

**From:** Alastair Willis [REDACTED]  
**Sent:** 27 March 2023 17:57  
**To:** localplan@york.gov.uk  
**Subject:** York Local Plan: Main Modifications Consultation [LICH-DMS.FID100601]  
**Attachments:** 50730 CITY OF YORK LOCAL PLAN Main Modifications Consultation 22.3.23.pdf  
**Importance:** High

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

We have submitted representations via the web-based portal although conscious we haven't received any form of acknowledgement of the submission.

On this basis, please see the attached representations submitted on behalf of Bellway Homes.

Please could you confirm receipt?

Kind regards

**Alastair Willis**  
**Planning Director**  
Lichfields, The St Nicholas Building, St Nicholas Street, Newcastle upon Tyne NE1 1RF  
T 0191 261 5685 / M [REDACTED] / E [REDACTED]

lichfields.uk  



This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.  
Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116, registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

Sir/Madam  
York City Council  
Strategic Planning Policy  
West Offices  
Station Rise  
York  
YO1 6GA

**Date:** 20 March 2023

**Our ref:** 50730/01/MHE/26435504v2

Dear Sir/Madam

## **CITY OF YORK LOCAL PLAN: Main Modifications Consultation**

We write in response to the on-going City of York Local Plan examination, following previous written and oral submissions made on behalf of Bellway Homes.

We have engaged at all relevant stages of the examination on behalf of Bellway Homes, explaining why we do not consider the Local Plan (as submitted) to be sound and the changes which are needed to make it sound. We maintain our view that the Local Plan (including the proposed Main Modifications) is not sound and should not progress to adoption.

Whilst it is agreed that the emphasis should be on having an up-to-date Local Plan in place, this should not involve the extent of compromise contained within the emerging York Local Plan. We take this opportunity to respectfully remind the inspectors in this case, that the DLUHC Chief Planner (Joanna Averley) wrote to PINS on 6<sup>th</sup> March 2023 confirming the instruction not to send letters or reports which conclude local plans are unsound and incapable of being made so, has now been withdrawn.

### **Comments on updated evidence**

There are a total of 30 additional evidence base documents being consulted upon, alongside the Main Modifications to the Plan. We have previously described the York Local Plan as a case of retro-fitting the evidence to fit the proposed policy, rather than the other way around. This opinion is supported by the number of updated evidence documents prepared since the submission of the Plan.

Overall, we maintain our position that the Council is not planning for sufficient homes over the plan period and there is a need to identify additional housing land over the plan period. The Plan remains unjustified on these matters and is not sound.

### **EX/CYC/107/2 – Affordable Housing Note August 2022**

The submitted Affordable Housing Note responds to the Inspectors' request for an update on affordable housing provision and clarification on supply. Whilst the note

clarifies the position on affordable housing supply, it further highlights the failings of the Local Plan to plan for sufficient homes over the plan period.

The Note concludes the full plan period affordable housing need is 9,396 dwellings. The predicted supply over the plan period is only 3,265 dwellings (just 35% of the identified need – woefully below the plan requirement). Whilst it is a relatively minor difference, we also note the sources of supply set out at paragraph 5 amount to only 3,255 dwellings.

Paragraph 6 goes on to note a series of other potential sources of supply, which include affordable exception sites and other sites where registered providers over deliver on the policy requirement. There is no certainty that any meaningful supply will be realised from these sources.

Indeed, we set out in our hearing statement for Phase III, Matter 1 (Affordable Housing) that Policy GB4 (Affordable Housing Exception Sites in the Green Belt) is not clear on what scale of development would be considered acceptable. The proposed Main Modifications (MM10.6) seek to clarify this by inserting the words ‘limited affordable housing’. The supporting text at paragraph 10.22 of the Local Plan references the NPPF explanation that ‘limited affordable housing’ meeting certain criteria will be acceptable in the Green Belt, although provides no further clarification on the scale of development which could be acceptable.

