 1 and 2’s low level of growth is highly unlikely”** [paragraph 18]. **The University’s 2018 representations** concluded that Scenario 3 or 4 was the minimum likely scenario for prudent long-term growth planning at this stage of the Local Plan; and that Scenario 5 and 6 were **foreseeable given the University’s reputation and** the fact that these are less than (Scenario 5) or equal (Scenario 6) to the actual growth over the last decade. The update notes that average growth in student numbers over the last ten years has been at about 4% per annum.

6.21 It therefore does not seem unreasonable to assume that **the University’s growth rate** is likely to range from between 1.25% and 4% per annum over the period to 2038.

6.22 Scenario 3, which assumed 1.25% student growth p.a. to 2038, and Scenario 4, which **assumed 1.5% growth p.a. to 2038 were considered by [redacted] to be “the minimum prudent scenarios for planning purposes at this stage of the Local Plan”**. Scenario 5, which assumed 2% growth p.a., was also considered to be *“a realistic possibility given it is at a rate equal to half the growth the University has achieved over the last 10 years.”*

6.23 The growth scenarios modelled by [redacted] **were based on full-time-equivalent [FTE] students** and was modelled forward from 2018/19 data. Given that growth in FTE students in recent years has been 4%, we have assumed the higher Scenario 5 growth rate of 2% p.a. over the full Plan period to 2033 is justified for use in this analysis. With a 2018/19 figure of 17,604 FT students in 2018/19, we have therefore applied a growth rate of 2% per annum to 2033. This equates to a growth of 6,719 students on the 2016/17 FT student figure of 16,283.

6.24 As set out above, the YSJU 2026 Strategy document (2019) sets out that the **University’s** ambition is to grow to 10,000 students by 2026, a growth of 3,000 students from 7,000 in 2018/19 over a six-year period. Using the average proportion of full-time students at the University from the past six years of HESA data (totalling 90% of all students), this suggests it would be reasonable to work on the basis that 9,000 full-time students will be attending YSJ by 2026, an increase of 3,000 full-time students over the next 6 years, or 500 students per year until 2025/26.

6.25 **After 2025/26 we have no data regarding YSJU’s growth plans, so for the purposes of this analysis** we have fixed the full-time student number at 9,000 for the remainder of the plan period to 2033 (i.e. zero growth post 2026).

6.26 Based on the above assumptions, the expected growth in full-time students over the 16-year Local Plan period 2016/17 – 2032/33 equates to 6,719 for the UoY and 3,645 for

York St John (these figures include three years’ growth already documented in Table 6.1 above, of 2,612 students between 2016/17 and 2019/20). This totals 10,364 additional FT students based at the two Universities over the 16-year plan period 2016/17 – 2032/33.

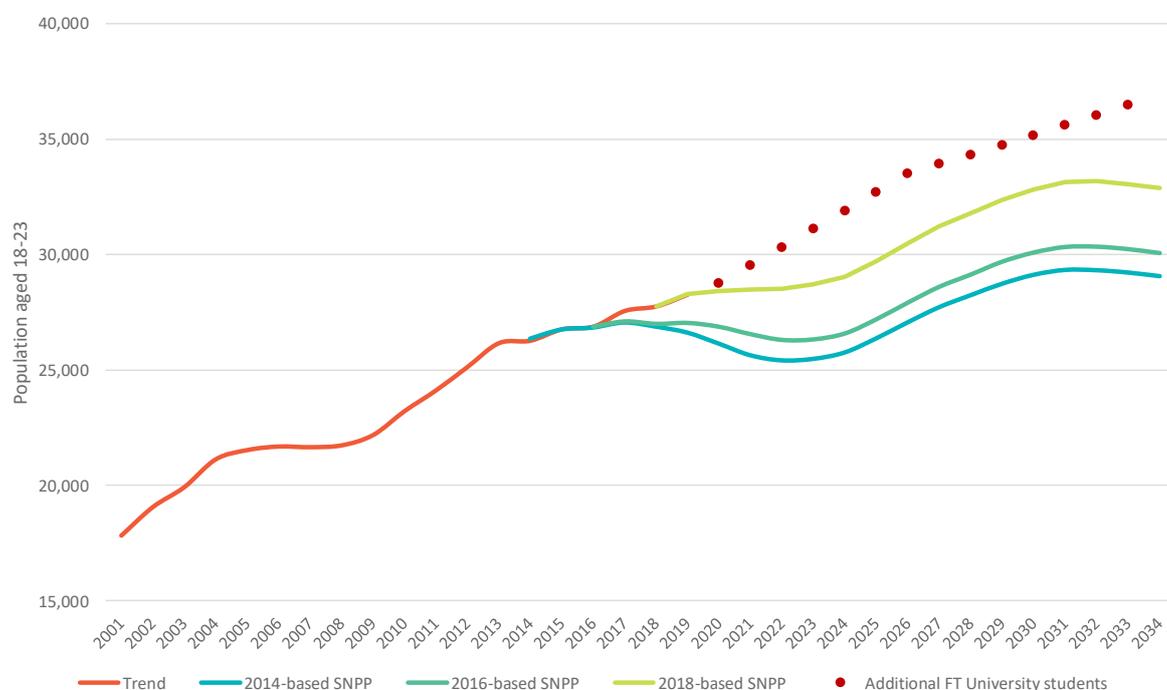
- 6.27 Applying the previous assumptions relating to students living at home or commuting to this generates an additional 9,299 full-time students living in York (i.e. 95% of UoY’s 6,719 FT students and 80% of YSJ’s 3,645 FT students).

## Student Growth within the Demographic Projections

- 6.28 It is reasonable to assume that the 18-23 age cohort will represent the core student age group, particularly for under graduates. This was also the approach followed in its Guildford SHMA Update. Figure 5 illustrates that using either the 2014-based SNPP, the 2016-based SNPP, there is limited growth within this age cohort, particularly over the short to medium term, with growth principally occurring from 2025 onwards. There is stronger long-term growth projected in the 2018-based SNPP, but only after 2024 with growth flatlining before then.

- 6.29 Over the 16-year plan period 2016/17 to 2032/33, the projected growth of this age cohort is 5,507 residents (+20%) according to the 2018-based SNPP; by 3,118 residents (+12%) according to the 2016-based SNPP, or 2,149 (8%) using the 2014-based equivalents. In contrast, the number of full-time students attending the two Universities in York is expected to rise by 10,364 over the same time period, of whom 9,299 are expected to live in the City, an increase of 52.1% on the 2016/17 figure of 21,638 FT students attending the two York Universities. This represents a rate of growth significantly higher than that of the age cohort in any of the projections.

Figure 5 Past and Projected Population Growth in York for residents aged 18-23



Source: ONS Mid-Year Population Estimates 2019/2014-based SNPP/2016-based SNPP

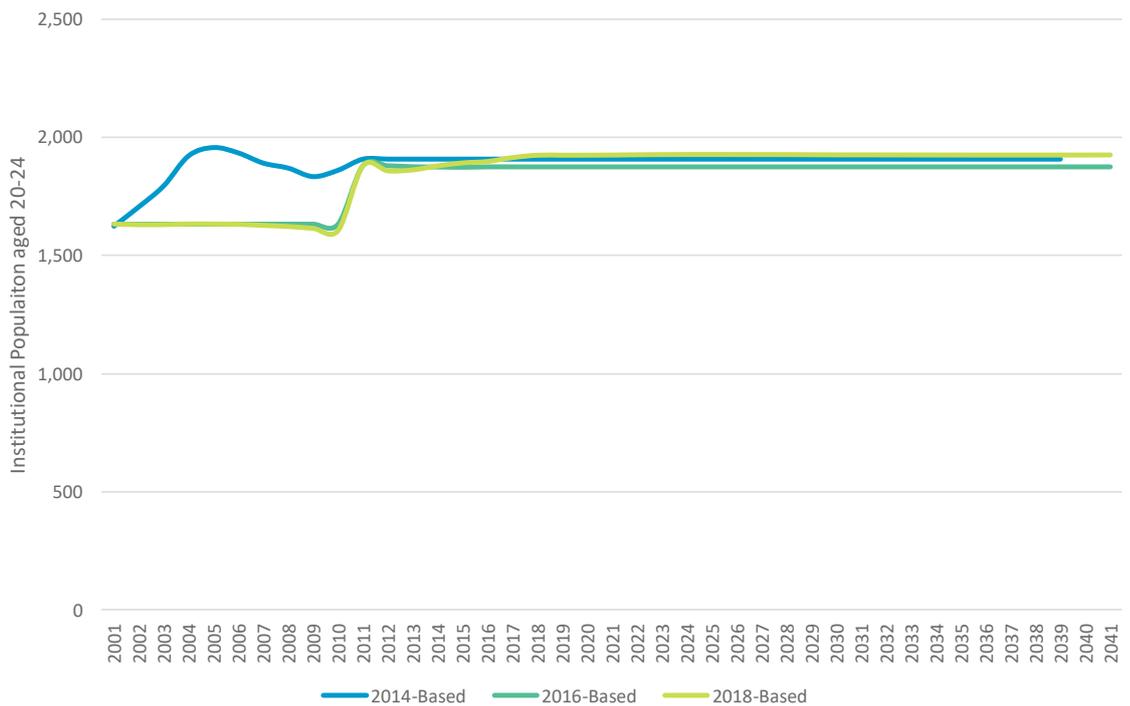
- 6.30 The Figure above includes growth in new student residents and also existing residents who are not in Higher Education. In an attempt to separate out the anticipated growth in

students alone in the projections, Figure 6 presents the growth of residents aged 20-24<sup>40</sup> living in communal establishments in the City of York up to 2039/41. Communal establishments include institutional accommodation such as residential care homes, army barracks, correctional facilities and (of particular relevancy for younger age groups) purpose-built student accommodation (i.e. halls of residence). It is therefore highly likely that most of the population aged 20-24 living in communal establishments can be considered to be students living in purpose-built C2 student accommodation.

6.31 The data indicates that post 2017, the number of residents aged 20-24 living in communal establishments is anticipated to stay constant, at 1,909 residents in the 2014-based SNHP, 1,874 in the 2016-based SNHP and around 1,925 in the 2018-based SNHP. There is therefore no change in the size of this cohort built into either set of projections over the plan period, and so growth in the numbers of students living in purpose-built **accommodation clearly play no part in the ONS’s anticipated population growth for York** residents shown in Figure 5.

6.32 From this, it could also be reasonably inferred that the ONS projections have not factored in the strong growth in student numbers at the 2 Universities into their projections, whether they are likely to be living in C2 student accommodation or renting in the private market. Furthermore, the projections suggest a lack of growth in the short-term, whilst growth effects later in the plan period are likely to be largely accounted for by a cohort effect rather than an increase in student migration.

Figure 6 Communal establishment population in York, aged 18-23, 2001-2035



Source: CLG 2014-based SNHP/ ONS 2016-based SNHP / ONS 2018-based SNHP

6.33 Based on this analysis it is reasonable to assume that the rise in the student population would result in additional housing need over and above the need as determined by the 2018-based SNPP in isolation.

<sup>40</sup> The ONS / CLG data is grouped together in 5-year age cohorts including 20-24 and not 18-23 year olds; however, it is reasonable to assume that the trends exhibited for this slightly older age group represents a reasonable proxy for student growth

## Additional Student Accommodation Needs

- 6.34 In ██████████ 2017 Guildford analysis, 45% of new students were expected to be living in the private rental sector [PRS], based upon the University of West Surrey’s aspiration to house 50%-60% of its students within student accommodation.
- 6.35 Appendix B in The City of York Council’s 2015 *Housing Requirements Study*<sup>41</sup> includes an analysis of the proportion of both universities’ students that are living in the PRS between 2010/11 and 2017/18. Over this period the average proportion of students living in the PRS was 56.6% of the total. This figure includes the assumptions relating to students living at home or commuting, and so must be applied to the total additional number of FT students, not just those living in York.
- 6.36 Applying this assumption to the combined university full-time student growth figure of 10,364 generates an estimated 5,866 additional full-time students likely to be living in the wider housing stock in York over the 16-year plan period, or 367 additional students per year.
- 6.37 On the basis of an average of 4 students per household (an assumption that was also used by ██████████ in 2017<sup>42</sup>), this equates to around 1,466 dwellings over the 16-year plan period; an average of 92 dpa over the plan period 2016/17 - 2032/33.

Table 6.2 Additional student population requiring PRS dwellings in York 2016/17-2032/33

Measure	Total
Additional FT students	10,364
Additional FT students living in York	9,299
Additional FT students living in PRS in York	5,866
<b>Additional dwellings needed</b>	<b>1,466</b>
<b>Additional dwellings needed p.a.</b>	<b>92</b>

Source: L ██████████ analysis

## Conclusion

- 6.38 Based on this analysis, it cannot be assumed that the growth in the 18-23 age cohort in the latest population projections includes growth in student numbers, and therefore that there is adequate provision for new student housing within the OAHN. Following this, it is our recommendation that an additional 92 dpa be factored into the City of **York’s OAHN.**

<sup>41</sup> ██████████ (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

<sup>42</sup> ██████████ arn (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

## 7.0 **Factoring in the Backlog**

7.1 The Explanation to Policy SS1 of the Proposed Modifications to the City of York Local **Plan states that** “*Following consideration of the outcomes of this work, the Council aims to meet an objectively assessed housing need of 790 new dwellings per annum for the plan period to 2032/33, including any shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.*” **[paragraph 3.3]**

7.2 According to PM21a of that document, *the Update to Table 52: Housing Trajectory to 2033 to reflect the revised OAN of 790 dpa*, this shortfall to housing provision equates to 32 dwellings annually between 2017/18 to 2032/33, or 512 dwellings in total over the 16-year Plan period.

7.3 **Based on the Council’s Full Year Housing Monitoring Update for Monitoring Year 2018/19** Table 6, this appears to be based on a net dwelling gain of 3,432 dwellings between 2012/13 and 2016/17, against a requirement of 3,950 (790 x 5); therefore a 518 shortfall, or 32 annually.

7.4 The Companies have serious concerns regarding the accuracy of this calculation. It appears that the CoYC have included a very substantial amount of C2 student accommodation in these figures, thus reducing the amount of shortfall they include in the annual housing target.

7.5 The Housing Monitoring reports produced by the Council seek to legitimise this approach by referring to the PPG, which states that:

*“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...*

*To establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of students living in student only households, using the published census data. This should be applied to both communal establishments and to multi bedroom self-contained student flats. Studio flats in mixed developments designed for students, graduates or young professionals should be counted as individual completions. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that full functions as an independent dwelling”.*<sup>43</sup>

7.6 Setting to one side the fact that the household projections which [REDACTED] has used to underpin its demographic modelling do not take full account of the needs of students, we **are concerned that the Council’s approach is over-emphasising** the contribution this source of accommodation is making to housing delivery.

7.7 For example, MHCLG publishes Table LT122 annually for every district in the country, which provides a robust and consistent indication of net additional dwellings. This is based on Housing Flows Reconciliation data that have been submitted by CoYC to MHCLG annually.

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<sup>43</sup> ID-3-042-20180913

Table 7.1 Rate of net housing delivery in York, 2012/13-2019/20

Year	MHCLG Net Housing Completions (LT122)	Housing Delivery Test	Council's Local Plan Estimate	
			Net Dwelling Gain	+/-
2012/13	88	n/a	482	-394
2013/14	69	n/a	345	-276
2014/15	284	n/a	507	-223
2015/16	691	691	1,121	-430
2016/17	378	378	977	-599
2017/18	1,296	1,331	1,296	0
2018/19	449	451	449	0
2019/20	560	627	560	0
<b>Total</b>	<b>3,815</b>	-	<b>5,737</b>	<b>-1,922</b>

Sources: MHCLG LT122 (2021), Housing Delivery Test Results 2020 / EX\_CYC\_32\_CYC\_HFR v AMR Table 1

\*Difference from HDT figure

7.8 To take an example for the year 2015/16, the Council has included an additional 579 units relating to two ‘Off campus privately managed student accommodation sites’. The CoYC’s Housing Monitoring Update for that year indicates that this includes 579 units on 2 developments, the Yorkshire Evening Press 76-86 Walmgate, for 361 units; and the Former Citroen Garage, 32 Lawrence Street.

