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Dear Sirs

YORK LOCAL PLAN - RESPONSE TO HOUSING SUPPLY AND WINDFALL TECHNICAL PAPER UPDATES (EX/CYC/76 AND EX/CYC/77)

Carter Jonas LLP has been instructed by our client L & Q Estates to submit representations following the submission of the housing supply and windfall technical paper updates (EX/CYC/76 and EX/CYC/77) by York City Council on 16 May 2022, immediately prior to the Matter 5 Hearing Session on 17 May 2022.

Housing Supply Update Paper (EX/CYC/76)

The Housing Supply Update Paper appears to be a purely academic exercise as the housing requirement is still yet to be agreed and it was indicated by the Inspectors on 18th May that they would not be able to provide preliminary views on housing and employment needs at this stage.

Based on the requirements of paragraph 47 of the 2012 NPPF and footnotes 11 and 12, there appear to be gaps in the evidence presented by the Council. Footnote 11 states *"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"*.

The Council state within the Housing Supply Update Paper (EX/CYC/76) that *"The Council has refreshed its housing trajectory and calculation of five-year housing supply (with an updated base of 1 April 2022) to reflect this additional monitoring data and to reflect more recent discussions with landowners, land promoters and house builders"*. However, the update paper provides no clear evidence in relation to the nature of the 'discussions' with landowners, land promoters and house builders and the realistic prospects of the sites being deliverable and developable. It is therefore unclear what assumptions have been made following such discussions.

There are 2 components within the five-year supply which we consider are questionable:

- Emerging site allocations (table 3 in the Housing Supply Update Paper)
- Sites with a resolution to grant (prior to a signed S106). (table 4 in the Housing Supply Update Paper)

In the absence of clear evidence that such sites will come forward within the first five years of the Plan, we consider that they should not be included within the calculation. Using the figures in table 4 (sources of five year supply) it appears that there are 1,501 units (including the 10% non implementation rate) which are either emerging sites or sites with resolution to grant that are currently included within the five year housing land supply. In the absence of evidence that these sites are deliverable in accordance with footnote 11, they should be removed from the supply, which would result in only a 3.89 housing land supply.

We note that there have been some small amendments to the Housing Trajectory included within the Housing Supply Update Paper, however we note that the majority of sites included within the five year supply are emerging allocations which do not have the benefit of planning permission, this was highlighted by various participants around the table at the Matter 5 Hearing Session and also within various hearing statements.

Unless evidence is presented to the Examination that clearly demonstrates that these sites are deliverable within the first 5 years, then they should not be included within the land supply calculation. We request the ability to comment further should new evidence associated with this issue be submitted by the Council in due course.

Windfall Technical Paper update (EX/CYC/77)

At this stage we have no comments in relation to the Windfall Technical Paper update (EX/CYC/77) and reserve the right to comment further at a later stage.

Conclusions

We trust that the detail contained within these representations will be taken into account moving forward. We would be happy to discuss these issues in greater detail if it would be helpful. We also request that we are kept informed of the progress of the Examination. Please use the contact details provided below for future correspondence.

If you have any queries in relation to the above, please do not hesitate to contact me.

Yours faithfully



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