

From: Joanne Harding [REDACTED]
Sent: 24 March 2023 11:25
To: localplan@york.gov.uk
Subject: HBF response to City of York Local Plan Main Modifications Consultation 2023
Attachments: 23-03-27 York Local Plan Main Modifications.docx

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Dear Planning Policy Team,

Please find attached the response of the Home Builders Federation (HBF) to the York Local Plan Main Modifications consultation.

It would be greatly appreciated if you could confirm receipt of this response.

If you require any further information, or have any queries, please feel free to get in touch at the details below.

Kind regards

Joanne Harding MRTPI

Planning Manager – Local Plans North
Home Builders Federation



T: [REDACTED]
E: [REDACTED]
A: HBF House, 27 Broadwall, London SE1 9PL



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From: [REDACTED]
Sent: Monday, February 13, 2023 12:04 PM
To: localplan@york.gov.uk
Subject: EXTERNAL: City of York Local Plan Main Modifications Consultation 2023

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Dear Resident/Business,

CITY OF YORK LOCAL PLAN
PROPOSED MAIN MODIFICATIONS CONSULTATION (February 2023)
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS
2012 – REGULATION 19, 20 and 35

In keeping with planning regulations, I am writing to let you know about an opportunity to comment on the 'Proposed Main Modifications' (2023) to the City of York Local Plan. You are getting this email because you, or someone in your business or household, previously expressed an interest in, or responded to, a Local Plan consultation.

The Local Plan is an important document which will provide a development framework for the whole city and form the basis for future planning decisions. The City of York Local Plan (2017-2033) is currently in a process known as '[Examination](#)' by independent Planning Inspectors following its submission to the Secretary of State for Housing, Communities and Local Government on 25 May 2018.

After the first set of examination hearings - which took place in December 2019 - we put forward a number of 'Proposed Modifications' to the Local Plan we originally submitted. Consultation on those proposed modifications took place in two phases, from 10 June - 22 July 2019 and 25 May - 7 July 2021. Examination hearing sessions to discuss the submitted plan - including those proposed modifications - were then held between May and September 2022.

Following those latest hearings, the Inspectors have asked us to consult on a schedule of proposed 'Main Modifications', in response to issues raised by the Inspectors before and during those sessions.

The attached '[Statement of Representations Procedure](#)' and '[Guidance note](#)' has further, detailed guidance on the scope of our consultation, and will help you to understand how to submit your representations to the Council as well as what you need to consider when preparing them. Any written representations made will be processed in accordance with our [Privacy Notice](#) and considered directly by the independent Planning Inspectors.

You can respond at any time during the 6-week consultation period from 13 February 2023 until 27 March 2023.

All consultation documents are available on our website <http://www.york.gov.uk/LocalPlanConsultation2023>. Documents can also be seen electronically at the city's libraries and Explore Centres. Printed copies will be available at our Customer Service Centre in West Offices.

You can comment on the consultation via our online survey at <http://www.york.gov.uk/LocalPlanConsultation2023>. Alternative format response forms are available from the Strategic Planning Policy Team at localplan@york.gov.uk or (01904) 552255.

We are also consulting on a Community Infrastructure Levy (CIL) draft Charging Schedule and evidence base, to help pay for infrastructure which can support developments such as schools, green infrastructure and sustainable transport. If you would like to take part in the CIL consultation, please visit www.york.gov.uk/consultations.

If you require further information or advice, or would like further information on the Local Plan, any associated documents or the Local Plan process, please contact the Strategic Planning Policy Team by emailing localplan@york.gov.uk or phoning (01904) 552255. You can also use these contact details to notify us if you no longer want to receive these planning updates.

We look forward to receiving your comments.