7.9 Reference to the latter development (planning application reference 13/01916/FULM) indicates that not all of these units are self-contained under the MHCLG’s definition:

*“The new managed student accommodation will create 58 student flats (5 and 6 person flats with communal kitchen/living/dining facilities) and 303 self-contained ‘studio’ flats along with a management suite (office, common rooms etc.), laundry and other ancillary facilities.”<sup>44</sup>*

7.10 Therefore, as a best case, this site should be contributing a maximum of 315 units (58/5 + 303), not 361 units – a difference of 46 units.

7.11 Similarly, the other student development included for 2015/16 on the former Citroen Garage (15/012440/FULM), also includes shared and self-contained flats:

*“The rooms therefore take a variety of forms self-contained or with shared facilities according to circumstances, to respect the heritage constraints and make the most of the accommodation.”<sup>45</sup>*

7.12 There are also other inconsistencies with the MHCLG’s data; so, for example in the CoYC’s 2016/17 Housing Land Monitoring Report Update, Table 3 indicates that 977 housing completions were delivered net, compared to just 378 recorded by MHCLG – a difference of 599 units. Yet only a proportion of this difference can be explained by the C2 student accommodation, as only 152 units are attributed to this source in Table 3, compared to 571 units from residential use class C3 approvals, plus 252 from relaxed Permitted Development Rights. It is unclear why the MHCLG’s figures are so different to the Council’s, given that they are both supposed to have been provided by CoYC Officers. The only explanation given by the Council<sup>46</sup> is that “Gaps were evident in the data as not all site completions were recorded due to time lags in receiving information from sites covered by private inspection or no receipt of any details at all.”

<sup>44</sup> Design and Access Statement for Walmgate Student Castle Development, ref: 13/01916/FULM, paragraph 8.02

<sup>45</sup> Design and Access Statement for St Lawrence WMC, ref: 15/02440/FULM, paragraph 6.2.2

<sup>46</sup> EX\_CYC\_32\_CYC\_HFR v AMR

- 7.13 Essentially, if the MHCLG figures had been used, then instead of a 518 under supply to be made up over the remainder of the plan period from 2017 (32 dpa added onto the 790 dpa OAHN), the shortfall would be 2,440 dwellings, or 153 dpa over 16 years – a very significant uplift to the OHAN (to 943 dpa).

8.0

# Analysis of the Forward Supply of Housing

## Introduction

8.1

Since the Local Plan Proposed Modifications consultation in June 2019 the Council has released a Strategic Housing Land Availability Assessment [SHLAA] Housing Supply and Trajectory Update (April 2021). The 2021 SHLAA Update contains a housing trajectory which sets out the anticipated delivery rates of draft allocations. It also reviews the evidence provided in the 2018 SHLAA supporting the assumptions for strategic allocations in relation to build out rates and implementation taking into consideration the current timescale of the Local Plan examination.

8.2

This section critiques the assumptions which underpin the currently claimed housing land supply. It also reiterates points made on behalf of our clients on other components **of the Council's housing land supply**, which have been carried forward since the previous version of the SHLAA. 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

The timescales for a site coming forward are dependent on a number of factors such as a developer's commitment to the site and the cost, complexity and timing of infrastructure. Whilst housebuilders aim to proceed with development on sites as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matters and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed designs for infrastructure, mobilise statutory utilities and commence development).

8.4

The standard lead-in times should only be applied to sites where developers are actively pursuing development on a site and preparing the necessary planning application. The standard lead-in time should not be applied universally and a degree of pragmatism and realism should be applied. Sites where developers have shown limited commitment, for example, should be identified as being delivered later in a trajectory.

8.5

In addition, another fundamental element in calculating appropriate lead-in times relates to the size and scale of a site. As a generality, smaller sites commence delivery before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure, which must be delivered in advance of the completion of housing units. In some cases, the lead-in time on brownfield sites can be greater given the time required for decommissioning services, demolition, dealing with ground contamination etc.

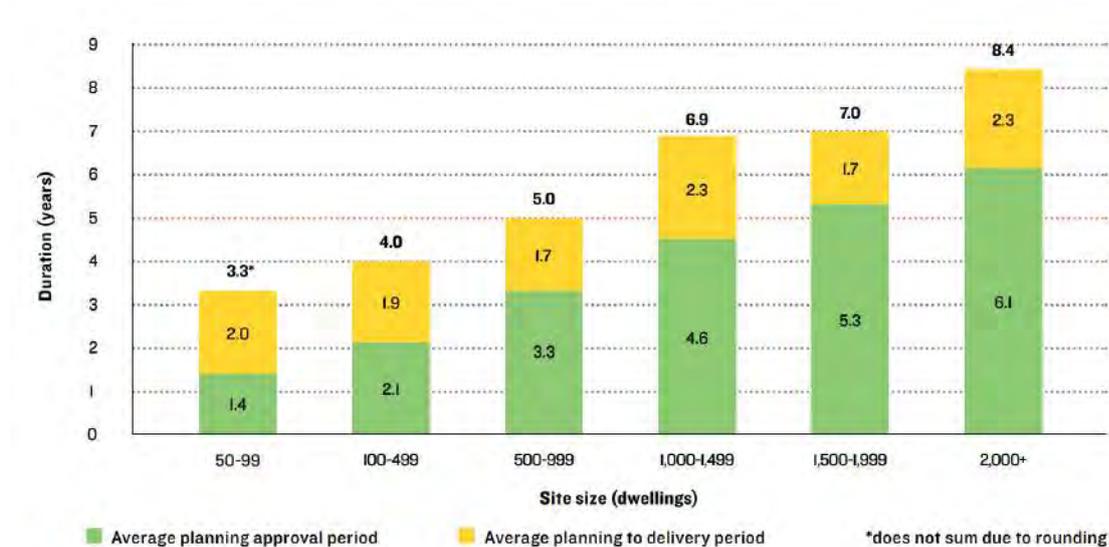
8.6

The 2018 SHLAA sets out the lead-in times which have been applied by the Council in respect of their housing trajectory. The lead-in times are based upon evidence contained within Annex 5 of the 2018 **SHLAA ('SHLAA Assumptions for Evidence Bases')**. The Council states that smaller – medium sites are more likely to come forward within 12

months, larger and ‘exceptionally’ large sites are more likely to be 12-18 months at a minimum.

- 8.7 The Council undertook a Housing Implementation Survey in 2015 to help draw together information regarding lead-in times. Our review of these lead-in times suggest that the overall conclusions do not reflect the full extent of the process from submitting a planning application to first completions on site. The lead-in times appear to be ambitious and do not provide a robust set of assumption to base the housing trajectory on.
- 8.8 The 2021 SHLAA Update states that draft allocations without consent have been given estimated delivery assumptions based on the latest consultation responses and/or estimated lead-in times and build-out rates based on the Housing Implementation Study.
- 8.9 L[REDACTED] has undertaken extensive research on lead-in times on a national level with the publication of ‘Start to Finish’ and its subsequent 2020 Update<sup>47</sup>, which contains robust evidence on typical lead-in times and build-rates. These findings are quoted elsewhere within [REDACTED]’ research such as Stock and Flow<sup>48</sup> which the Council itself refers to in Annex 5 of the 2018 SHLAA. Whilst the Council has referenced this research it is unclear if the findings have been considered when formulating lead-in times. Whilst it is acknowledged by the Council that larger sites can have longer lead-in times it is unclear if any allowances have been made for large sites included within the housing trajectory.
- 8.10 It is considered that as a starting point the Council should consider the average lead-in times set out within ‘Start to Finish’ which are provided below:

Figure 8.1 Average Lead in Times



Source: [REDACTED] Analysis, Figure 4 of 'Start to Finish' (February 2020)

- 8.11 [REDACTED] has also provided commentary on lead-in times previously within previous Housing Issues Technical Papers (March 2018 and July 2019). This builds upon the findings of *Start to Finish* to provide more localised commentary. Like *Start to Finish*, an approach was taken to consider lead in times from the submission of the first planning application to the first completion on site. Table 8.1 provides a summary of these findings.

<sup>47</sup> [REDACTED] (February 2020): *Start to Finish: What factors affect the build-out rates of large scale housing sites? Second Edition*

<sup>48</sup> [REDACTED] (January 2017): *Stock and Flow: Planning Permissions and Housing Outputs*

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: [REDACTED]

- 8.12 Both *Start to Finish* and the assumptions set out within the *Housing Issues Technical Paper* demonstrate that the Council’s approach to lead-in times is not robust. There are examples within the trajectory which we consider demonstrate that the Council’s current assumptions are ambitious. This includes the proposed lead-in times for proposed allocations ST14 and ST15.
- 8.13 For example, ST14 (Land west of Wigginton Road) has a proposed capacity of 1,348 dwellings and currently there is no application being determined by the Council. The 2021 SHLAA Update (Figure 3) suggests first completions on the site in 2022/23. Assuming an outline application is submitted in 2021 and following *Start to Finish*, it would be expected that first completions would be in 2027 (6.9 years).
- 8.14 Similarly, ST15 (land west of Evington Lane) is a proposed new settlement with a capacity of 3,330 dwellings within the emerging plan. The 2021 SHLAA Update suggests first completions on the site in 2023/24 but indicates that no application has been submitted to date. There would be significant upfront infrastructure requirements before any housing completions took place. If an outline application is submitted in 2021, and following *Start to Finish*, it would be expected that first completions would be in 2029 (8.4 years).
- 8.15 It is considered that the position set out above should be adopted when considering lead-in times. **The Council’s current approach does not provide a realistic or robust position** when considering likely lead-in times. The Council should provide clear justification if there is a departure to these timescales.

### Delivery Rates

- 8.16 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.
- 8.17 Within the 2018 SHLAA the Council has taken the approach to apply a build out rate to site allocations of 35 dwellings per outlet, per annum. This is applied in multiples as the number of outlets are likely to increase. For larger schemes the Council envisage that there could be up to four outlets after the initial infrastructure phase has been completed. This standard build-out rate has been carried forward in the 2021 SHLAA Update Trajectory (Figure 3) on sites where alternative build-out rates from site promoters have not been used.
- 8.18 **It is considered that the Council’s approach is a reasonable starting point.** However, research undertaken by [REDACTED] demonstrates that build rate assumptions are more complex. Whilst it is acknowledged that larger sites can support more outlets, **this isn’t** always the case and will be influenced by the size, form and housing mix of the development. Overall market absorption rates mean the number of outlets is unlikely to be a fixed multiplier in terms of number of homes delivered.

8.19 [redacted] has provided commentary on delivery rates previously with the Housing Issues Technical Papers (March 2018 and July 2019). 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 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.

8.20 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 proportionately to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.21 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 proportionately, but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

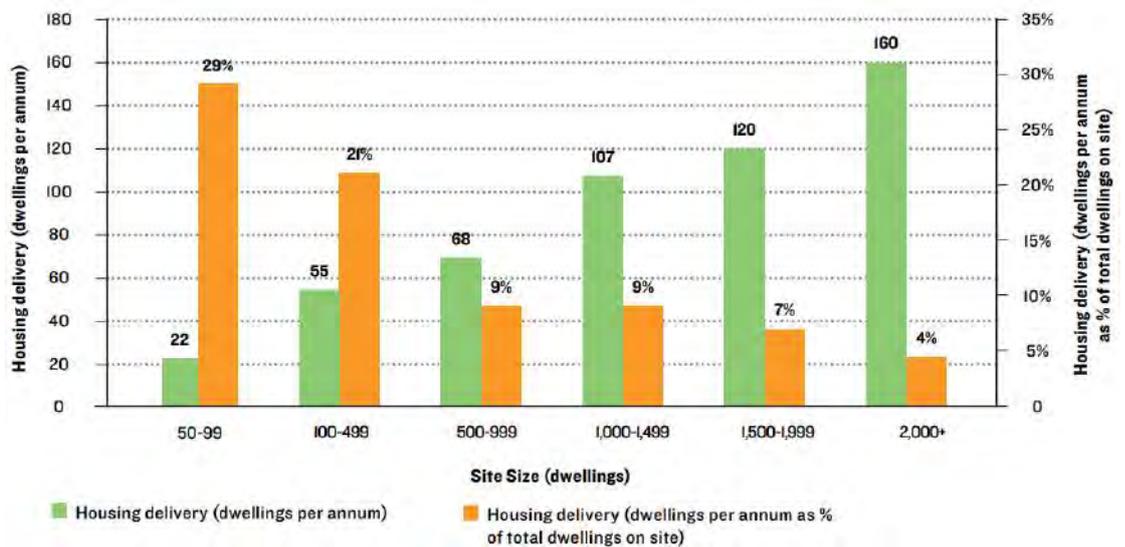
Table 8.2 Annual Delivery Rates

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

Source: [redacted]

8.22 Furthermore, *Start to Finish* analyses build rates based on national research. Whilst the findings shown in Figure 8.2 are average figures, it demonstrates that large sites do not necessarily deliver more homes on an exponential basis.

Figure 8.2 Housing Delivery Rates



Source: [redacted] analysis, Start to Finish

8.23 [redacted] 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

- 8.24 The 2021 SHLAA Update does not confirm what density assumptions have been used to calculate the capacity of allocated sites. However, we would reiterate our previous concerns with the assumptions identified in the 2018 SHLAA (page 22) which sets out the density assumptions for each residential archetype.
- 8.25 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.
- 8.26 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.
- 8.27 Assumptions on development densities in the absence of specific developer information should err on the side of caution and we consider that the details in the 2018 SHLAA are at variance with this principle.

## Components of the Housing Supply

### Allocations

- 8.28 The Framework (2012) 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 advises that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to **provide a minimum of five years' worth of housing against 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 (paragraph 47).
- 8.29 The definition of deliverability as set out within the NPPF states 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. 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 plans.***” [Footnote 11]

8.30 The Planning Practice Guidance (PPG) sets out further guidance in respect of what constitutes a deliverable site.

8.31 It states:

*“**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.***

*However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-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 5-year timeframe.*

*The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust **5-year housing supply**”.*

8.32 When assessing a 5-year supply position, 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.**

8.33 The Council should adopt a more cautious approach when seeking to include strategic allocations within the five-year supply. It is considered that a number of the proposed allocations do not have a realistic prospect of delivering housing within the next five years when applying more robust assumptions in terms of lead-in and build rates.

## Sites with Planning Permission

8.34 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.

## Non-Implementation Rate

8.35 In the 2021 SHLAA Update, the Council apply a 10% non-implementation rate to extant planning permissions and site allocations identified for housing development. The **evidence which underpins the Council’s justification is set out within Annex 5 to the 2018 SHLAA.** The addition of the non-implementation is welcomed and is in line with approaches taken elsewhere when reviewing housing delivery.

