

# MATTER 5



**JohnsonMowat**

Planning & Development Consultants

Examination of the City of York Local Plan

Matters, Issues and Questions for the Examination

**Phase 2 Hearings**

**Matter 5 – Housing Land Supply**

March 2022

CLIENT: Redrow Homes



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## 1.0 INTRODUCTION

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- 1.1 This response has been prepared on behalf of Redrow Homes in relation to their land interests at Monks Cross, York which is proposed allocation ST8 and land immediately west of, in the Publication Draft Local Plan.
- 1.2 An Outline Planning Application for the development of circa 970 dwellings including infrastructure, open space, primary school, associated community facilities, convenience store and Country Park was submitted on behalf of Redrow Homes (Yorkshire) Limited in January 2018 on the emerging Local Plan ST8 site (18/00017/OUTM). The application was appealed for non-determination Appeal Ref: APP/C2741/W/21/3282969. A public inquiry was held over 4 days 25 – 28 January 2022. At the stage of closing statements, both appellant and LPA were supportive of an approval subject to S106. The decision now stands with the Secretary of State.
- 1.3 Previous submissions have been made to the Local Plan and attendance at the Phase 1 Hearings. The content of previous submissions remains relevant, including the Publication Draft submissions in February 2018, July 2019 Proposed Modifications, Phase 1 Hearings, and the June 2021 Modifications and Evidence Base Consultation. In addition to this statement relating to Examination Matter 5, it should be noted that statements have been prepared for Matter 1, 2, 4, 6, 7 and 8 on behalf of Redrow Homes and Johnson Mowat will be representing Redrow Homes at the Phase 2 Examination Hearing sessions relating to Matters 1, 2, 4, 5, 6, 7 and 8.



## 2.0 TEST OF SOUNDNESS

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

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

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



### **3.0 RESPONSE TO INSPECTOR'S QUESTIONS**

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#### **Matter 5 – Housing Land Supply**

##### **The housing land supply overall**

**5.1 Does Policy SS1, and the Plan as a whole, provide an appropriate policy framework for the delivery of housing over the Plan period? If not, how is this to be addressed?**

Our concerns remain with the overall housing requirement in Policy SS1, which has been discussed in Matter 2. Therefore whilst Policy SS1 spatial principles and policy framework allow for the delivery of housing over the plan period, the housing requirement is not considered to meet the need. We maintain that the housing requirement in Policy SS1 should be increased.

The modifications to Policy SS1, in particular the removal of the re-use of previously developed land to be phased first, is welcomed.

**5.2 We understand through the latest housing trajectory update [EX/CYC/69] that the sources of housing land supply underpinning the Plan are as follows:**

- 8,642 dwellings on allocated new strategic housing sites (ST)
- 1,703 dwellings on allocated housing sites (H)
- 1,853 dwellings (commitments – unimplemented permissions as at 1 April 2021)
- 3,113 dwellings (cumulative completions between 2017-2021)
- planning permission or resolution to grant planning permission as at 1 April 2021)
- 720 dwellings in communal establishments /student accommodation
- 1,764 dwellings on windfall sites (from 2024/25 – 2032/33 @196 per annum)

**This provides a total housing supply of a minimum of 17,795 dwellings during the Plan period. Is this correct?**

These figures appear correct, based on the latest housing trajectory with a base date of 1<sup>st</sup> April 2021.

**5.3 We note that the windfall allowance per annum has been increased from 169 dwellings per annum in previous housing trajectories (e.g. [EX/CYC/17]) to 196 dwellings per annum in the 2021 Housing Trajectory [CYC/EX/69]. Is this correct? If so, what is the basis and justification for this change in the windfall allowance?**



The windfall increased from 169 per annum in the Publication Draft to 182 per annum following the April 2021 SHLAA Update and detail contained in Annex 4 'Windfall Update Technical Paper 2020'. The most recent housing trajectory (January 2022) increases the windfall allowance to 196 dwellings per annum. There is however no background information to justify this further increase.

Lichfields, in their comprehensive response to the June /July 2021 Evidence Update include analysis of the Council's windfall position, cast doubt on the continued use of the (then) 182 dpa figure, concluding that it should be reduced to 104 dpa, and should only be incorporated into the trajectory at Year 6. HBF consider that the use of historic windfall in an area where there has been no adopted Plan may not provide the most appropriate basis for windfall development going forward, and recommends that the windfall allowance is removed from the supply and instead used in addition to the supply to provide flexibility, rather than contributing to the supply.