Yours faithfully,

Neil Ferris

Corporate Director of Place

**STATEMENT OF REPRESENTATION PROCEDURE AND AVAILABILITY OF DOCUMENTS
THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS
2012 – REGULATION 19, 20 and 35**

**CITY OF YORK LOCAL PLAN PROPOSED MAIN MODIFICATIONS CONSULTATION (Feb
2023)**

Title of Document

City of York Local Plan Main Modifications Consultation (February 2023)

Subject Matter and Area Covered

The City of York Publication Draft Local Plan (“Draft Plan”) was submitted for independent Examination on 25 May 2018. Examination hearings commenced on 10 December 2019 with Phase 4 hearings closing on 22 September 2022. Following the hearings, the Inspectors invited the Council to submit, for their consideration, a schedule of proposed Main Modifications to the Draft Plan which they considered to be necessary to make the plan sound. The schedule is now subject to public consultation.

The Local Plan sets out the broad spatial planning and policy framework for the whole City of York administrative area up to 2032/33 with the exception of the Green Belt boundaries which will endure for a minimum of 20 years. It includes a long-term vision and strategic objectives, policies to guide development, and allocations for new homes, jobs, and open space.

Period of Publication for Representations

Representations are invited on the City of York Local Plan Main Modifications Consultation for a period of 6 weeks, from 13 February until midnight on 27 March 2023. This statement provides details on how to make representations.

Statement of arrangements – How to view the documents

During the public consultation period, copies of the main documents associated with the City of York Local Plan Main Modifications consultation will be available to view:

- On the Council’s website at <https://www.york.gov.uk/LocalPlanConsultation2023>
- At the Council’s West Offices, Station Rise, York (Mon-Fri 9:00-17:00, Sat and Sun closed)

Documents are also available to view electronically via the city's libraries and Explore centres. Current opening times are available to view on the Explore York webpage <https://exploreYork.org.uk/libraries/>

Members of the library can book computer sessions up to a week in advance and you can use the booking webpage (<https://pcbookings.exploreYork.org.uk/>) to book a session. You will need your library card number and PIN to log in. Alternatively, you can book by speaking to library staff at any of the open branches. For more information on accessing or booking a computer at a library, and for up-to-date opening times, please see: <https://exploreYork.org.uk/digital/computers-and-wifi-in-libraries/>

Documents which are available to view:

The following documents are available as part of this consultation:

- Schedule of Proposed Main Modifications
- Policy Map Modifications
- Sustainability Appraisal Addendum
- Sustainability Appraisal Technical Note (ST15a)
- Habitats Regulations Assessment Addendum
- Habitats Regulations Assessment Addendum (ST15a)

Evidence base documents available as part of this consultation:

- EX/CYC/76 - Housing Supply Update 16 May 2022
- EX/CYC/76a - Housing Land Supply Update Addendum Responses to representations made to EX/CYC/76 21 June 2022
- EX/CYC/76b - Appendix 4 Part 1 - Major Sites with Consent
- EX/CYC/76c - Appendix 4 Part 2 - Major Sites (Allocations) Consent
- EX/CYC/76d - Appendix 4 Part 3 - Approved Communal Est Sites
- EX/CYC/76e - Appendix 4 Part 4 - Allocations No Consent - Non-strategic
- EX/CYC/76f - Appendix 4 Part 5 - Allocations No Consent - Strategic Sites
- EX/CYC/76g - Appendix 4 Part 6 - Resolution to Grant
- EX/CYC/76h - Appendix 4 Part 7 - Communal Estabs No Consent
- EX/CYC/77 - Windfall Update Technical Paper 2022
- EX/CYC/79 - Phase 2 Infrastructure Note May 2022
- EX/CYC/86 - Green Belt Topic Paper 1 Annex 7 update 23 June 2022
- EX/CYC/87 - Local Plan Forecasting Report
- EX/CYC/87a - Local Plan Modelling Report
- EX/CYC/88 - Gypsy and Traveller Accommodation Assessment
- EX/CYC/89 - Sustainable Transport Study - Wood July 2022
- EX/CYC/91 - Comparative Effects Of Different Spatial Distributions
- EX/CYC/92 - Local Housing Needs Assessment - Icen July 2022
- EX/CYC/99a - Viability Assessment of ST7 - July 2022
- EX/CYC/99b - Viability Assessment of ST14 - July 2022
- EX/CYC/99c - Viability Assessment of ST15 - July 2022
- EX/CYC/104 - Draft Climate Change Strategy June 2022
- EX/CYC/105 - Draft Economic Strategy June 2022
- EX/CYC/106 - Air Quality Annual Status Report June 2022
- EX/CYC/107/1 - Housing Trajectory Note August 2022