- 8.36 Figure 3 of the 2021 SHLAA Update provides a detailed housing trajectory table which applies this 10% non-implementation rate. We consider that this table should also be **included in the Local Plan as it sets out in detail how the Council's housing supply has been derived.**

## Windfalls

- 8.37 **The Council's position on windfall allowance is based upon the Windfall** Update Technical Paper (2020) which can be found at Annex 4 of the 2021 SHLAA Update. The Council claims that 182dpa will be delivered on windfall sites from Year 3 of the trajectory (2023/24) and provides justification for their windfall allowance within the Windfall Update Technical Paper.
- 8.38 The Framework<sup>49</sup> sets out the local planning authorities may make allowance for windfall sites in the 5-year supply if they have compelling evidence that they will 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.
- 8.39 [REDACTED] 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. It does not account for any potential delays to the build-out of sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 6 (2025/26) onwards.
- 8.40 The Council considers that an annual windfall of 182 dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites. This is based on completion data from the last 10 years (2010/11 to 2019/20) and comprises the sum of the mean average figures for these two categories of windfall development (43 dpa and 139 dpa).
- 8.41 However, the figure of 182 dwellings has only been achieved four times over the past 10 years. In addition, there has been a steady decline of windfall completions for these two categories since a peak in 2016/17. 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.
- 8.42 In relation to the delivery on sites of <0.2ha, [REDACTED] considers 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 over recent years by the change in definition of previously developed land (June 2010) to remove garden sites. The average of 43 dwellings has only been achieved four times over the past 10 years and is skewed by an unusually high figure in 2018/19 of 103 dwellings. If this anomaly is excluded the average figure is 36 dpa.
- 8.43 In relation to the delivery from conversions, the average completion figure since 2014 is largely dependent on the changes to permitted development rights introduced in 2013. 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

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<sup>49</sup> NPPF (2012) §48

York will not be converted. This trend can already be seen in the figures in Table 2 of the Windfall Update Technical Paper where conversions have dropped significantly since a peak in 2016/17. As such the average conversion rate from 2010/11 to 2014/15 of 68 dpa should be used.

- 8.44 Based on the above assessment it is considered that the proposed windfall allowance should be reduced from 182 dpa to 104 dpa 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 6 (2025/26) to ensure no double counting.
- 8.45 **It is considered that the Council's information does not adequately justify a windfall allowance of 182dpa and does not provide sufficient certainty that this figure will be achieved over the plan period.**
- 8.46 Therefore, in this instance we consider that it is not appropriate that the City of York includes a windfall allowance within the first 5 years of the plan period.

### Under Supply

- 8.47 The PPG<sup>50</sup> states that the level of deficit or shortfall should be added to the plan requirements for the next five- year period where possible (Sedgefield approach). If LPAs are minded to deal with the shortfall over a longer period (Liverpool method) the Practice Guidance advises that Local Authorities work with neighbouring authorities under the duty to cooperate.
- 8.48 The 2021 SHLAA Update states that **the Council has adopted the 'Liverpool' method when dealing with past under delivery**. Whilst the Council state there **are 'local circumstances'** which warrant a longer-term approach, it is not clear where the justification is which warrants the Liverpool method being adopted. It is considered that further information should be provided by the Council which justifies a departure from addressing the shortfall within the next five- year period.
- 8.49 In line with both the 2014 and latest 2019 iterations of the PPG, [REDACTED] considers that the Council should deal with backlog in full against planned requirements within the first **5 years of the plan period (i.e. the 'Sedgefield' approach to backlog)**.
- 8.50 Table 8 of the 2021 SHLAA Update provides historic housing completions for the period 2012/13 to 2019/20). The 2021 SHLAA Update states that the inherited shortfall from the period between 2012/13 – 2019/20 is 479 dwellings (37 dpa). However, in relation to this shortfall it states<sup>51</sup>:

*"In considering shortfall, there is a negligible difference between the previous and latest outcomes of an additional 5 dwellings per annum. Over the remaining 13 years of the Plan, this constitutes an additional 65 dwellings.*

*As a result the Council consider that the proposed housing requirement of 822 dpa (790 dpa +32) should continue to be the housing requirement for York over the plan period (2017-2033). As the updated trajectory takes into consideration the completions 2017-2020, the 65 dwelling undersupply forms part of the remaining housing need to be delivered against which the supply is seeking to deliver. It is therefore considered that this will be addressed over the plan period".*

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<sup>50</sup> Paragraph: 035 Reference 3-035-20140306

<sup>51</sup> Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update April 2021 §§ 6.15-6.16

- 8.51 The Council has therefore applied an undersupply of 416 dwellings (32 dpa x 13 years).
- 8.52 Table 4.1 of this report shows past delivery against the Council’s possible policy benchmarks for the period 2004/05 – 2019/20. It demonstrates that the inherited shortfall could be significantly higher than current accounted for by the Council. This will **have an impact on the Council’s five-** year supply calculation, with the potential requirement for more sites to be identified to meet the undersupply and the housing requirement moving forward.

## Application of the Buffer

- 8.53 As shown elsewhere in this report, the Council has a record of persistent under-delivery in recent years. The Council also confirms that there is a history of under-delivery within the 2021 SHLAA Update. In line with paragraph 47 of the NPPF (2012) the Council should apply a 20% buffer to provide a realistic prospect of achieving the planned supply. This is supported by the 2020 Housing Delivery Test results, which also indicate that a 20% buffer should be applied for the City of York.
- 8.54 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.

## Calculating Housing Land Supply

- 8.55 The 2018 SHLAA included a five-year housing land supply calculation (in Table 6 of the document). An updated calculation to reflect the latest requirement and supply position has not been provided in the 2021 SHLAA Update. However, we set out below our **understanding of the Council’s housing land supply calculation for the five-year period** using data available in the 2021 SHLAA Update, including Figure 3 of that document.
- 8.56 The calculation in Table 8.3 is for illustrative purposes only and is **based on the Council’s own completion figures without any amendments. We have utilised the Council’s OAHN assumption of 790 dpa and assumptions on inherited shortfall (479 dwellings over 13 years) and applied the Liverpool method from the 2021 SHLAA Update as well as the Council’s projected completions.**

Table 8.3 Five year housing land supply calculation - based on figures within 2021 SHLAA Update

Five year housing land supply calculation		Dwelling Number
A	Annual housing target across the Plan period	790
B	Cumulative target (2020/21-2024/25)	3,950
C	Inherited shortfall (2020/21 - 2024/25) (Liverpool method)	184
D	20% buffer	827
E	Five- year requirement (B+C+D)	4,961
F	Total estimated completions (2020/21 -2024/25) (with windfalls and 10% non-implementation)	5,671
G	<b>Supply of deliverable housing capacity</b>	<b>5.72 years</b>

8.57 Table 8.4 sets out the Council’s 5YHLS for the period 2020/21 – 2024/25 utilising the Council’s OAHN assumption of 790 dpa but utilises the ‘Sedgefield’ approach of addressing the full backlog of 479 dwellings in the first 5 years. The windfall allowance has also been excluded for the reasons set out within this report. Again, a 20% buffer has been applied (which the 2021 SHLAA Update accepts is appropriate) and again the calculation uses the Council’s projected completions from the 2021 SHLAA Update. As a comparison, we have included a secondary column based on [REDACTED] estimated OAHN from the analysis elsewhere in this report, plus the additional backlog that would arise.

Table 8.4 Five-year housing land supply calculation - [REDACTED] OAHN

5-year housing land supply calculation		Council’s OAHN	[REDACTED]’ OAHN
A	Annual housing target across the Plan period	790 dpa	1,010 dpa
B	Cumulative target (2020/21-2024/25)	3,950	5,050
C	Inherited shortfall (2020/21 - 2024/25) (Sedgefield method)	479	2,239
D	20% buffer	886	1,458
E	Five- year requirement (B+C+D)	5,315	8,747
F	Total estimated completions (2020/21 - 2024/25) (with 10% non-implementation included and windfalls excluded)	5,307	5,307
G	<b>Supply of deliverable housing capacity</b>	<b>5.00 years</b>	<b>3.03 years</b>

Source: [REDACTED] analysis

8.58 Table 8.4 clearly shows that the Council can only demonstrate a very marginal 5YHLS when the ‘Sedgefield’ approach is applied and windfalls are excluded from the calculation. In addition, we note that this calculation does not factor in our comments on other matters in this document which would significantly reduce the Council’s supply.

8.59 For the reasons identified, we consider that the Council’s OAHN is too low and should be increased. When the OAHN is increased to a reasonable level of 1,010 dpa (virtually identical to the Government’s standard methodology figure for the Borough, which is 1,013 dpa), the Council’s 5YHLS position falls to an abject 3.0 years.

8.60 We also have concerns with the Councils approach to calculating historic completions, which may be depressing the backlog figure. The calculations above also use the Council’s evidence base in terms of projected completions from the 2021 SHLAA Update. If our comments on lead-in times and delivery rates were applied to the delivery from these sites, the supply from them would be significantly lower.

8.61 Taking these factors into consideration, we consider that the Council’s housing supply is likely to be insufficient to demonstrate a 5YHLS. An uplift in supply is required in order to meet the housing requirement.

8.62 The only way to address this shortfall is the identification of further land which is capable of delivering dwellings over the next five years of the plan period. However, the Council could easily rectify this situation by proposing main modifications to identify additional allocated sites in the Local Plan.

8.63 [REDACTED] reserves the right to interrogate the Council’s supply in more detail prior to the Examination should this information be provided.

## Conclusion

- 8.64 [REDACTED] has undertaken an analysis of the 2021 SHLAA Update and Proposed Modifications to the Local Plan which sets out the assumptions used to calculate the **Council's housing land supply**.
- 8.65 The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. [REDACTED] has concerns that the way in which the Council has calculated historic housing completions, shown within Table 8 of the 2021 SHLAA Update is flawed and is inflated through the inclusion of privately managed off-campus student accommodation that do not meet the varied housing needs **of the City's residents**. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.
- 8.66 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved.
- 8.67 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.
- 8.68 [REDACTED] reserves the right to update the above evidence as and when further information becomes available.

## 9.0 **Conclusions on the City of York’s Housing Need / Supply**

### **Introduction**

9.1 In practice, applying the 2012 NPPF requires a number of key steps to be followed in order to arrive at a robustly evidenced housing target:

- The starting point for Local Plans is to meet the full objectively assessed development needs of an area, as far as consistent with the policies set out in the Framework as a whole [§6, §47 & §156].
- An objective assessment of housing need must be a level of housing delivery which meets the needs associated with population and household growth, addresses the need for all types of housing including affordable and caters for housing demand [§159].
- Every effort should be made to meet objectively assessed needs for housing and other development, and there should be positive response to wider opportunities for growth. Market signals, including affordability should be taken into account when setting a clear strategy for allocating suitable and sufficient land for development [§17].
- In choosing a housing requirement which would not meet objectively assessed development needs, it must be evidenced that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework as a whole; unless specific policies indicate development should be restricted [§14].
- Where an authority is unable to meet its objectively assessed development needs or it is not the most appropriate strategy to do so, e.g. due lack of physical capacity or harm arising through other policies, it must be demonstrated under the statutory duty-to-cooperate that the unmet need is to be met in another local authority area in order to fully meet development requirements across housing market areas [§179 & §182 bullet point 1].

9.2 It is against these requirements of the Framework which **the City of York’s** housing need must be identified.

### **Revised Housing Requirement**

9.3 There are a number of significant deficiencies in the Councils approach to identifying an assessed need of 790 dpa in the HNU which means that it is not soundly based. 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.

██████████ considers these to be as follows:

- 1 Demographic Baseline: The 2018-based household projections indicate a net household growth of just 302 dpa between 2017 and 2033 (including a suitable allowance for vacant/second homes). Quite rightly, ██████████ then models alternative migration variants, including the 10-year trend scenario, which it then takes forward as its preferred scenario. Whilst this is generally appropriate, we consider that ██████████ should also have concerned modelling the High International variant produced by ONS, which produces a level of net international migration more

in keeping with longer term trends. It is likely that this would have increased the demographic baseline figure. We do agree with [REDACTED], however, that it is appropriate in this instance to apply accelerated headship rates to the younger age cohorts, which takes the demographic starting point to 669 dpa.

- 2 Market Signals Adjustment: [REDACTED] uplift is assumed to be 15% based on their earlier reports for CoYC, although this has not been revisited in their 2020 HNU. However, for the reasons set out in Section 4.0, [REDACTED] considers that a greater uplift of at least 25%, and probably higher, would be more appropriate in this instance given that the current SM2 uplift is 25%. This should be applied to the revised demographic starting point of 669 dpa and not the 302 dpa 2018-based SNPP, which would be entirely illogical given that [REDACTED] themselves admit that the principle 2018-based projection is less robust for York. Even setting to one side the issue of whether the High International Variant projection should be used, this would indicate a need for 836 dpa.
- 3 Employment growth alignment: The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by the ELR Scenario 2 (which has informed the Local Plan) and past trends. As such, and notwithstanding our concerns regarding how [REDACTED] has modelled the employment growth needs for the City, on the face of it no upward adjustment is required to the demographic-based housing need figure of 803 dpa to ensure that the needs of the local economy can be met;
- 4 Affordable Housing Need: The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need well above 836 dpa. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range would need to be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level of delivery is unlikely to be unachievable for York. Given the significant affordable housing need identified in City of York [REDACTED] considers that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a figure of 920 dpa.
- 5 Student Housing Needs: household projections explicitly exclude the housing **needs of students living in communal establishments. Furthermore, [REDACTED] critique of the projections clearly indicates that they do not adequately reflect the Universities' student growth targets. It is calculated that meeting these growth needs would equate to around 1,466 dwellings over the 16-year Plan period, at an average of 92 dpa on top of the 920 dpa set out above (i.e. 1,012 dpa).**
- 6 Rounded, this equates to an OAHN of 1,010 dpa between 2017 and 2033 for the City of York.
- 7 Shortfall of housing delivery 2012-2017: The Council is also making provision for past under-delivery between 2012 and 2017. [REDACTED] has serious concerns about how the CoYC have calculated past housing delivery. Setting to one side the **very unusual and substantial discrepancies between the Council's housing completions figures and MHCLGs, if [REDACTED]' higher OAHN of 1,010 dpa is applied, this would result in a figure of 1,618, or 101 dpa over the 16 year plan period, to be factored on top. This would result in a Local Plan requirement of 1,111 dpa, which is not dissimilar to the 1,013 dpa figure that they would have been using with the current standard methodology.**

9.4 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 figure (of 1,010 dpa plus the unmet need 2012-

2017) 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.

9.5 This process is summarised in Table 9.1.

Table 9.1 Approach to OAHN for the City of York 2017-2033

	Dwellings per annum (2017-2033)
Demographic Starting Point (2018-based SNHP)	302 dpa
Adjustments to Demographic-led Needs	669 dpa
Uplift for Market Signals	<b>836 dpa (+25%)</b>
Employment Led Needs	766 dpa – 779 dpa
Affordable Housing Needs	1,910 dpa*
10% Uplift to demographic led needs for Affordable Housing? (rounded)	<b>920 dpa</b>
Uplift to address Student Housing Needs	<b>92 dpa</b>
Adjusted OAHN (Rounded)	<b>1,010 dpa</b>
Inherited Shortfall (2012-2017) annualised over the Plan period	<b>32 dpa – 101 dpa</b>
<b>Annual Target (inclusive of shortfall)</b>	<b>1,042 dpa – 1,111 dpa</b>

\*Based on an affordable housing net annual need of 573 dpa at a delivery rate of 30%

## Revised Housing Land Supply

9.6 [REDACTED] has undertaken an analysis of the City of York’s updated SHLAA (2021) which sets out the assumptions used to calculate the Council’s housing land supply. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions. The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. We also consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.

9.7 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgefield approach to backlog, it is clear that the Council cannot demonstrate a 5YHLS. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.