A review of recent appeal decisions for affordable housing development in Green Belt suggests that ‘limited’ generally relates to very small developments, often 10 dwellings or less<sup>1</sup>. Even with a more flexible approach to the appropriate scale of development, it is highly unlikely that the policy will make a material difference to the Council’s overall affordable housing requirements and will not increase supply meaningfully above the 35% projected delivery. To have any certainty of delivery, the Council must allocate sufficient sites to deliver market and affordable housing requirements over the plan period and not rely on exception sites which, by definition, should be the ‘exception’.

The subsequent acknowledgement that sites will continue delivering affordable housing beyond the plan period is of no relevance to achieving the plan period housing requirement.

The concluding comments at paragraph 9 note that viability testing demonstrates that higher than policy requirement levels of affordable housing could be achieved on the majority of sites. The Council does not intend to change the policy requirement, but rather to propose further modifications confirming the policy requirements will be considered the ‘minimum requirement’ and that the council will seek to negotiate higher levels on schemes where viability is not compromised.

We comment on the soundness of this approach under the Main Modifications consultation, but in principle it is clear that this is an attempt by the Council to convince the inspectors that they can deliver more affordable housing. In reality, this provides no certainty whatsoever and the only way the Council will reasonably achieve this is by increasing its global housing requirement in accordance with our extensive submissions and allocating sufficient sites to achieve its actual housing requirement.

---

<sup>1</sup> APP/N4720/W/16/3146753 – Clifford Moor Road, Wetherby; APP/M3645/W/19/3243231 – Plough Road, Smallfield; APP/P2935/W/21/3274050

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

Set out below are our comments on the Main Modifications on behalf of Bellway Homes.

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

The policy provides greater clarity on the permanence of the Green Belt, confirming sufficient land is allocated to meet the requirements for a minimum of 5 years beyond the plan period. We have provided extensive evidence during the hearing sessions demonstrating the published housing need figure is woefully low and will not deliver upon the wider plan objectives. As such, the plan neither allocates sufficient land for the plan period or for a period beyond the plan period.

The final bullet point of the policy states the Plan will deliver ‘at least 45%’ of the affordable housing requirement over the plan period. As set out above, the evidence does not support this with supply of only 35% being identified. For the Council to deliver at least 45%, a further 940 affordable dwellings will need to be delivered. Other policies within the plan are insufficiently flexible to achieve anywhere near this figure. To deliver this additionality via exception sites would require over 90 such sites to come forward over the plan period.

As such, the policy modifications are not positively prepared, justified or effective.

***MM5.21 Policy H10: Affordable Housing***

The proposed modification makes a series of clarifications to the policy which we do not object to. The element we do object to is set out at part i of the policy, which now states:

*“affordable housing is provided in accordance with Table 5.4 as a minimum. Higher rates of provision will be sought where development viability is not compromised.”* (Lichfields’ emphasis)

The second part of the paragraph is not sound, leaving applicants with uncertainty over what may be required and the Council with uncertainty over what may be delivered. The primary purpose of the plan-led system is for all users to understand what is and is not acceptable, although this addition creates uncertainty for anybody seeking to navigate the system. It is not positively prepared, justified, effective or consistent with national policy.

Whilst we understand the Council’s intention to maximise its affordable housing delivery, it is clear that this policy intervention will not increase affordable housing supply, based on the vagaries of the submitted evidence. More significantly, having reviewed the evidence that sits behind these suggested changes, it is clear that the Council is using this policy change to mask the more significant issue of needing a greater global housing figure, in accordance with our previous representations.

Whilst it is accepted that most local plans do not achieve their full affordable housing requirement due to viability constraints, the extent of shortfall in York’s Local Plan is likely to result in a greater affordability issue at the end of the plan period. It is absolutely clear, based on the Council’s evidence to the Local Plan, that the global housing figure should be higher, in accordance with our extensive submissions. This will allow the Council to achieve greater affordable housing delivery without compromising the overall plan deliverability.