We await the Council's response to this question before commenting further.

**5.4 Is the estimate of windfall numbers identified by the Plan appropriate and realistic? Is the approach consistent with the Framework? Given the time that has passed since the Plan was submitted, is the identified windfall allowance in the Plan (169 dwellings per annum) still appropriate, realistic and justified?**

The windfall allowance has increased since the Publication Draft from 169, to 182, and now to 196. The Windfall Update Technical Paper 2020 Appended to the April 2021 SHLAA update is the latest known position. The concerns of Lichfields in relation to the Council's position were documented in their July 2021 response to the June 2021 Evidence Update consultation.

It stands to reason that the historic windfall delivery in York will be high, given that there has been no adopted Plan. Following adoption of the Local Plan, with a housing supply of deliverable housing allocations in place, it would be logical that the windfall rate will reduce, as the Council will no longer need to rely on windfalls. Further justification is required from the Council as to why the windfall rate has increased to 196 per annum. Historic windfall trends do not amount to compelling evidence that this rate will continue in future trends. Logic would suggest upon the Plan adoption the windfall rate at 196 per annum isn't realistic moving forward.



**5.5 Are the suggested rates of planned housing development realistic and achievable when considered in the context of the past completion rates? What actions are being taken to accelerate housing delivery? Where is the evidence to support the approach adopted?**

The Council include updated delivery assumptions in the April 2021 SHLAA update, but have not included an update associated with the January 2022 updated Housing Trajectory. The delivery assumptions do not vary significantly, with assumptions based on either information gathered from individual developers (contained in the SHLAA 2021 Update) or the Council's delivery rate assumption of 35 dwellings per annum for each outlet.

The below table is taken from the Council's May 2021 Housing Delivery Update. This shows the delivery rates over the last 10 years, which on average have been 668 per annum, while over the last 3 years have been only 543 per annum.

**Table 7: Dwelling completions and Demolitions by Year, 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2021**

Year	Completions	New Build	Net Conversions/ COU	Net Conversions	Net Change of Use	Demolitions	Net Dwelling Gain
2011-2012	354	279	45	5	40	3	321
2012-2013	540	441	70	9	61	29	482
2013-2014	374	302	57	3	54	14	345
2014-2015	523	378	139	7	132	10	507
2015-2016	1171	908	219	1	218	6	1121
2016-2017	996	420	564	21	543	7	977
2017-2018	1336	1111	195	12	183	10	1296
2018-2019	481	299	155	18	137	5	449
2019-2020	596	437	134	11	123	11	560
2020-2021	643	469	159	14	145	6	622
<b>2011-2021</b>	<b>7014</b>	<b>5044</b>	<b>1737</b>	<b>101</b>	<b>1636</b>	<b>101</b>	<b>6680</b>

Based on past completion rates, the projected completions in the updated trajectory (EX/CYC/69) increase significantly in years 2022/23 and 2023/24 to 1,214 and 1,809, and again in 2025/26 to 1,719. These projections are way above the past 10 year and 3 year averages and significantly higher than the last 10 year high of 1,296 dwellings in 2017/18.

It is considered the Council may have been overly optimistic in the significant increase in housing delivery and the commencement of dwellings coming forward on Strategic Sites which are not realistically achievable.

In relation to ST8 north of Monks Cross the trajectory anticipates housing delivery in 2022/23 of 35 dwellings. It is our assumption that the Council assume delivery would be in the final part of 2022 at the earliest. Our opinion on most likely first occupation is as follows:



- Appeal decision: Summer 2022
- Submission of first Reserved Matters which are being worked up in parallel to the recent Appeal: July 2022
- Approval of first Reserved Matters: March 2023
- Discharge of pre-commencement Conditions: Sept 2023
- Access and initial Earthworks and construction commences Oct 2023
- 1st Occupation in Phase 1: April 2024

The timeline above assumes no major barriers as a result of materials shortage and Covid restrictions.

What is clear, CYC are presenting a case to the Local Plan for almost immediate delivery from ST8 to assist in making good the current undersupply of housing. This perhaps underscores how critical the need is for delivery of housing in the City. While other strategic site allocations will assist in this process, they are less advanced in the planning process than ST8.