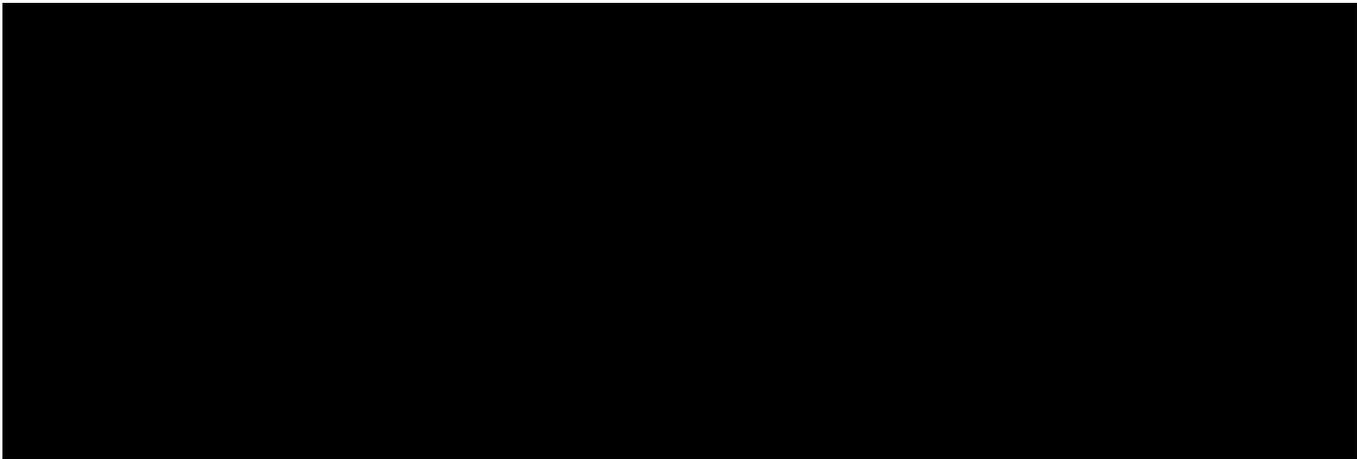
9.8 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.

9.9 [REDACTED] reserves the right to update the above evidence as and when further information becomes available





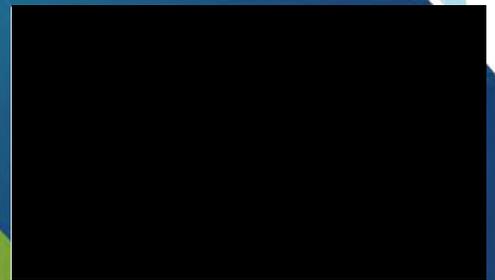




## **APPENDIX TWO**

# CITY OF YORK LOCAL PLAN - ST7

Review of Green Belt Matters



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## 1.0 Introduction

The objective of this technical note is to respond to the City of York's consultation on their evidence base as to how the York Green Belt boundaries have been drawn and justified, specifically with regard to landscape.

Significant concerns were expressed by the Inspectors about the Local Plan Spatial Strategy "shapers" which have been taken into account through the plan making process, particularly in deciding where new development should be located. The Inspectors considered that a number of the shapers were of little direct relevance to the purposes of including land in the Green Belt.

The Council accepted the criticisms of the Inspectors and on that basis have prepared series of Green Belt Addendums (Topic Paper 1) to respond these.

We have reviewed these Addendums and responded with specific reference to proposed Green Belt boundaries associated with the proposed freestanding settlement ST7.

## 2.0 Green Belt Policy

### 2.1 National Policy: The National Planning Policy Framework (NPPF)

Paragraph 133 states that the essential characteristics of Green Belts are their openness and their permanence.

The purposes of the Green Belt are as follows (paragraph 134):

- Purpose 1: To check the unrestricted sprawl of large built-up areas;
- Purpose 2: To prevent neighbouring towns from merging one into another;
- Purpose 3: To assist in safeguarding the countryside from encroachment;
- Purpose 4: To preserve the setting and special character of historic towns;
- Purpose 5: To assist in urban regeneration.

Paragraph 135 states that "*the general extent of Green Belts across the country is already established*". It goes on to say that "*once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified*" (paragraph 136). Green Belt boundaries must take account of the need for sustainable development, including provision of safeguarded land between the urban area and the Green Belt. Green Belt boundaries should follow "*physical features that are readily recognisable and likely to be permanent*" (paragraph 139).

### 2.2 Current Local Green Belt Policy

Although not formally adopted, the City of York Draft Local Plan (incorporating the fourth Set of Changes, April 2005) is still used as the basis for development management decisions. Given that this plan has not been formally adopted, the Green Belt boundaries around York are not fixed; this fact was underlined in the High Court decision by Hon. Justice Stuart-Smith (*Mr Christopher Wedgewood v City of York Council v Christ Church Group* (10<sup>th</sup> March 2020, EWHC 780)).

Mr Justice Stuart-Smith explains the history of the York Green Belt within his decision, which starts in 1980 with the North Yorkshire County Structure Plan. This "*stated the principle that there should be a North Yorkshire Green Belt that would include: 'a belt whose outer edge is about six miles from York City centre.'* The plan did not purport to define or establish actual areas of Green Belt". This plan was then superseded by the 2008 RSS.

In 1991, North Yorkshire produced a draft plan which was known as North Yorkshire County Council Post Modifications York Green Belt Local Plan 1995. This again was never formally adopted.

In 2005, the Draft Local Plan Incorporating the 4th Set of Changes was approved by CYC for development management purposes, although again the Plan was not formally adopted. This plan was accompanied by a proposals map, which defined Green Belt boundaries.

In 2008, the Yorkshire and Humber Region Spatial Strategy addressed the extent of Green Belt around York. Policy YH9C stated that: *“the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits”*. Policy Y1C stated that the City of York should define the detailed boundaries of the York Green Belt *“in line with policy YH9C”*. The RSS did not set out to define these detailed boundaries.

In February 2013, the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order came into force, although policies YH9 and Y1 were retained. These remain the only adopted Green Belt policies for York.

In summary:

- As a matter of planning principle, there is a Green Belt area around York.
- The detailed inner boundaries and outer boundaries have not been defined by any formally adopted development plan.
- Policy Y1C from the RSS states that the detailed boundaries of the outstanding sections of the outer boundary shall be *“about six miles from York City centre”* and that the detailed boundaries of the inner boundary shall be defined in line with Policy YH9C.

## 2.3 Historic Green Belt Appraisal

### 2.3.1 York’s Green Belt Appraisal (City of York Council, 2003)

A Green Belt appraisal was carried by the City of York Council in 2003. The purposes of the Green Belt are set out in accordance with the relevant national planning policy at that time (PPG 2). These purposes are not significantly different to the purposes set out in the NPPF. The appraisal is clear that the most important of these functions in relation to the City of York is the preservation of the setting and special character of historic towns, and for that reason identified the most valued land on that basis identifying four categories as follows:

- Areas which retain, reinforce and extend the pattern of historic green wedges;
- Areas which provide an impression of a historic city situated within a rural setting;
- The setting of villages whose traditional form, character and relationship with the surrounding agricultural landscape of which is substantially unchanged; and
- Areas which prevent the coalescence of settlements to retain their individual identity

These areas are mapped within the appraisal and are identified as follows:

- a) The Strays;
- b) The “ings”;
- c) Green Wedges;
- d) Extensions to the Green Wedges;
- e) The Villages;
- f) Impression of a historic city within a rural setting; and
- g) Preventing coalescence

## 3.0 Topic Paper 1 (TP1): Approach to defining the Green Belt Addendum

### 3.1 Introduction

As part of the most recent Local Plan work and in response to a request from PINS, the Council provided an update to their previous Green Belt assessment in document TP1. TP1 provides an overview of the Green Belt policy position in York and the setting of the Green Belt boundary, the Council's approach to the inner and outer boundaries and excluding land from the Green Belt, either as an inset settlement or a strategic housing allocation.

TP1 establishes a methodology for determining the inner Green Belt boundary, with an objective assessment made of individual boundaries against the five purposes of including land in the Green Belt followed by a subjective test carried out by officers following site visits. The first test is defined as a strategic assessment, with the second stage defined as a local assessment of openness and a local assessment of permanence.

### 3.2 Green Belt Methodology

The methodology described in TP1 is not a standard approach to appraising against the NPPF purposes of the Green Belt. Best practice, as drawn from a number of Green Belt Studies produced by and for Local Authorities across the UK, includes the identification of parcels of land which are assessed to determine their functionality against the NPPF Green Belt Purposes. Fundamental to standard practice is an understanding of the openness of land to determine its functionality. The use of landscape and visual assessment can help to define the openness of land.

This principle has also been accepted in numerous precedents, including the High Court decision by Lord Justices Arden, Floyd and Sales (18<sup>th</sup> May 2016, reference EWHC 2788) which states at paragraph 15 that:

*The question of visual impact is implicitly part of the concept of “openness of the Green Belt” as a matter of the natural meaning of the language used in para. 89 of the NPPF. I consider that this interpretation is also reinforced by the general guidance in paras. 79-81 of the NPPF, which introduce section 9 on the protection of Green Belt Land. There is an important visual dimension to checking “the unrestricted sprawl of large built-up areas” and the merging of neighbouring towns, as indeed the name “Green Belt” itself implies. Greenness is a visual quality: part of the idea of the Green Belt is that the eye and the spirit should be relieved from the prospect of unrelenting urban sprawl. Openness of aspect is a characteristic quality of the countryside, and “safeguarding the countryside from encroachment” includes preservation of that quality of openness. The preservation of “the setting ... of historic towns” obviously refers in a material way to their visual setting, for instance when seen from a distance across open fields. Again, the reference in para. 81 to planning positively “to retain and enhance landscapes, visual amenity and biodiversity” in the Green Belt makes it clear that the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt.*

Similarly, Lord Justices Lindblom and Lewison state at paragraph 37 of his judgement on the Darrington Quarries case at Tadcaster in March 2018 (EWHC 442):

*The concept of “the openness of the Green Belt” is not defined in paragraph 90. Nor is it defined elsewhere in the NPPF. But I agree with Sales L.J.’s observations in Turner to the effect that the concept of “openness” as it is used in both paragraph 89 and paragraph 90 must take its meaning from the specific context in which it falls to be applied under the policies in those two paragraphs. Different factors are capable of being relevant to the concept when it is applied to the particular facts of a case. Visual impact, as well as spatial impact, is, as Sales L.J. said, “implicitly part” of it. In a particular case there may or may not be other harmful visual effects apart from harm in visual terms to the openness of the Green Belt.*

*And the absence of other harmful visual effects does not equate to an absence of visual harm to the openness of the Green Belt.*

These judgements have been further clarified by the recent Supreme Court judgement on 5<sup>th</sup> February 2020, also relating to the Darrington Quarries case ([2020] UKSC 3). Paragraph 40 of this judgement states that “*matters relevant to openness in any particular case are a matter of planning judgement, not law*”. This is not to say that visual matters are not relevant to the judgement of openness, but simply a reference to the fact that “*paragraph 90 does not expressly refer to visual impact as a necessary part of the analysis, nor in my view is it made so by implication*”.

The methodology described in TP1 is instead drawn from the findings of The Approach to the Green Belt Appraisal, 2003 and the City of York Heritage Topic Paper Update, 2014, which define a series of key characteristics in relation to the setting and special character of York. TP1 then seeks to assess the functionality of land against these key characteristics rather than against openness and the NPPF Green Belt Purposes.

In response to NPPF Purpose 2, TP1 states that:

*“York does not have any other major towns close to the general extent of the Green Belt, so the potential issue of towns merging does not arise. With regard to towns which lie beyond the general extent of the York Green Belt, detailed Green Belt boundaries have already been set by other local authorities. These towns are distant from the City of York and are too far away at present for the need to consider this element of NPPF paragraph 80 for York, as the potential issue of merging does not realistically arise”;*

The appraisal does not therefore make any assessment of NPPF Purpose 2: To prevent neighbouring towns from merging one into another, nor does it assess against NPPF Purpose 5: To assist in urban regeneration; this is considered standard practice.

The methodology for assessing against Purpose 4: To preserve the setting and special character of historic towns is drawn from historic appraisal work (The Approach to the Green Belt Appraisal, 2003 and the City of York Heritage Topic Paper Update, 2014) from which 6 “*principal characteristics*” have been drawn including “*the city’s compactness*” and “*the city’s landmark monuments*” which are drawn through the analysis of proposed Green Belt Boundaries.

The methodology for appraising against Purpose 1: To check the unrestricted sprawl of large built-up areas, is based on a GIS approach which analysed the density and openness of the Authority boundary, considered this against the importance of compactness as a key characteristic identified in City of York Heritage Topic Paper Update, 2014, and connects the assessment of NPPF Purpose 1 with NPPF Purpose 4.

The methodology for appraising against Purpose 3: To assist in safeguarding the countryside from encroachment, considers the importance of the open countryside, “*in providing the context for understanding the significance of York within its landscape and setting, including the strays, ings, river corridors, Green Wedges, views of the minster and out towards the surrounding wolds, and the relationship of the villages to the city and agricultural heritage, there is an overlap between scoping the areas of sensitivity to these elements of purpose 4*”

Assessment against each of the NPPF Purposes is therefore based on the key characteristics identified as important for the setting and special character of York rather than an assessment of the functionality of land against these purposes.

NPPF paragraph 139 states that Green Belt boundaries should follow “*physical features that are readily recognisable and likely to be permanent*”. It is notable that the boundaries identified in TP1 are drawn at the edge of the existing suburban area and do not seek to define a boundary using readily identifiable physical features which will create a robust and permanent boundary to the Green Belt, rather the boundaries are largely formed by garden boundary fencing and vegetation. Only in a limited number of locations is a physical feature used to define this boundary.

### 3.3 Analysis of Annex 3, Section 6 and Annex 5, Freestanding Settlements

Annex 3 of the Addendum seeks to provide justifications for the proposed inner Green Belt boundaries. Section 6 describes boundaries on the eastern edge of York (Derwenthorpe and Osbaldwick).

Annex 5 assesses land proposed to be allocated for new freestanding settlements and to identify clear defensible boundaries for these settlements.

As described in Section 3.2 of this note, the assessment focuses on how boundaries and adjoining land perform against the key characteristics identified in relation to the setting and special character of York rather than focusing on the openness of land and its functionality against the specific NPPF Green Belt Purposes. Some analysis of the open, rural, agricultural character of land is undertaken for land directly adjoining the settlement edge.

The assessment does not define parcels of land, as is common practice, and so is unable to quantify how much land extending from the suburban edge should be kept open to safeguard against sprawl, encroachment etc. It does not appear to take account of the proposed freestanding settlement (ST7) which would be located directly to the east of these boundaries and therefore no judgements have been made as to how much land is should be kept open between the existing suburban edge and the proposed new settlement to ensure functionality of the land against the NPPF purposes of the Green Belt.

As noted above the boundaries assessed are drawn at the edge of the existing suburban area and it is notable in Annex 3, Section 6 that only three of the boundaries identified (Boundary 11 which references Tang Hall Beck, Boundary 14 which references Bad Bargain Lane and Boundary 16 which references Metcalfe Lane) are drawn using readily identifiable physical features which will create a robust and permanent boundary to the Green Belt.

Annex 5 states that, *“The process of identifying suitable site allocations has followed an interactive process considering the principles set out in the Heritage Topic Paper and Heritage Impact Appraisal”* rather than basing these on a robust assessment of the functionality of land against the NPPF principals of the Green Belt. Judgements made in relation to the proposed freestanding settlement ST7 seem to be based on an assumption that the spatial distribution of freestanding settlements is *“less harmful in comparison to additional development on the urban edge of York”* with specific reference to compactness as a key characteristic of the historic setting of York, and an assumption that this avoids the potential for sprawl at the existing urban edge. No analysis is provided to justify this assumption.