- EX/CYC/107/2 - Affordable Housing Note August 2022
- EX/CYC/107/3 - Student Housing Policy H7 Note August 2022
- EX/CYC/107/4 - SH1 Land at Heworth Croft Capacity Note August 2022
- EX/CYC/107/8 - Infrastructure Gantt Chart May 2022 Revised August 2022
- EX/CYC/119 - Retail Strategic Sites Briefing Note Nov 2022

The following documents are available for information only and do not form part of the Proposed Main Modification consultation:

- Schedule of additional modifications (minor corrections and factual updates)
- ‘Tracked changes’ version of the Submission Local Plan including proposed modifications.
- Equalities Impact Assessment

Representations

Representations can be made throughout the representation period but must be made before midnight on 27 March 2023. Please note that late representations cannot be accepted. Representations can be made in writing or by electronic communication. You can comment on the consultation:

- via our online survey <https://www.york.gov.uk/LocalPlanConsultation2023>
- by requesting a response form. Contact the Strategic Planning Policy Team at email: localplan@york.gov.uk or telephone: (01904) 552255. The response form can be returned by:
 - email localplan@york.gov.uk with subject line ‘Local Plan MM Consultation’
 - post to: FREEPOST RTEG-TYYU-KLTZ, Strategic Planning Policy, West Offices, Station Rise, York, YO1 6GA

All representations should include your name and postal address and/or email. All individual representations received will be provided to the Planning Inspectors and considered as part of the Local Plan examination. The purpose of the Examination is to consider whether the Local Plan complies with relevant legal requirements for producing Local Plans, including the Duty to Cooperate, and meets the national tests of ‘soundness’ for Local Plans set out in the Framework (NPPF). Therefore, representations submitted at this stage must only be made on these grounds and, where relevant, be supported with evidence to demonstrate why these tests have not been met.

Please refer to the [Guidance Note](#) when preparing representations.

Request for Notification

Representations at this stage may be accompanied by a request to be notified about:

- the publication of the recommendations of the Inspectors appointed to carry out the independent examination; and
- the adoption of the local Plan.

For further details, please contact Strategic Planning Policy Team on (01904) 552255 or email localplan@york.gov.uk

How we will use your Personal Data

We will collect information

- When you complete forms either electronically or a paper copy
- By post, email and phone conversations as appropriate

We will use the information you give us to support progress towards adoption and examination of the Local Plan. As part of the Local Plan process, the Council needs to make information available for public inspection, which we do by publishing on our website and also making paper copies available on request. We will only make available or publish the information we have to do to meet our legal obligations. This includes:

- Your name, or the name of the Organisation you represent.
- Your ID number (if provided)
- Your comments/representations

We are also required by law to share information with the Planning Inspectorate. This includes the above information alongside:

- Your contact address/telephone number
- Your email address (if provided)

We will ask for your consent to contact you about the Local Plan or if you have requested to be notified of the submission of the Local Plan for examination, the publication of the Inspectors' recommendations and the adoption of the Local Plan. You can withdraw your consent at any time by contacting localplan@york.gov.uk

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Strategic Planning Policy,
West Offices,
Station Rise,
York,
YO1 6GA



SENT BY EMAIL
localplan@york.gov.uk
19/04/2023

Dear Planning Policy Team,

YORK LOCAL PLAN: MAIN MODIFICATIONS

1. Thank you for consulting with the Home Builders Federation (HBF) on the York Local Plan Main Modifications consultation.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.