**Summary**

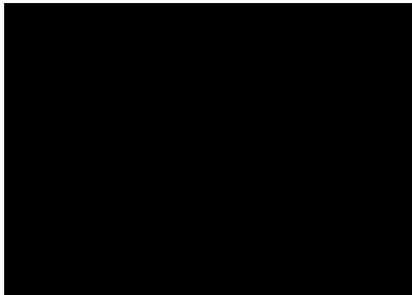
On behalf of Bellway Homes, we object to the proposed Main Modifications, as set out above. The proposed modifications do not address any of our objections made at each of the previous stages. Rather, they seek to mask the most significant issue of failing to meet overall housing needs by suggesting an undeliverable means of possibly increasing affordable housing supply.

On the basis of the proposed Main Modifications, we consider the plan has progressed as far as it reasonably can without a comprehensive review of strategy and direction. It is clear that this plan remains unsound and the Council has made several unsuccessful attempts since it was submitted in 2018 to make it sound.

National planning policy has moved on significantly over this time, and it is likely the third version of the NPPF will have been published before this plan is found sound. Being based on the 2012 NPPF, the local plan will be so far removed from national policy by the time it is adopted that it will be out-of-date immediately following adoption.

We respectfully request the inspectors confirm the plan cannot continue in its current form should be found unsound.

Yours faithfully

A large black rectangular redaction box covering the signature area.

**Alastair Willis**  
Planning Director



SIGN UP FREE



# City of York Local Plan Modifications Consultation 2023

QUESTION SUMMARIES

DATA TRENDS

INDIVIDUAL RESPONSES

All Pages ▼

Respondent #317 ▼



COMPLETE

**Started:** Monday, March 27, 2023 11:24:05 AM  
**Last Modified:** Monday, March 27, 2023 11:36:37 AM  
**Time Spent:** 00:12:31  
**IP Address:** 91.143.75.98

Page 1: Survey Information

### Q1

Do you confirm that you have read and understood the privacy notice? You must select 'Yes' in order to take the survey.

Yes

Page 2: Register for consultation

### Q2

Your name:

Alastair Willis

### Q3

Contact details: Please provide email and/or address

Organisation (optional) Lichfields

Address The St Nicholas Building

Address 2 St Nicholas Street

City/town Newcastle upon Tyne

Post code NE1 1RF

Email address [REDACTED]

### Q4

Do you wish to be notified when the City of York Local Plan is adopted by the Council? If yes we will use contact details provided above

Yes

Page 3: Your response

### Q5

To which consultation document does this response relate? Please note, links shown beside each option are for associated documents.

Share Link



COPY

459 responses



SIGN UP FREE



**Q6**

To which section does this response relate?

Respondent skipped this question

Page 5: Section 2: Vision

**Q7**

To which modification does this response relate?

Respondent skipped this question

Page 6: Section 3: Spatial Strategy

**Q8**

To which modification does this response relate?

Respondent skipped this question

Page 7: Section 4: Economy and Retail

**Q9**

To which modification does this response relate?

Respondent skipped this question

Page 8: Section 5: Housing

**Q10**

To which modification does this response relate?

Respondent skipped this question

Page 9: Section 6: Health and Wellbeing

**Q11**

To which modification does this response relate?

Respondent skipped this question

Page 10: Section 7: Education

**Q12**

To which modification does this response relate?

Respondent skipped this question

Page 11: Section 8: Placemaking, Heritage, Design and Culture

**Q13**

To which modification does this response relate?

Respondent skipped this question

**Q14**

To which modification does this response relate?

Respondent skipped this question

Page 13: Section 10: Managing Development in the Green Belt

**Q15**

To which modification does this response relate?

Respondent skipped this question

Page 14: Section 11: Climate Change

**Q16**

To which modification does this response relate?

Respondent skipped this question

Page 15: Section 12: Environmental Quality and Flood Risk

**Q17**

To which modification does this response relate?