More thorough analysis of the permanence of proposed boundaries is undertaken for ST7; boundaries are determined by reference to Tang Hall Beck, a historic watercourse and the historic field pattern although we note that hedgerow boundaries are not necessarily robust or permanent. No analysis of the extent of land which should be kept open between the existing settlement edge and the proposed new settlement has been undertaken partly because no assessment is undertaken against NPPF Purpose 2: To prevent neighbouring towns from merging one into another which was ruled out for assessment in the methodology.

Neither the assessment in Annex 3 nor the assessment in Annex 5 deals with the functionality of land against the NPPF purposes of the Green Belt and, on that basis, no justification is provided for retaining land between the suburban edge and the proposed freestanding settlement within the Green Belt policy area. There is justification for retaining an open gap between the existing suburban edge and the proposed freestanding settlement but no analysis against NPPF Purpose 2: To prevent neighbouring towns from merging one into another has been undertaken at this point.

## 4.0 Proposed alternative policy

A more robust alternative to the proposed area of Green Belt, between the edge of the settlement and the proposed freestanding settlement ST7, would be the provision of a strategic or local gap.

Strategic and Local Gaps (sometimes also known as Green Gaps or Green Wedges) are used by many planning authorities to ensure that settlements retain their separate identities. The precise wording of policies relating to strategic gaps varies, but many have now converged on a set of fundamental principles, underpinned by research and Appeal Decisions. This section provides a summary of some of this research and also provided examples of strategic gap policies.

One of the earliest and most quoted research documents regarding the functionality of strategic gaps was prepared for the Office of the Deputy Prime Minister ("*Strategic Gap and Green Wedge Policies in Structure Plans, Main Report*", ODPM, 2003). Many authorities accept that the robustness of a gap depends on much more than the physical distance between settlements, or visibility between settlements. For example, in 1998 the Inspector on the Eastleigh Local Plan Inquiry stated that the following factors (often known as the Eastleigh Criteria) should be used to define the effectiveness of a gap (see paragraph 4.15 of the ODPM report):

- Distance;
- Topography;
- Landscape character/type;
- Vegetation;
- Existing uses and density of buildings;
- Nature of urban edges;
- Inter-visibility (the ability to see one edge from another);
- Intra-visibility (the ability to see both edges from a single point);
- The sense of leaving a place [and arriving somewhere else].

Careful application of the Eastleigh Criteria means that the gaps between settlements will vary in their size and character – some may be over a kilometre wide and others just a few hundred metres – the key is whether the factors above work together to maintain a *perception of separation* between the settlements. Equally importantly, the careful application of the Eastleigh criteria means that some development within a designated gap could be possible, provided that the sense of separation between settlements is not undermined.

The Policy Framework for Gaps produced by the Partnership for Urban South Hampshire (known as PUSH, produced in 2008) provides guidance for Local Planning Authorities on formulating strategic gap policies, and this builds on the Eastleigh Criteria. It states that the land within a designated gap should "*perform an important role in defining the settlement character of the area and separating settlements at risk of coalescence*", and "*in defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included...*" Furthermore, it states that "*the designation of a gap ... does not completely preclude development. Proposals which would not adversely affect the function of the gap and which would otherwise be acceptable in planning terms could be permitted.*"

The Fareham Landscape Assessment 2017 (LDA, section 3.0 chapter 3.0), provides an up-to-date assessment of strategic gaps within Fareham District, and this also focuses on the perception of separation:

**Separation of settlements ... is not just about preventing physical coalescence, i.e. development within one settlement running continuously into the next with no physical space or barrier to separate them. It is also not just about maintaining a visual gap and preventing visual coalescence between settlements - while this can often be a key factor in achieving separation, it is perfectly possible for two settlements to be in sight of one another (e.g. on either side of a valley) and still maintain their separate identities because of the nature of what lies between them.**

*For a gap to be effective, it is the **perceived 'sense of separation'** that is critical, the ability for anyone to 'feel' and to understand where one place ends and another different place begins, and to experience a clear sense of*

moving out of one and into the other. There can be no hard and fast rules about how big a gap needs to be to achieve that perception of separation. This will be dependent entirely on the particular character of the settlements and the land that lies between them. What is critical, however, is that there is a clear and distinctive experience of leaving one settlement behind, passing through another quite different area (the 'gap') before entering another separate settlement. This experience of travelling from out of one place into another can be both physical and visual. Importantly, the 'bit in between' needs to have integrity and distinct character as an entity or place in its own right, rather than simply be a physical space or feature, such as a field or a block of woodland etc., in order for the two settlements to feel distinct and separated.

On this basis, the effectiveness and integrity of the gap in providing a sense of separation will be maintained where:

- There is no actual physical coalescence between the two settlements;
- There is no perceived visual coalescence (this does not necessarily mean that there needs to be a visual barrier between them but that the appearance of one settlement coalescing with another is avoided);
- Measures designed to block views between built areas do not in themselves undermine the sense of visual separation that is reinforced by long-distance views between settlements;
- There is a strong and well-defined boundary between the settlement and the gap, so that it is clear where the edge of the settlement lies and the gap begins;
- There is a clear and distinct experience of leaving one settlement behind, passing through another quite different and distinct area (the 'gap') before entering another separate settlement;
- The gap has sufficient scale and coherence of character to be experienced as a place, or entity in its own right (e.g. an intact area of open farmed countryside) rather than simply a transitional space between urban areas.

The Fareham Landscape Assessment, which is an SPD, thus supports the principles advocated by the Eastleigh Inspector, and focuses on the *perception of separation* between settlements.

Policy CS22 of the Fareham Core Strategy (which was adopted in 2011) states that "**development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap...**" This policy therefore accepts that development could occur provided that the integrity (or functionality) of the gap remains unharmed. Policy CS22 goes on to state that "**in defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included**". The clear implication here is that if any parcel of land within the gap designation is not integral to the function of providing a sense of separation between settlements, then it should not be included in the designation.

The Horsham District Planning Framework (adopted 2015) also concentrates on the *sense of a break* between settlements:

**Policy 27: Settlement Coalescence.** Landscapes will be protected from development which would result in the coalescence of settlements. Development between settlements will be resisted **unless it can be demonstrated that** (inter alia) **there is no significant reduction in the openness and 'break' between settlements.**

In Basingstoke and Deane the topic paper on the function of strategic gaps (2014) states that:

**Strategic gaps are defined in paragraph 6.12 of the Revised Pre Submission Local Plan as a planning tool to prevent coalescence of settlements and maintain their separate identity. Strategic gaps have not been specifically defined to protect the countryside or landscape. Paragraph 6.13 of the Revised Pre-Submission Local Plan adds that a clear gap between settlements helps maintain a sense of place for both residents of, and visitors to, the settlements on either side of the gaps. When travelling through a strategic gap a traveller should have a clear sense of having left the first settlement, having travelled through an undeveloped area and then entered the second settlement.**

Accordingly, paragraph 6.15 of the adopted Basingstoke and Deane Local Plan states that:

*A clear gap between settlements helps maintain a sense of place for both residents of, and visitors to, the settlements on either side of the gaps. When travelling through a strategic gap (by all modes of transport) a traveller should have a clear sense of having left the first settlement, having travelled through an undeveloped area and then entered the second settlement.*

The Tonbridge and Malling Local Plan policy CP5 (on strategic gaps) focuses on the *functionality* of the gap rather than just physical and visual separation:

*“Unless justified by special circumstances, development will not be proposed in the LDF or otherwise permitted that would harm the function of the mid-Kent Strategic Gap as a physical break maintaining the separation and separate identities of the built-up areas of Maidstone, Medway Towns and the Medway Gap”.*

In summary, there are many terms being used to define the function of a gap, but all are agreed that it should focus on the **sense of separation** between settlements, which depends upon several factors rather than just distance and views.

## 5.0 Conclusions

We would recommend that further analysis be undertaken to understand the openness of land between the suburban edge and the proposed freestanding settlement (ST7); TP1 currently only assesses boundaries.

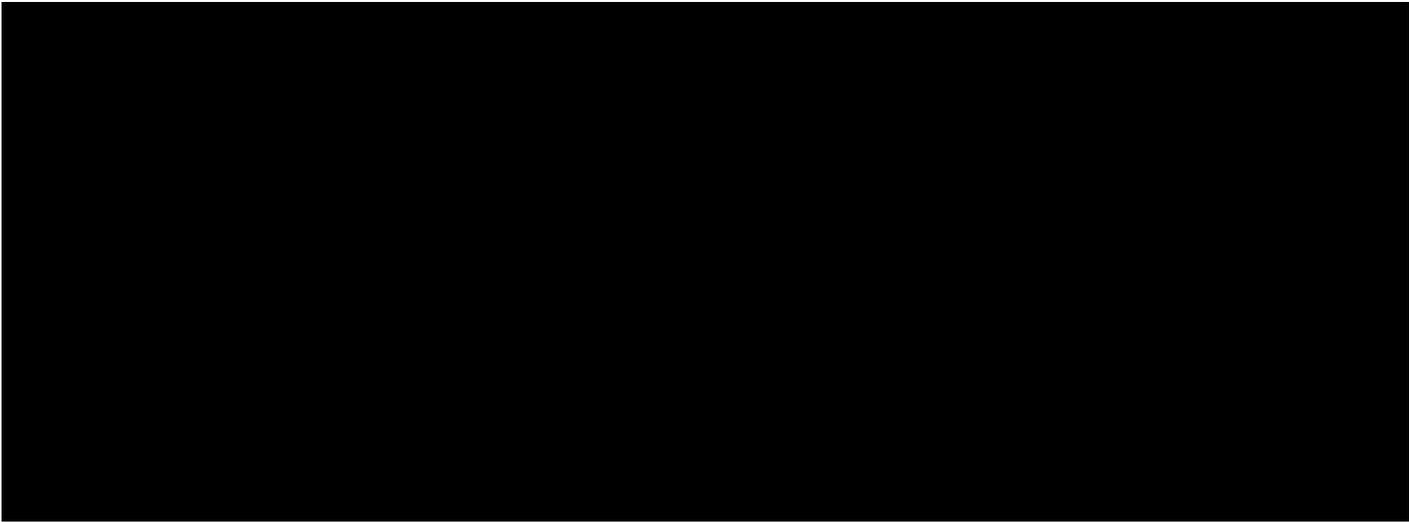
We would also suggest that the provision of a Strategic or Local Gap policy at this location would be a more appropriate and sensible policy to ensure that a sense of separation between the edge of York and the proposed freestanding settlement remains.

A Strategic or Local Gap policy does not preclude development but would enable the extent of proposed development within the proposed freestanding settlement (ST7) to be tested against established criteria to ensure that a physical and perceptual sense of separation between areas of settlement remains.

[Redacted]



[Redacted]



## **APPENDIX THREE**

# Heritage Appraisal – CoYC Local Plan Green Belt Review



Project Name: Land East of Metcalfe Lane, York  
Author: [REDACTED]  
Project number: P21-1788  
Date: July 2021

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## 1.0 Introduction

- 1.1 [REDACTED] have been commissioned by a consortium of promoters with an interest in the draft City of York Council (CoYC) Local Plan Allocation – ST7 to provide heritage advice regarding the CoY’s proposed York Green Belt boundaries and more specifically, to provide a critical analysis of the CoY Council’s methodology and evidence base used to support these boundaries and their location.
- 1.2 The City of York Council are in the process of re-consulting on the evidence base for the York Green Belt boundaries, including all supporting documentation which provide their purported justification for the location of the boundaries.
- 1.3 It is currently proposed within the draft CoYC Local Plan to include an area of intervening land located between the western edge of the proposed allocation ST7 and the eastern edge of the urban area of York as Green Belt.
- 1.4 This Appraisal will review the CoYC’s methodology and their justification for the

inclusion of this area of land to the west of ST7 within Green Belt in terms of whether it serves the purpose of Green Belt in relation to heritage. Issues relating to other purposes of the Green Belt not relating to heritage are outside the remit of this Appraisal.

1.5 A site visit was carried out by Laura Garcia, author of this Appraisal on 22<sup>nd</sup> June 2021 in order to view the draft allocation ST7 and view the wedge of land proposed for inclusion within Green Belt.

1.6 The CoY Local Plan is being considered against the 2012 National Planning Policy Framework. Therefore, all reference to NPPF in this document are to the 2012 version.

## 2.0 Background

2.1 The preparation of the City of York Local Plan Examination has been underway since 2018, with Phase 1 hearing commencing in 2019. As part of the CoYC Local Plan, the Council prepared a number of documents including documents relating to consideration of the Green Belt and the drawing up of the inner and outer Green Belt Boundaries in York – which were themselves updated by supplementary suite of documents in 2019 following the initial response from the Inspectors on 24<sup>th</sup> July 2018 stating they were unclear as to how the draft Green Belt boundaries had been drawn on the draft Policies Map and asking questions with regards to the policy position of the Green Belt in York.

2.2 The purpose of Green Belt is set out in NPPF paragraph 79 which states that essential characteristics of the Green Belt are openness and permanence. With regards to heritage considerations, the key purpose of Green Belt is “*to preserve the setting and special character of historic towns*”, the fourth bullet point in the list at paragraph 80 of the 2012 NPPF. There is no set or published methodology for how to assess whether a piece of land or an area serves the purpose of preserving the setting and special character of a historic town, therefore CoYC devised their own methodology, using an evidence base setting out the background information and more detailed local criteria which supported the detailed and precise localised location of the boundaries.

- 2.3 The updated suite of documents produced in 2019 relating to the Green Belt and the methodology produced by CoYC included EX/CYC/18 – *Green Belt TP1 Addendum – Approach to defining York’s Green Belt* and this was supported by a number of documents which provided more detailed, local analysis of the boundaries. These documents were considered during the Phase 1 examination hearings conducted in December 2019.
- 2.4 CoYC issued a further document (EX/CYC/39) in June of 2020 to provide clarification on matters raised during the Phase 1 hearings. However on 12<sup>th</sup> June 2020, the Inspector’s issued a letter<sup>1</sup> to CoYC which set out a number of serious and significant concerns about the methodological approach taken by CoYC in their identification of and assessment of the Green Belt boundaries. Inspectors agreed that in the context of the City of York, it was appropriate to place emphasis on purpose 4 of paragraph 80 of NPPF 2012, however in general, they were of the opinion that *“there are intrinsic flaws embedded within the methodology”*<sup>2</sup>
- 2.5 Related to heritage and in terms of the methodology used to undertaken the local assessments at paragraph 46 and 47 of their letter of 12<sup>th</sup> June 2020, the Inspectors made specific reference to their unease regarding the inclusion within the local criteria of an assessment of whether the land protects historic assets (that is, whether it is in a Conservation Area, whether there are any listed buildings or scheduled monuments on it) with the Inspectors explicitly stating this added to their distinct sense of unease. The Inspectors went on to state:

*“47. It is difficult to see how, for example, the presence or absence of a listed building on a parcel of land is relevant to the question of whether or not it should be within or outside the Green Belt boundary. We acknowledge that there may be cases where this could be pertinent to the Green Belt purpose of “preserving the setting and special character of historic towns”. However, on the whole, it seems unlikely that the presence of such features would have a significant influence. The problem here, again, is that the assessment criteria*

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<sup>1</sup> EX/INS/15 – Letter to LPA dated 12 June 2020

<sup>2</sup> Para 48 *Ibid*

*do not have a clear and unequivocal connection to the Green Belt purposes."*

2.6 There were a large number of issues highlighted by the Inspector's in their letter which led to the redrafting and revising of the entire suite of CoYC's Green Belt documents. These were reissued in 2021 and are subject to public consultation, which this appraisal has been prepared to consider in relation to site allocation ST7.