**5.6 Is the housing trajectory update [EX/CYC/69] realistic? In the context of footnote 11 of the NPPF, does it form an appropriate basis for assessing whether sites are deliverable?**

Footnote 11 states:

“to be considered deliverable, site 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.”

Given the lack of information to support the Trajectory Update it cannot be demonstrated whether the trajectory is realistic. There is no known detail to inform the differences between the April 2021 Trajectory (base date of 1<sup>st</sup> April 2020) and the January 2022 update (base date of April 2021). Based on the Johnson Mowat involvement of strategic site ST8, it appears that the Council are being overly optimistic with the inclusion of delivery from some sites in the early years of the five year supply.

**Five-year housing land supply**

**5.7 What is the five-year housing supply requirement upon adoption of the Plan?**

Based on the information contained in the Housing Trajectory (EX/CYC/69)



A	Annual Housing Requirement	822
B	Five Year Housing Requirement (822 x 5)	4,110
C	Completions 2017/18 – 2020/21	3,113 (1331, 451, 627, 704)
D	Expected Completions 2017/18 – 2020/21	3,288
E	Inherited shortfall 2017/18 – 2020/21 (C-E)	-175
F	Five Year Requirement (incorporating shortfall) B-E	4,285 (4,110 – (-175))
G	20% Buffer	857 (20% of 4,285)
H	<b>Five Year Requirement (F + G)</b>	<b>5,142</b>

**The Council is asked to clearly set out the calculation for the five-year housing supply requirement.**

**5.8 Will the Council be able to demonstrate a rolling five-year housing land supply upon adoption of the Plan?**

Based on the Council's trajectory, the total projected completions in the current five year land supply is 5,890 dwellings.

	Year	Projected Completions
1	2021/22	581
2	2022/23	1093
3	2023/24	1628
4	2024/25	1021
5	2025/26	1567
	2021/22 – 2025/26	5,890

Based on the annualised 5 year housing requirement (5,142 / 5) of 1,028 dwellings, the Council's five year land supply for 2021/2022 – 2025/26 is **5.7 years**.



As stated in previous answers, we raise concerns with the overly optimistic delivery assumptions of sites in the early years, with their inclusion casting doubt on the 5 year land supply. Further, our continued objection to the housing requirement and consideration that this should be increased to a minimum of 1,013, would reduce the Council's housing land supply calculation to less than 5 years.

**5.9 The five-year housing supply, as set out in the latest housing trajectory update [EX/CYC/69], includes an allowance for windfall sites – the aforementioned 196 per annum:**

**a) What is the compelling evidence that such sites have consistently become available in the local area and that they will continue to provide a reliable source of supply?**

See response to question 5.3 and 5.4.

**b) Is the allowance made realistic, having regard to paragraph 48 of the Framework?**

See response to question 5.3 and 5.4. We do not think the Council has compelling evidence that windfalls will continue to provide a reliable source of supply in City of York.

**5.10 Does the five-year housing land supply position, as set out in the updated Housing Trajectory 2021 [EX/CYC/69], present the most up-to-date position? Is it consistent with all other remaining up-to-date housing evidence? If not, how is this to be addressed?**

This question is for the Council to answer. As we understand it, the January 2022 housing trajectory presents the Council's most up to date position.

**5.11 Paragraph 5.9 of the submitted Plan identifies that the Council accepts that there has been a persistent under delivery of housing as defined by the NPPF. As such, does the submitted Plan, and any subsequent submitted evidence on meeting housing need and supply, take into account the requirement for a 20% buffer to be applied to the housing supply? Has this buffer been applied to any subsequent update of evidence or proposed modification to the Plan identified?**

A 20% buffer is included in the Housing Trajectory update. It is considered this is appropriate. The 2021 Housing Delivery Test for York reveals 65%, a drop from 84% in 2020. The HDT requires a 20% buffer (as well as a presumption in favour of sustainable development and the requirement to publish an Action Plan). Clearly a 20% buffer is justified.



**5.12 Overall, is there a supply of specific deliverable sites sufficient to provide five years' worth of housing, with an appropriate buffer (moved forward from later in the Plan) to ensure choice and competition in the market for land?**

The Council's most up to date trajectory suggests a five year supply of sites is achievable upon Plan adoption. However, our objections to the housing requirement, questionable windfall rate, realism of the ability to significantly increase housing delivery, and the overly optimistic delivery assumptions of certain strategic sites casts doubt on the five year land supply.