MM3.1 - Policy SS1: Delivering Sustainable Growth for York

3. The Council proposed to amend the policy to detail the plan period as 2017 to 2032/33 and to set out that they will deliver a minimum average annual net provision of 822 dwellings over the plan period. As has been set out in the HBF previous responses the HBF does not consider that this proposed housing requirement is sound. The HBF continues to be concerned that the housing requirement is not underpinned by robust evidence and that it is not justified. The Council have not followed the methodology for assessing the housing need as set out in the PPG as they did not update all of the elements of the methodology. The HBF also does not consider that the housing requirement has taken account of all of the housing need, particularly in relation to affordable housing.
4. The proposed amendments also include a spatial principle which seeks to prioritise making the best use of previously developed land. The HBF continues to be concerned by the use of the word 'prioritise' which continues to suggest that this would be prioritised before greenfield development, which the Council acknowledges would be unreasonable. The HBF recommends that the Council amend this policy further potential to state that the Council will seek to make efficient and effective use of brownfield sites where they are available for redevelopment, or something similar.

MM5.6 - Policy H2: Density of Residential Development

5. The Council propose to amend the policy to state that where appropriate on strategic sites that are not consistent with the rates above satisfactory justification must be



provided for a bespoke approach to site density. The HBF supports the Council in adding additional flexibility into this policy. However, the HBF considers that it would be appropriate to extend this flexibility to all sites not just strategic sites.

MM5.8 – Policy H3: Balancing the Housing Market

6. The Council are proposing to amend this policy to refer to the latest LHNA and in any other appropriate local evidence, and to suggest that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to support the creation of mixed, balanced and inclusive communities. The HBF considers that this modification is appropriate.

MM5.9 – Policy H3: Balancing the Housing Market

7. The Council are proposing to amend this policy to state that the Council will encourage developers to deliver an appropriate proportion of housing that meets the higher access standards of Part M Building Regulations, unless it is demonstrated that characteristics of the site provide reasons for delivery to be inappropriate, impractical or unviable. The HBF is concerned that this policy could be perceived as more than encouragement by the way it is written to suggest an appropriate proportion unless certain specific criteria are met and that these need to be demonstrated.

MM5.10 – Policy H4: Promoting Self and Custom House Building

8. The Council propose to amend this policy to aid clarity, by ensuring that it relates to residential development on strategic sites subject to appropriate demand being identified by the Council. Whilst the HBF considers that there are improvements to the clarity of this policy, the HBF continues to consider that this policy is not justified and therefore not sound. The HBF is still concerned that the Council has not evidenced the need for strategic sites to provide for self and custom build homes. The HBF is still not clear how appropriate demand would be identified, or how this demand could be identified by a developer when they are looking to purchase a site or design a development for a site. The HBF therefore considers that there are still issues with the effectiveness of this policy.

MM5.11 – Policy H5: Gypsies and Travellers

9. The Council propose to amend this policy to reflect the evidence in the 2022 GTAA and to provide clarity to the policy. Part (b) of the policy now requires residential developments on strategic sites to provide a number of pitches or to provide alternate land that meets the criteria set out in part (c) of the policy. It goes on to state that commuted sums will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints and that there are no suitable and available alternate sites.
10. The HBF continues to be concerned by the effectiveness of this policy in meeting the needs of the gypsy and traveller community. It is not clear that this community would want to live in plots provided within a strategic residential development, particularly at the numbers proposed within the policy. The HBF continues to have concerns that the full implications of this policy in relation to viability and deliverability have not been

considered by the Council. The HBF does not consider that this policy is sound and consider that part (b) of the policy should be deleted.