### **3.0 Review of Revised 2021 CoYC Green Belt Methodology**

3.1 The section above sets out what the background to this revised suite of Green Belt documents is and where the Inspectors had concerns over the approach by CoYC in the previously published set from 2019. This section analyses the revised 2021 documents and the general methodology put forward in these documents with regards to setting the Green Belt boundaries.

3.2 As stated previously, there is no published set criteria or methodology to undertake an assessment of Green Belt in terms of how a piece of land satisfies purpose 4 of paragraph 80 of NPPF 2012. As set out in the background, the original methodology, approach and basis of assessment were found to be seriously wanting by the Inspectors. CoYC revised the methodology and resubmitted the main topic paper and the supporting annexes in 2021 and these are the documents now under consideration at public consultation and will be the documents considered by the Inspectors relating the Green Belt when the Local Plan Examination resumes in due course.

3.3 NPPF 2012 paragraph 79 sets out that the essential characteristics of the Green Belt are openness and permanence. With regards to heritage considerations, the key purpose of Green Belt is "*to preserve the setting and special character of historic towns*", the fourth bullet point in the list at paragraph 80 of the 2012 NPPF.

3.4 It is noted that this purpose does not say that the purpose of Green Belt is to preserve the setting and special character of specific heritage assets, for example Listed Buildings or Conservation Areas, nor is the purpose to create a designation to preserve an historic landscape, for example an area of historic

field boundaries or ridge and furrow. These elements may relate to considerations of the setting and special character of historic towns, but are not, in themselves, justification for Green Belt designation.

3.5 The revised Green Belt documentation produced in 2021 by CoYC is intended to address the concerns of the Inspectors. However, it is interesting that the Green Belt boundaries identified within the revised documentation in this area, which is within Inner Boundary Section 6<sup>3</sup>, are virtually unchanged from the boundaries as set out in the original 2019 documentation which was challenged by the Inspectors. Such coincidence of extent might be interpreted as indicating a retrofitting of methodology to previously proposed extents.

3.6 The inner boundary of the Green Belt is primarily defined to ensure compliance with the Regional Spatial Strategy for Yorkshire and Humber (RSS) policy YH9 adopted in 2008 and still in force. This required that: *"The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city"*.

3.7 Various documents have been used as the evidence base and as part of the methodology for identifying the Green Belt boundaries. With specific reference to Purpose 4, the *Approach to Green Belt Appraisal* document of 2003 (SD 107a) was used along with *Heritage Topic Paper Update* September 2014 (SD103). This document identified six characteristics of the historic environment which help to define the special qualities of the City of York. Three of these were identified as being relevant to the consideration of Purpose 4 of Green Belt and openness of Green Belt. These were:

- Compactness;
- Landmark Monuments; and
- Landscape and setting.

3.8 These characteristics are then used as a framework to assess the overall impact and harm on the historic character and setting of the city.

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<sup>3</sup> EX/CYC/59d – *Topic Paper 1 – Green Belt Addendum Annex 3: Inner Boundary Part 2, s5 & s6 2021*

3.9 To define the detailed boundaries, the 2021 Topic Paper 1 states the methodology now includes 5 criteria which link back to NPPF Green Belt purposes and the strategic principles identifies in section 5 of TP1. These 5 criteria are:

- 1. Compactness
- 2. Landmark Monuments
- 3. Landscape and Setting
- 4. Urban Sprawl
- 5. Encroachment

3.10 The first three criteria are the most directly relevant to heritage and Purpose 4 of Green Belt. It should be noted at this stage that one of the purposes and aims of this revised Green Belt Addendum Topic Paper 1 document was to simplify the methodological approach to identification of Green Belt. It cannot be said that this has been entirely successful – the methodology is still complex, cross-references several documents and creates several sets of criteria and strategic principles.

3.11 Criterion 1 is concerned with Compactness as an important element to understanding the setting of the historic city. Criterion 2 discusses Landmark Monuments and the identification of views and the protection of these. It appears that this section and Criterion has been added to help provide justification for the inclusion of individual heritage assets when looking at areas of Green Belt boundary. The main Landmark Monument discussed in this context is the Minster, but further assets are mentioned in section 8.27 of *EX/CYC/59 Green Belt Topic Paper TP1 – Approach to defining York's Green Belt*, including boundary stones, herdsman huts and Roman camps – hardly landmark monuments. The justification for their inclusion is that they add to the *“story and context of the city as the openness of the setting and links the wider city setting may explain the reason for their placement or add to their significance...Each asset must be considered and assessed individually”*<sup>4</sup> Again, it is noted that this approach seems to be another example of what the Inspector's pointed out in their letter of identifying individual heritage assets and using Green Belt as a way to protect the setting of those assets. In addition, the justification is weak – a boundary stone was placed at a parish or

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<sup>4</sup> Para 8.27 *EX/CYC/59 Green Belt Topic Paper TP1 – Approach to defining York's Green Belt 2021*

township boundary, there was no relation to openness which did not form the reason to site a boundary stone at a certain location. In addition, a Roman camp, openness would be a factor in terms of the size of space required for the camp and possibility of defensive structures, but permanent openness had no role to play in the location of a Roman camp. The primary drivers were military strategy and capacity of the land to accommodate the camp.

3.12 In terms of the Landmark Monuments and the preservation of views towards the Minster, it is considered that views of the Minster indicate the core of the historic town of York. However, it is the case that not all views of the Minster will contribute in the same way to the understanding and significance of the historic core. The views which are of importance are those views which clearly illustrate the Minster and indicate its location at the core of the historic town. Not every single view of the Minster is significant or worthy of protection or contribute towards the understanding of the historic core.

3.13 Most significantly in the Criterion 2 section is the Key Question – “*Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument?*” This question has no bearing on Purpose 4 of Green Belt. It needs to be demonstrated that the building, landmark or monument is fundamental in the understanding of the special character of the historic town for this to be of any relevance at all. The purpose of Green Belt is not to protect individual buildings, landmarks or monuments and therefore all the justification made under this criterion must be called into question – it is not robust and has no relevance to Green Belt purpose.

3.14 Criterion 3 is Landscape and Setting. Sections 8.12 – 8.16 of *Topic Paper 1: Approach to defining York's Green Belt Addendum 2021* set out the background to understanding and assessing the setting of heritage assets, quoting from the Historic England Guidance *Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets* (2017 2<sup>nd</sup> Ed). These sections set out definition of setting and how it relates to heritage assets, noting that all heritage assets have a setting. However, it must be considered whether the historic town of York can be considered a heritage asset in its own right. It contains a number of designated and non-designated assets, including Conservation Area, Scheduled Monuments and Listed Buildings which each

have their own, often overlapping settings. However, there needs to be an area of York which is identified as being a heritage asset and which related to a defined area from which the city derives heritage interest that can be mapped in order to try and establish the elements of the setting which make a contribution to its significance. At present, the methodology seems to consider the entire built-up area of York as being the historic town, including all areas of modern development, industrial, commercial, retail etc that encircle the historic core, and which form the boundary to the wedge of land considered here to the west of ST7. This approach is clearly incorrect.

- 3.15 Whilst it is the case that the Historic England setting guidance explicitly references Green Belt when stating: *"Extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own, a conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated (explicitly recognised in Green Belt designations)"*<sup>5</sup>, for the historic town to have a setting, it is required to be a heritage asset with the boundaries of that asset identifiable on mapping. Again, it is not in doubt that the historic core of York could be identified as having interest commensurate with a heritage asset, but this cannot be said to cover the entire built-up area of York as there are elements within that that plainly would be negative contributors to the significance of the asset and which it would be illogical to include within its bounds.
- 3.16 There are aspects of this Criterion 3 which once again stray into protection of individual heritage assets – with the detailed assessment question 3.2 being *"Does the land need to remain permanently open to aid the understanding or significance for the situation of a designated landscape, park or garden?"*. This is not relevant when trying to justify Green Belt boundaries unless that designated landscape makes a fundamental contribution to the understanding of the historic city of York.
- 3.17 In conclusion, the methodology as set out in *Topic Paper 1: Approach to defining York's Green Belt Addendum 2021* is not considered to be robust in

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<sup>5</sup> P3 – Historic England 2017, *Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets 2<sup>nd</sup> Ed*

identifying Green Belt boundaries that would serve the function of purpose 4 of Green Belt. There are elements of the methodology which may be presented slightly differently than in the 2019 version of these Green Belt documents, but fundamentally, the methodology is largely the same, but with a greater emphasis on using the Heritage Topic Paper of 2014 (SD103) for justification.

#### **4.0 Review of Proposed Green Belt west of Allocated Site ST7**

- 4.1 The Inner Green Belt boundaries relating to the area under discussion in this Appraisal, and their justification, are set out in detail in the document *Topic Paper 1: Approach to defining York's Green Belt Addendum, Annex 3: Inner Boundaries, Part 2: Sections 5-6 (2021 EX/CYC/59d)*<sup>6</sup> and *Annex 5: Freestanding Sites (2021 EX/CYC/59g)*.
- 4.2 When considering the wedge of land to the west of ST7 and east of the urban edge of York, the current surroundings and context need to be considered. A site visit was carried out to inform this Appraisal and it was noted that directly to the west, abutting the proposed inner boundary as it runs along Metcalfe Lane, was a large area of very recently-constructed residential development. Indeed, the land directly abutting the inner boundary relevant to this study stretching from Tang Hall Beck in the north to the northern extent of Osbaldwick to the south is all bordered by modern residential housing estates. There is no appreciation of any element of the historic core of York from within this wedge, nor indeed is there an appreciation of Osbaldwick from within this wedge.
- 4.3 There is a small remnant of historic field patterns and boundaries within this wedge of land. There are remnant strip fields which provide an indication of the historic field patterns which would have surrounded Osbaldwick, but these have no relation to the historic city of York due to their distance, however it is clear that the purpose of Green Belt is not to protect heritage assets, be they individual assets, or areas, designated or non-designated.
- 4.4 It is suggested in the documentation that the historic field boundaries and patterns provide the setting of the historic settlements by providing evidence

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<sup>6</sup> EX/CYC/59d

of the historic surroundings. However, the remainder of a small area of strip fields in an area abutted by modern development all along its western boundary, whilst providing an indication of former surroundings, does not provide the setting of the settlement – it is not an area within which the historic settlement can be understood or experienced.

4.5 The area of proposed green belt to the west of ST7 is not identified on *Figure 3: Green Belt Appraisal* of the *Green Belt Topic Paper TP1 – Approach to defining York’s Green Belt 2021* (EX/CYC/59) as an area contributing to the special character and setting of York. This plan was derived from information presented in the *Approach to Green Belt Appraisal* document of 2003 (SD 107a) and was also presented in the EX/CYC/18 – *Green Belt TP1 Addendum – Approach to defining York’s Green Belt* carried out in March 2019, however in this document, the plan was titled *Figure 3: Areas important to York’s special character and setting*. It was noted in this 2019 addendum that the figure identified only the most important areas to the special character and setting of York and that areas not identified on this figure may still be important, however the Inspectors, in their critique of the green belt documents, noted this was a serious weakness in the Council’s methodology. CoYC have reproduced this figure in their 2021 documentation, but added further detail to provide mitigation against the Inspector’s criticism. CoYC state that the purpose of Figure 3 and the previous Green Belt Appraisal work of 2003 was never to establish Green Belt Boundaries but rather to:

- identify elements that define the historic character and setting of the City and
- establish four categories of land based on analysis of the defining elements – as the most valuable areas of Green Belt;
- identify and map some of the areas understood at that time as spatially representing the four categories of land.”<sup>7</sup>.

4.6 CoYC also stated that this Green Belt Appraisal work of 2003 was updated by the *Heritage Topic Paper Update* of September 2014 (SD103) which allowed a more detailed consideration of Green Belt boundaries. It is noted however, that this documentation was available to CoYC during the preparation of the original Green Belt documentation and methodology. It was referenced in the

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<sup>7</sup> Para 5.16 EX/CYC/59 *Green Belt Topic Paper TP1 – Approach to defining York’s Green Belt 2021*

March 2019 Green Belt Addendum documentation but was not considered in the same detail or used in the same way as in 2021. Indeed, at paragraph 4.19 of EX/CYC/18 – *Green Belt TP1 Addendum – Approach to defining York's Green Belt*, it states that the *Heritage Topic Paper Update* of 2014 (SD103) "*reinforces the Green Belt Appraisal and its key components*". This is in direct contradiction to how SD103 was used for the 2021 EX/CYC/59 TP1 document which suggests that the Green Belt Appraisal documents were a starting point from which further refinements was made – "*Applying the Heritage Topic Paper and Impact Appraisals in this way has allowed Purpose 4 to be considered comprehensively across the authority area and not just the primary areas identified through the early Green Belt appraisal work*"<sup>8</sup>.

- 4.7 Setting aside the way in which historic documents have been utilised to justify the Green Belt Boundaries, it is still the case that the wedge of land west of ST7 was not identified as being a category of land which was considered to be the most valuable area of Green Belt when specifically relating to Purpose 4 of Green Belt. It is also noted that the wedge of land was not identified in EX/CYC/18 *Figure 7: Strategic areas to keep permanently open of Green Belt TP1 Addendum – Approach to defining York's Green Belt 2019*. This figure does not appear at all in the revised 2021 documentation.
- 4.8 Within *Topic Paper 1: Approach to defining York's Green Belt Addendum, Annex 3: Inner Boundaries, Part 2: Sections 5-6 2021*, the boundaries relevant to this appraisal are numbered 10 – 20. Every one of these boundaries is located directly abutting modern development and each is identified in the detailed appraisals as being required to keep land permanently open to preserve the setting and special character of the historic city, despite the area of land not being identified in any previous study as being land required to be kept permanently open, or land contributing to the special character of the city. It is maintained that this area of land does not contribute to the historic character due to the separation between the historic core of York and the wedge of land formed by extensive modern development, including very recently constructed development within Osbaldwick, forming a continuous line of modern development abutting the inner Green Belt boundary.

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<sup>8</sup> Para 5.26 *ibid*

- 4.9 The discussion under Green Belt purpose 4 for each of the proposed boundaries has broadly the same justification for each. One of the main aspects is the importance of this wedge of land in maintaining the Compactness (Criterion 1) of the city of York and preserving the perception of a compact city in a rural hinterland. However, this is difficult to reconcile with a position of acceptance of ST7 being developed which will create a freestanding settlement to the east with the modern development to the west. This created a thin strip of land which will have no relation to the historic core, nor will it preserve the idea of a compact city preserved in a rural hinterland, as the land will be encompassed on all sides by modern development. The land will not serve purpose 4 of Green Belt.
- 4.10 Another frequently cited justification for the boundaries 10-20 of Section 6 is the ability to obtain long-distance views of the Minster as part of Key View 4 identified in the York Central Historic Core Conservation Area (YCHCCA) appraisal documents. It should be noted that these key views, referenced throughout in the Green Belt documents were identified as part of the appraisal of the York Central Historic Core Conservation Area, and are those views which contribute to the special character of the Conservation Area, rather than the historic settlement of York as is being considered for purpose 4 of Green Belt. The key view is identified as coming from the A64, to the east and looking west from the elevated position of the A64 towards the city with views of the Minster available. It is noted in the documentation for ST7 that the development of this site would potentially affect views of the Minster, however the development of this site will maintain the assessed key views of the Minster – those views from the A64, westwards. What the development of ST7 would do is interrupt views across the fields towards the urban development of York and would certainly block views from the A64 to the wedge of land to the west of ST7. The views would be of fields in the foreground, the residential development of ST7 which would then be seen as part of York from this A64 vantage point. The proposed green wedge would not be identifiable as a discrete element within the view and therefore the justification for this area for Green Belt in terms of it being able to preserve Key Views towards the Minster is weak. There are no key views from within the area of green wedge towards the Minster.
- 4.11 Boundaries 16 – 20 reference specifically in their justification that they are

required to preserve the separation between development and Osbaldwick and to preserve the historic rural setting of Osbaldwick. The Osbaldwick Conservation Area is specifically referenced : "*The preservation of this historic agricultural landscape beyond the edge of the urban area maintains the city's compactness and maintains legibility of the historic rural setting of Osbaldwick, and consequently the character and appearance of the Osbaldwick Conservation Area. As stated in the conservation area description, to the north the village has retained its open rural setting, with the pattern of long narrow fields and paddocks, a legacy from the medieval period. This character is preserved as a consequence of the proposed boundary line.*"<sup>9</sup>. This suggest that the primary reason for this boundary line is to protect the setting of the Osbaldwick Conservation Area. This does not serve purpose 4 of Green Belt. The setting of the Osbaldwick Conservation Area is already protected through the normal planning mechanisms and it is not necessary for the Green Belt to cover this area.

4.12 Another annex, *Annex 5: Freestanding Sites 2021* (EX/CYC/59g) sets out the justification for the freestanding settlements within the Local Plan, with ST7 – Land East of Metcalfe Lane being one of these. The justification for the promotion of this site includes consideration of its location against the spatial site selection criteria and states: "*It is not located within areas of historic character and setting*"<sup>10</sup>. Assessment against Green Belt purpose and Boundary Identification for this site against Criterion 1, 2 and 3 on page A5.5 relating to purpose 4 of Green Belt stated that the site has the potential to result in minor to significant harm, capable of mitigation through masterplanning. Although not strictly related to the topic under discussion, it must be noted that it is difficult to understand how development of a site identified as not located within areas of historic character and setting would cause harm of any level to purpose 4 of Green Belt as suggested on page A5.5 of this annex.

4.13 The discussion of this site within this document goes on to state that the freestanding settlement is better in terms of preserving the "compactness" of the city of York than having development along the eastern edge, however this

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<sup>9</sup> pA3:615 *Topic Paper 1: Approach to defining York's Green Belt Addendum, Annex 3: Inner Boundaries, Part 2: Sections 5-6 (2021 EX/CYC/59d)*

<sup>10</sup> pA5:4, EX/CYC/59g - *Annex 5: Freestanding Sites 2021*

eastern edge is currently formed by recently-constructed development which has extended the city of York eastwards. Again, it is difficult to understand how the land of ST7 can be determined as not being located in an area of historic character and setting, but the fields immediately west, abutting brand new development, do contribute to the historic character and setting and thus serve purpose 4 of Green Belt.

- 4.14 In addition, the document goes on to state that ST7 being set back from the eastern edge forms a green wedge, important to prevent coalescence with Murton and preserve the setting of Osbaldwick. These are identified as boundaries 1 to the north and 4 forming the western edge of the site, with boundary 3 being the southern boundary of the site near Osbaldwick. With regards to boundary 3, the northern part of Osbaldwick is a Conservation Area, and its setting is already protected by national and local planning policy, therefore the allocation of this area as green belt is unnecessary and specifically contradicts Green Belt policy.

## **5.0 Conclusions**

- 5.1 This Heritage Appraisal has undertaken a review of the revised versions of the documents and evidence base underpinning the City of York Council's identified Green Belt boundaries as part of the re-consultation exercise currently underway for the CoYC draft Local Plan.
- 5.2 The methodology set out in the revised 2021 Green Belt documents has been shown to be weak. Whilst there has been an effort to bolster the methodology with greater use of historic evidence base documents, in particular the Heritage Topic Paper of 2014 (SD103), and a streamlining of terms and language used including a recognition that certain Purposes of Green Belt were of no relevance to this area, it is considered that the approach and outcomes of the methodology are not substantively different than as presented in the heavily criticised 2019 documents. One of the main points is the effect of the 2021 revisions has made no material difference to the outcome of the Green Belt boundaries as put forward in 2019.
- 5.3 It is the consideration of [REDACTED] that there is inadequate justification for the

inclusion of the area of land to the west of draft allocation ST7 and east of the urban edge of the city of York within Green Belt. Whilst it has been appropriate for CoYC to place emphasis on purpose 4 of Green Belt considering the historic character of York, in this area under consideration, the justification for the boundaries is weak. It includes areas which are justified due to proximity to individual heritage assets, which would be protected under the normal planning process and has not taken into account the context of the area which would be a thin wedge of land between two areas of modern development, thus not preserving the understanding of the compact, historic city within a rural hinterland – the area would be surrounded by development on all sides.

- 5.4 The CoYC Green Belt documentation and evidence base have not shown that this area serves the purpose of Green Belt relating to purpose 4 – “*to preserve the setting and special character of historic towns*” and more generally, it is considered that this area does not demonstrate the essential characteristics of Green Belt. In addition, it is noted that there are existing planning policy controls that would ensure the green wedge (albeit reduced) would remain largely free from development, further rendering the inclusion in Green Belt as redundant and contrary to policy. It is therefore considered that there is no justification for the including this area within the Green Belt.



## **APPENDIX FOUR**

# Proposed Development at ST7 - Land East of Metcalfe Lane, York



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Rev	By	Note	Date

PROJECT ST 7- Land East of Metcalfe Lane, York  
TITLE Indicative Masterplan - Wider Context  
CLIENT TW Fields  
DATE May 2018 SCALE 1:2500@A1  
DWG. NO Y81:1000.38 REVISION -  
DRAWN JJS CHECKED PJR  
DO NOT SCALE FROM DRAWINGS. ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECTS. COPYRIGHT RESERVED

## Indicative Masterplan - Wider Context - 845 Homes

# Proposed Development at ST7 - Land East of Metcalfe Lane, York



- Key**
- A Site for Allotment Gardens
  - B Main Road routes into and through the site as an avenue set within wide green margin, to include separate cycle route.
  - C Strategic Central Green Space
  - D Bad Bargain Lane to remain as Footpath/Cycleway/ Bridalway, as existing Public Right of Way
  - E Outgang Lane to remain as Footpath/Cycleway/Bridalway, as existing Public Right of Way
  - F School playing Fields
  - Housing Development Clusters - Set within Green Framework 'Garden Cities'
  - Indicative Streets
  - Green Corridors, Green Margins & Public Open Space (P.O.S.)
  - Existing Trees & Hedgerow Retained
  - Removed Hedgerow
  - Key Access Points into the site from the North, South and West.
  - Strategic Tree Planting
  - Land Owned By Others
  - Boundary Line for Primary School and Public Centre
  - Proposed Location for Primary School and Public Centre
  - Combined Cycleway and Pedestrian Route
  - Key Focal Point
  - Bus Route



## Indicative Master Plan - 975 Homes

Rev	By	Note	Date

**PRA ARCHITECTS**  
 53 The Tannery Lawrence Street York YO10 3WH T: 01904 653772  
 F: 01904 653779 E: mail@pra-architects.com W: www.pra-architects.com

PROJECT ST7 Land East of Metcalf Lane, York

TITLE Indicative Master Plan

CLIENT TW Fields

DATE 09.09.18 SCALE 1:2500@A1

DWG. NO Y81:1000.18 REVISION -

DRAWN GF CHECKED PJR

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# Proposed Development at ST7 - Land East of Metcalfe Lane, York



- Key**
- A Site for Allotment Gardens
  - B Main Road routes into and through the site as an avenue set within wide green margin, to include separate cycle route.
  - C Strategic Central Green Space
  - D Bad Bargain Lane to remain as Footpath/Cycleway/ Bridalway, as existing Public Right of Way
  - E Outgang Lane to remain as Footpath/Cycleway/Bridalway, as existing Public Right of Way
  - F School playing Fields
  - Housing Development Clusters - Set within Green Framework 'Garden Cities'
  - Indicative Streets
  - Green Corridors, Green Margins & Public Open Space (P.O.S.)
  - Existing Trees & Hedgerow Retained
  - Removed Hedgerow
  - Key Access Points into the site from the North, South and West.
  - Strategic Tree Planting
  - Land Owned By Others
  - Boundary Line for Primary School and Public Centre
  - Proposed Location for Primary School and Public Centre
  - Combined Cycleway and Pedestrian Route
  - Key Focal Point
  - Bus Route



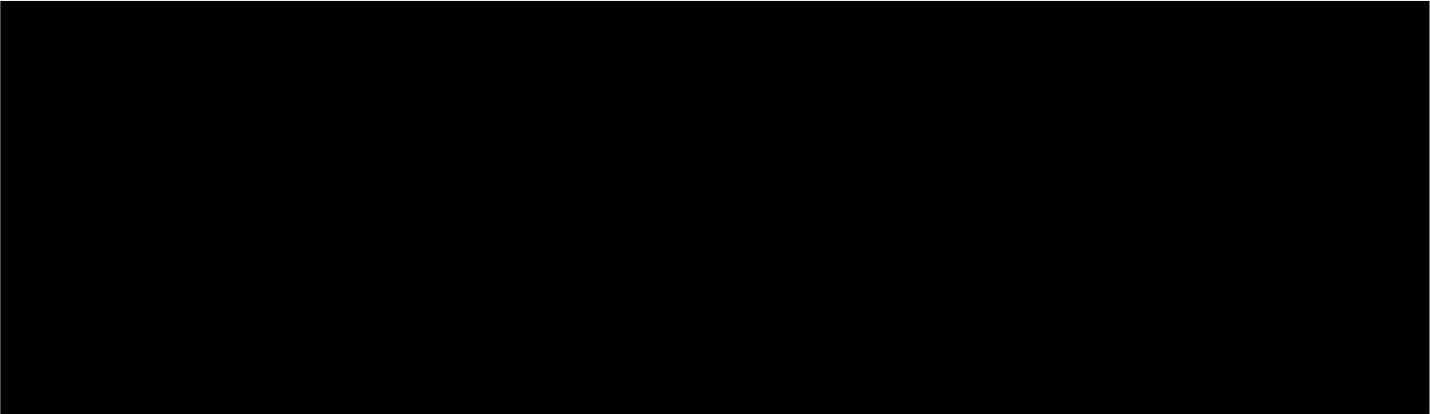
Rev	By	Note	Date



PROJECT	ST7 Land East of Metcalfe Lane, York		
TITLE	Indicative Master Plan		
CLIENT	TW Fields		
DATE	27.10.17	SCALE	1:2500@A1
DWG. NO	Y81:1000.18	REVISION	-
DRAWN	GF	CHECKED	PJR

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Indicative Master Plan - 1225 Homes



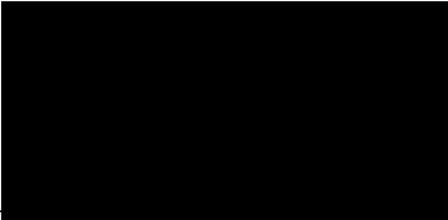
## **APPENDIX FIVE**



Ref.	CYC	Option A	Option 1	Option 2
Site Size / Capacity	35.4Ha / 845 Homes (845 plan period)	43.53Ha / 845 Homes (All within the plan period)	43.53Ha / 975 Homes (All within the plan period)	57.27 Ha / 1,225 Homes (All within the plan period)
Density / Design Ethos	Strategic Site – 70% net site area at 35dph	Garden Village – Approximately 60% net developable area – 26.4Ha at 32dph	Sub-Urban Garden Village – Approximately 70% net developable area - 30.47 Ha net site area at 32dph	Sub-Urban Garden Village – Approximately 70% net developable area – 40.1 Ha net site area at 32dph
Additional Land Uses / Analysis	<p>A density of 35 dph over the net developable area would result in a development that is similar in density to those currently taking place within the main urban areas of the City i.e. Redrow's scheme at the Grain Stores; Persimmon's scheme at Germany Beck and BDW's scheme at New Lane, Huntington.</p> <p>It does not allow for space/planting between dwellings or further green wedges/planting throughout the street scene. Which is what a Garden Village ethos requires. Which is more aligned to a density of 32dph and a net developable area of 60% to 70%</p> <p>At 32 dph over a 60% developable area, 680 homes could be delivered. This increases to 793 homes over a 70% new developable area.</p> <p>Increasing this to at least 845 homes, would therefore result in a reduction of the land available for the delivery of all of the other essential and desirable uses such as a new primary school, local centre and recreational open space.</p>	<p>The option can deliver: -</p> <ul style="list-style-type: none"> <li>• 0.43Ha of land for a Local Centre</li> <li>• 1.91Ha of land provided for Nursery and a two-form entry Primary Education</li> <li>• 14.79 Ha of Open Space within the site.</li> <li>• The delivery of the required southern access road to Osbaldwick Link Road.</li> <li>• The existing views of York Minster and the setting of Millennium Way will be retained and enhanced through a series of green corridors proposed within the development masterplan. Alongside the green corridors, substantial areas of open space will be retained between the site's boundaries and existing settlement areas, including Osbaldwick Conservation Area.</li> </ul>	<p>The option can deliver: -</p> <ul style="list-style-type: none"> <li>• 0.43Ha of land for a Local Centre</li> <li>• 1.91Ha of land provided for Nursery and a two-form entry Primary Education.</li> <li>• 10.72Ha of Open Space within the site.</li> <li>• The delivery of the required southern access road to Osbaldwick Link Road.</li> <li>• The existing views of York Minster and the setting of Millennium Way will be retained and enhanced through a series of green corridors proposed within the development masterplan. Alongside the green corridors, substantial areas of open space will be retained between the site's boundaries and existing settlement areas, including Osbaldwick Conservation Area.</li> </ul>	<p>The option can deliver: -</p> <ul style="list-style-type: none"> <li>• 0.43Ha of land for a Local Centre</li> <li>• 1.91Ha of land provided for Nursery and a two-form entry Primary Education.</li> <li>• 14.83 Ha of Open Space within the site.</li> <li>• The delivery of the required southern access road to Osbaldwick Link Road.</li> <li>• The existing views of York Minster and the setting of Millennium Way will be retained and enhanced through a series of green corridors proposed within the development masterplan. Alongside the green corridors, substantial areas of open space will be retained between the site's boundaries and existing settlement areas, including Osbaldwick Conservation Area.</li> </ul>