MM5.21 – Policy H10: Affordable Housing

11. The Council propose to amend this policy to state that affordable housing is provided in accordance with Table 5.4 as a minimum, and that higher rates of provision will be sought where development viability is not compromised. Table 5.4 has been simplified this now states that brownfield sites of 15 or more dwellings the affordable target is 20%, greenfield sites of 15 or more dwellings the target is 30%, and for all sites 5-14 dwellings the affordable target is 10%. The HBF considers that the amendment to increase the threshold at which affordable housing will be required from 2 dwellings to 5 dwellings is appropriate. The HBF also considers that the simplification of Table 5.4 is appropriate in terms of aiding the clarity and the ease of use of the policy. The HBF is however, concerned by the addition of text which states that higher rates of provision will be sought where development viability is not compromised. It is not clear how this element of policy would work when determining a planning application, or how would this be evidenced? The HBF does not consider this element of the policy is sound or appropriate and should be deleted.

12. The Council propose to amend part (v) of the policy to delete the reference to no more than two affordable dwellings placed next to each other. The HBF considers that this amendment is appropriate.

MM11.1 – Policy CC1: Renewable and Low Carbon Energy Storage

13. The Council proposes to delete the first section of this policy which stated that new buildings must achieve a reasonable reduction in carbon emissions of at least 28%, as this is dealt with in policy CC2. The HBF considers that this deletion is appropriate.

MM11.5 - Policy CC2: Sustainable Design and Construction of New Development

14. The Council propose to amend this policy to state that residential development should achieve a minimum of 31% reduction in on site carbon emissions over and above the requirements of Building Regulations Part L (2013) of which at least 19% should come from energy efficiency measures. It also states that pending anticipated changes to Building Regulations developments should further aim to achieve up to 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013), unless it is demonstrated that such reductions would not be feasible or viable. The HBF continues to consider that this policy is not necessary and should be deleted. The HBF considers that the Council should comply with the Government’s intention of setting standards for energy efficiency through the Building Regulations. The key to success is standardisation and avoidance of individual Council’s specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. The Council should not need to set local carbon reduction because of the higher levels of energy efficiency standards for new homes proposed in the 2021 Part L uplift and the Future Homes Standard 2025.

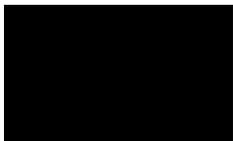
MM15.1 – Policy DM1: Infrastructure and Developer Contributions

15. The Council propose to amend this policy by incorporating an additional part to this policy which states that *‘where developers demonstrate that there are exceptional circumstances which justify the need for a viability assessment at the application stage, the Council will consider the assessment. If the development is demonstrably unviable, consideration will be given to modifying the phasing of obligations and may extend to including a review mechanism in any legal agreement’*. The HBF is concerned by the wording of this addition and by the limited detail provided.
16. The HBF does not consider that it is sound or appropriate to state that developers need to demonstrate that there are **exceptional circumstances** to justify the need for a viability assessment. This is not consistent with the PPG¹ and NPPF² which refer to **particular circumstances**, the HBF strongly recommends that the Council amend their wording. It is evident from the information already collated in the Viability Assessment that under current circumstances some schemes are not viable, it seems completely inappropriate to suggest that knowing this, the Council would require a developer to demonstrate exceptional circumstances.
17. The HBF generally considers that the use of overage clauses or viability reviews can be useful in allowing development to come forward. However, the proposed addition to this policy provides very little detail as to how this would take place in York. The HBF considers that in line with the PPG³ the Plan should set out circumstances where review mechanisms may be appropriate as well as a clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development.

Future Engagement

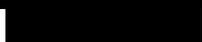
18. I trust that the Council will find these comments useful as it continues to progress its Local Plan to adoption. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.
19. The HBF would like to be kept informed of the publication of the Inspectors’ Report and the adoption of the Plan. Please use the contact details provided below for future correspondence.

Yours sincerely,



Joanne Harding
Planning Manager – Local Plan (North)

Email: 

Phone: 

¹ PPG ID: 10-007-20190509

² NPPF 2021 paragraph 58

³ PPG ID: 10-009-20190509