<b>Policy SS9 Additional Planning Parameters</b>			
Individual & Cumulative Transport Impact	TW Fields will work alongside CYC and other developers where necessary in order to ensure that the individual and cumulative highways impact on the City is mitigated. Detailed discussions have already taken place with CYC to agree the site-specific access solutions for the development proposals.	TW Fields will work alongside CYC and other developers where necessary in order to ensure that the individual and cumulative highways impact on the City is mitigated. Detailed discussions have already taken place with CYC to agree the site-specific access solutions for the development proposals.	TW Fields will work alongside CYC and other developers where necessary in order to ensure that the individual and cumulative highways impact on the City is mitigated. Detailed discussions have already taken place with CYC to agree the site-specific access solutions for the development proposals.
New Access Roads & Public Transport	Three access points are proposed from Stockton Lane (north), from Bad Bargain Lane (West) and from Murton Way (south). Each will be delivered to the standard needed to enable bus penetration through the site, connecting to existing settlement areas. The northern and southern parcels of the site will be connected for bus penetration, pedestrian and cycle access only. An access is required from Bad Bargain Lane in order to ensure permeability and to enhance the site's ability to deliver new homes as early in the plan period as possible.	Three access points are proposed from Stockton Lane (north), from Bad Bargain Lane (West) and from Murton Way (south). Each will be delivered to the standard needed to enable bus penetration through the site, connecting to existing settlement areas. The northern and southern parcels of the site will be connected for bus penetration, pedestrian and cycle access only. An access is required from Bad Bargain Lane in order to ensure permeability and to enhance the site's ability to deliver new homes as early in the plan period as possible.	Three access points are proposed from Stockton Lane (north), from Bad Bargain Lane (West) and from Murton Way (south). Each will be delivered to the standard needed to enable bus penetration through the site, connecting to existing settlement areas. The northern and southern parcels of the site will be connected for bus penetration, pedestrian and cycle access only. An access is required from Bad Bargain Lane in order to ensure permeability and to enhance the site's ability to deliver new homes as early in the plan period as possible.
Public Transport Upgrades	The site's access points and internal spine roads will be delivered to the standard needed to enable bus penetration through the site, connecting to existing settlement areas. The northern and southern parcels of the site will be connected for bus penetration, pedestrian and cycle access only. Existing pedestrian and cycle routes located within and adjacent to the site will be	The site's access points and internal spine roads will be delivered to the standard needed to enable bus penetration through the site, connecting to existing settlement areas. The northern and southern parcels of the site will be connected for bus penetration, pedestrian and cycle access only. Existing pedestrian and cycle routes located within and adjacent to the site will be	The site's access points and internal spine roads will be delivered to the standard needed to enable bus penetration through the site, connecting to existing settlement areas. The northern and southern parcels of the site will be connected for bus penetration, pedestrian and cycle access only. Existing pedestrian and cycle routes located within and adjacent to the site will be



	safeguarded and improved where required. Connection with existing bus routes will be enabled and infrastructure improved where required.	safeguarded and improved where required. Connection with existing bus routes will be enabled and infrastructure improved where required.	be safeguarded and improved where required. Connection with existing bus routes will be enabled and infrastructure improved where required.
Pedestrian & Cycle Connectivity	Existing pedestrian and cycle routes located within and adjacent to the site will be safeguarded and improved where required.	Existing pedestrian and cycle routes located within and adjacent to the site will be safeguarded and improved where required.	Existing pedestrian and cycle routes located within and adjacent to the site will be safeguarded and improved where required.
Protect Millennium Way	The setting of Millennium Way will be preserved and enhanced through a series of green corridors proposed within the development masterplan. Including a large strategic greenspace located in the central area of the site in accordance with CYC's proposals.	The setting of Millennium Way will be preserved and enhanced through a series of green corridors proposed within the development masterplan. Including a large strategic greenspace located in the central area of the site in accordance with CYC's proposals.	The setting of Millennium Way will be preserved and enhanced through a series of green corridors proposed within the development masterplan. Including a large strategic greenspace located in the central area of the site in accordance with CYC's proposals.
Minimise Impact on SINC	Ecological mitigation will be provided through the retention of existing features. The site contained a SINC located close to the proposed southern access point, however, the ecological value of this area of the site has now been lost due to recent engineering works undertaken by Yorkshire Water.	Ecological mitigation will be provided through the retention of existing features. The site contained a SINC located close to the proposed southern access point, however, the ecological value of this area of the site has now been lost due to recent engineering works undertaken by Yorkshire Water.	Ecological mitigation will be provided through the retention of existing features. The site contained a SINC located close to the proposed southern access point, however, the ecological value of this area of the site has now been lost due to recent engineering works undertaken by Yorkshire Water.
Safeguard views to York Minster, Osbaldwick Conservation Area and Millennium Way	The existing views of York Minster and the setting of Millennium Way will be retained and enhanced through a series of green corridors proposed within the development masterplan. Alongside the green corridors, substantial areas of open space will be retained between the site's boundaries and existing settlement areas, including Osbaldwick Conservation Area.	The existing views of York Minster and the setting of Millennium Way will be retained and enhanced through a series of green corridors proposed within the development masterplan. Alongside the green corridors, substantial areas of open space will be retained between the site's boundaries and existing settlement areas, including Osbaldwick Conservation Area.	The existing views of York Minster and the setting of Millennium Way will be retained and enhanced through a series of green corridors proposed within the development masterplan. Alongside the green corridors, substantial areas of open space will be retained between the site's boundaries and existing settlement areas, including Osbaldwick Conservation Area.

# City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

**Please fill in a separate Part C for each issue/representation you wish to make.** Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

## Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

**What information will be collected:** The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

**What will we do with the information:** We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at [localplan@york.gov.uk](mailto:localplan@york.gov.uk) or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination<sup>1</sup>. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

**Storage of information:** We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

**How long will we keep the information:** The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan<sup>2</sup>. When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

**Further processing:** If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

**Your rights:** To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at [information.governance@york.gov.uk](mailto:information.governance@york.gov.uk) on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

07/07/2021

## Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)	████████████████████ ████████████████	
Representing (if applicable)		
Address – line 1	████████████████████ ████████████████	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

# Guidance note

## Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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](mailto:localplan@york.gov.uk)

You can also complete the form online at:

[www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation).

## What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [\[EX/CYC/58\]](#) and City of York Local Plan Publication Draft (February 2018) [\[CD001\]](#) **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [\[EX/CYC/29\]](#)
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [\[EX/CYC/32\]](#)
- Affordable Housing Note Final (February 2020) [\[EX/CYC/36\]](#)
- Audit Trail of Sites 35-100 Hectares (June 2020) [\[EX/CYC/37\]](#)
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [\[EX/CYC/38\]](#)
- ██████████ Housing Needs Update (September 2020) [\[EX/CYC/43a\]](#)
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [\[EX/CYC/45\]](#) and Appendices (October 2020) [\[EX/CYC/45a\]](#)
- Key Diagram Update (January 2021) [\[EX/CYC/46\]](#)
- Statement of Community Involvement Update (November 2020) [\[EX/CYC/49\]](#)
- SHLAA Update (April 2021) [\[EX/CYC/56\]](#)
- CYC SuDs Guidance for Developers (August 2018) [\[EX/CYC/57\]](#)
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [\[EX/CYC/59\]](#)
  - Annex 1: Evidence Base (January 2021) [\[EX/CYC/59a\]](#)
  - Annex 2: Outer Boundary (February 2021) [\[EX/CYC/59b\]](#)
  - Annex 3: Inner Boundary (Part: 1 March 2021 [\[EX/CYC/59c\]](#), Part 2: April 2021 [\[EX/CYC/59d\]](#) and Part 3 April 2021) [\[EX/CYC/59e\]](#)
  - Annex 4: Other Urban Areas within the General Extent (April 2021) [\[EX/CYC/59f\]](#)
  - Annex 5: Freestanding Sites (March 2021) [\[EX/CYC/59g\]](#)
  - Annex 6: Proposed Modifications Summary (April 2021) [\[EX/CYC/59h\]](#)
  - Annex 7: Housing Supply Update (April 2021) [\[EX/CYC/59i\]](#) and Trajectory Summary (April 2021) [\[EX/CYC/59j\]](#)
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [\[EX/CYC/60\]](#)
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [\[EX/CYC/61\]](#)

## **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 Inspectors 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 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.

You can use our online consultation form via [www.york.gov.uk/form/LocalPlanConsultation](http://www.york.gov.uk/form/LocalPlanConsultation) or send back your response via email to [localplan@york.gov.uk](mailto:localplan@york.gov.uk). **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

## **Do I need to attend the Public Examination?**

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?**

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via [localplan@york.gov.uk](mailto:localplan@york.gov.uk) or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

# Part C - Your Representation

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



## 5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Housing Needs Update – EX/CYC/43a  
Topic Paper 1 Addendum EX/CYC/59, 59a, c, g  
HRA 2020 – EX/CYC/45

Page Number:

## 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](http://www.york.gov.uk/localplan) or sent by request.

## 6. Based on the Proposed Modification or new evidence document:

### 6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

### 6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

### 6.(3) Please justify your answer to question 6.(1) and 6.(2)

## 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.

## 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

## **7. Based on the Proposed Modification or new evidence document:**

### **7.(1) Do you consider that the Local Plan is Sound?**

Yes  No

### **7.(2) Please tell us which tests of soundness are applicable to 7.(1):**

(tick all that apply)

**Positively prepared**  **Justified**

**Effective**  **Consistent with national policy**

### **7.(3) Please justify your answers to questions 7.(1) and 7.(2)**

Please use extra sheets if necessary

Please see further detail in attached response.

Housing Need Update – Fails to meet the full OAHN.

TP1 Addendum – Issues with the methodology; inadequate justification for inclusion of land west of ST7 in the Green Belt.

**8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Increase the size of ST7.

Designate remaining land west of ST7 as a Strategic of Local Gap.

**9. If your representation is seeking a change at question 8.(1)**

**9.(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 Inspectors by way of written representations.

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

All three ST7 parties wish to maintain their right to speak individually on the ST7 allocation at the Local Plan Examination.

It is considered necessary to participate orally to allow the ST7 parties the opportunity to present the case for the delivery of the site and answer any questions in relation to ST7.

**Please note:** the Inspectors 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.

**From:** localplan@york.gov.uk  
**Sent:** 13 August 2021 08:26  
**To:** localplan@york.gov.uk  
**Subject:** FW: Local Plan Consultation

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**From:** [REDACTED]  
**Sent:** 31 May 2021 11:11  
**To:** localplan@york.gov.uk  
**Subject:** Local Plan Consultation

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I am writing about the current local plan and the consultation period. I note in the latest plan that ST15 "Land West of Elvington Lane" is being proposed in policy SS13 for development of 3,339 dwellings. The clear issue of concern is how the residents of concern would access York and the A64. Both arterial routes into York from this direction are currently heavily with no spare capacity. Without a clear transport plan this proposal should not even be in the local plan. In order to comment properly we need to know what is being proposed. Point xii in SS13 states "Ensure provision of necessary transport infrastructure to access the site with primary access via the A64 (as shown on the proposals map) and a potential secondary access via Elvington Lane. The capacity of the local highway network including Elvington Lane and junctions is limited". Can you please tell me where the aforementioned proposals map is? The key diagram in the local plan does not show any primary access to the A64, nor can I find any other proposals map in the plan or in the supporting documents. Can you please point me in the right direction or send me the link to the proposals map?

With kind regards from

Mike Beresford  
[REDACTED]

**From:** [REDACTED]  
**Sent:** 13 August 2021 08:29  
**To:** localplan@york.gov.uk  
**Subject:** FW: Response from [REDACTED]

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**From:** [REDACTED]  
**Sent:** 14 June 2021 15:11  
**To:** localplan@york.gov.uk  
**Subject:** Response from [REDACTED]

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear CYC,

[REDACTED] wish to submit the following response:-

[REDACTED] wholeheartedly support the suggested modifications in the revised local plan with regards to changes locally in the area of Clifton (Without).

Best Regards,

**From:** localplan@york.gov.uk  
**Sent:** 13 August 2021 08:37  
**To:** localplan@york.gov.uk  
**Subject:** FW: responding to local plan

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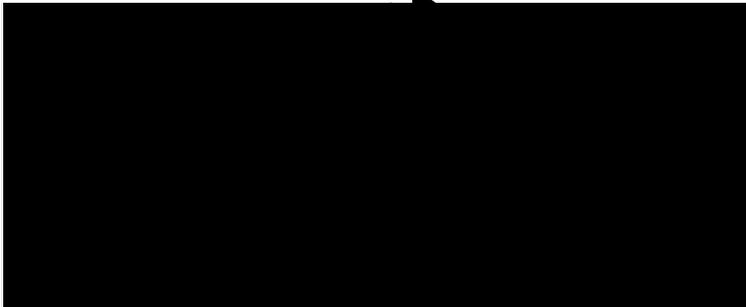
**From:** [REDACTED]  
**Sent:** 29 June 2021 21:17  
**To:** localplan@york.gov.uk  
**Subject:** responding to local plan

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

I can't work out how to respond to the Local Plan however I want to state that I back the the Green Belt Boundaries especially in relation to the village I live which is Dunnington.

Many thanks  
Jane Granville



**Draft Local Plan  
City of York Council  
West Offices  
Station Rise  
YORK  
YO1 6GA**

**24 June 2021**

**Dear Sir/Madam**

### **Re: Draft York Local Plan - ST 33 - Station Yard - Wheldrake - York**

The proposal for ST33, Station Yard, has been brought together by combining Brown Land together with a parcel of land previously earmarked as site for potential employment and then placing it with a parcel of land that is contained within the Green Belt, which is totally out of keeping within a relatively small village.

Wheldrake is a village which has already been developed beyond the capacity that its infrastructure is able to cope. The School is over subscribed, the sewerage system is already inadequate to meet the existing needs of its residents, the public transportation system is not fit for purpose and there is a constant threat that the services could be reduced still further. This proposal to build some 147 dwellings is way over the top and is a totally unnecessary massive development to the current residents of Wheldrake. Villagers have previously acknowledged the need for some additional housing, but not on a scale of this magnitude, so any development must be restricted to the area contained within the Brown Field Land. In the absence of the correct and necessary development of the current infrastructure the village would be overwhelmed with an increase of around 50 additional dwellings let alone 147.

There are plans for a new garden village to the west of Elvington, somewhere in the order of 3,300+ dwellings, Elvington is one of the villages directly adjacent to Wheldrake, additionally there are plans afoot to add a significant number of dwellings to Escrick yet another adjacent village to Wheldrake although it is covered by the Selby District, North Yorkshire, Local Plan. The roads in and out of Wheldrake are unsuitable for the increase in traffic that would follow with such large scale developments. Specifically referring to Wheldrake an increase in the number of dwellings from around 800 to around 950 and a population increase from 2,000 to around a minimum 2,500 is unacceptable in any circumstances.

For this proposed development to progress any further it would result in a incursion of the established Green Belt and a loss of Agricultural Land at a time where this is a world shortage of food products from the land to accommodate an ever increasing population. The first priority for house building must be solely confined to Brown Field Land and any need to develop by use of the Green Belt cannot be not be taken lightly, so careful consideration must be given to the views of local residents and the impact on villages likely to be affected.

It is also very interesting to remember that the land owner of the area contained within this established Green Belt planted a hedge and trees across the southern boundary of his field before the last public enquiry, some 23 years ago. This now appears to be a standalone field, as one might expect, especially after a purpose grown hedge and tree planting that has been established for over 24 years. This now completely masks the simple fact that, from ground level, it does not appear to be part of the Green Belt. However, when one takes an elevated position the open aspects of the Green Belt are there for everyone to observe, with views for miles right across to the adjacent village of Thorganby. The Inspector, in 1994 at the Public Enquiry drew specific attention to the fact that the landowner had made a deliberate attempt to disguise the open aspect of the plot in question and also stated that the plot was contained within the Green Belt. Planning permission for a housing development was thereby refused.

I also believe that there is a wonderful opportunity with the proposed Garden Village to the South of York, almost adjacent to the A64 Trunk Road. There is a once in a lifetime chance to build a whole new self sustaining development with all the necessary infrastructure, schools doctors, retail and a public transport that would reduce dependency on polluting private cars etc, although I would imagine that the number of properties would need to be nearer to the 5,000 mark to ensure that all the necessary and supporting infrastructure was fully integrated and to facilitate a new junction being constructed to adjoin onto the A64 Trunk Road, situated at the appropriate point between the two existing junctions at the Fulford Interchange and the Hull Road Interchange. This would then remove the need to over develop the adjoining and close to villages, whilst ensuring that some limited house building can be planned without completely destroying their character and changing the whole nature of the surrounding villages.

I sincerely trust that the process of consultation is going to be a genuine exercise to take account of resident's views and not a white-wash, as has been the concern with previous Administrations (pre-May 2019). It is up to the current Administration to demonstrate its seriousness to establish a Local Plan without the need to concrete over unnecessary parts of the Green Belt and to ensure that every parcel of Brown Field is developed long before any consideration is given a single square metre of the Green Belt is exploited.

**FINALLY, I AM CONFIRMING MY OBJECTION TO THE HOUSING DEVELOPMENT IN RESPECT OF THE NUMBER OF DWELLINGS PROPOSED IN ST 33 STATION FARM WHELDRAKE.**

Yours faithfully



Carole Arnold