Respondent skipped this question

Page 16: Section 14: Transport and Communications

**Q18**

To which modification does this response relate?

Respondent skipped this question

Page 17: Section 15: Delivery and Monitoring

**Q19**

To which modification does this response relate?

Respondent skipped this question

Page 18: Proposed Policy Map Modifications

**Q20**

To which modification does this response relate?

Respondent skipped this question

Page 19: New evidence documents

**Q21**

To which evidence document does this response relate?

EX/CYC/107/2 - Affordable Housing Note August 2022

Page 20: Comment Form

**Q22**

Do you support or object to the proposed modification(s)?

Object

**Q23**

If you object, please select your reason from the list below (select all that apply):

Not positively prepared - i.e. strategy will not meet development needs

Not justified - i.e. there is no evidence to justify the modification

Not effective - i.e. it won't work

Not consistent with national policy - i.e. doesn't comply with the law

**Q24**

Please set out the reasoning behind your support or objection: Please note there is a 1000 character limit, therefore if your reason for support or objection is longer than this, please summarise the main issues raised.

Doesn't plan for sufficient affordable housing, masks a failure to provide sufficient housing overall for the plan period, requires a policy change which results in uncertainty over the affordable housing requirement for applicants and officers which is not positively prepared, not justified, not effective and not consistent with the NPPF. Refer to attached letter for the full consideration of the matter.

Powered by  SurveyMonkey

Check out our [sample surveys](#) and [create your own now!](#)

Sir/Madam  
York City Council  
Strategic Planning Policy  
West Offices  
Station Rise  
York  
YO1 6GA

**Date:** 20 March 2023

**Our ref:** 50730/01/MHE/26435504v2

Dear Sir/Madam

## **CITY OF YORK LOCAL PLAN: Main Modifications Consultation**

We write in response to the on-going City of York Local Plan examination, following previous written and oral submissions made on behalf of Bellway Homes.

We have engaged at all relevant stages of the examination on behalf of Bellway Homes, explaining why we do not consider the Local Plan (as submitted) to be sound and the changes which are needed to make it sound. We maintain our view that the Local Plan (including the proposed Main Modifications) is not sound and should not progress to adoption.

Whilst it is agreed that the emphasis should be on having an up-to-date Local Plan in place, this should not involve the extent of compromise contained within the emerging York Local Plan. We take this opportunity to respectfully remind the inspectors in this case, that the DLUHC Chief Planner (Joanna Averley) wrote to PINS on 6<sup>th</sup> March 2023 confirming the instruction not to send letters or reports which conclude local plans are unsound and incapable of being made so, has now been withdrawn.

### **Comments on updated evidence**

There are a total of 30 additional evidence base documents being consulted upon, alongside the Main Modifications to the Plan. We have previously described the York Local Plan as a case of retro-fitting the evidence to fit the proposed policy, rather than the other way around. This opinion is supported by the number of updated evidence documents prepared since the submission of the Plan.

Overall, we maintain our position that the Council is not planning for sufficient homes over the plan period and there is a need to identify additional housing land over the plan period. The Plan remains unjustified on these matters and is not sound.

### **EX/CYC/107/2 – Affordable Housing Note August 2022**

The submitted Affordable Housing Note responds to the Inspectors' request for an update on affordable housing provision and clarification on supply. Whilst the note

clarifies the position on affordable housing supply, it further highlights the failings of the Local Plan to plan for sufficient homes over the plan period.

The Note concludes the full plan period affordable housing need is 9,396 dwellings. The predicted supply over the plan period is only 3,265 dwellings (just 35% of the identified need – woefully below the plan requirement). Whilst it is a relatively minor difference, we also note the sources of supply set out at paragraph 5 amount to only 3,255 dwellings.

Paragraph 6 goes on to note a series of other potential sources of supply, which include affordable exception sites and other sites where registered providers over deliver on the policy requirement. There is no certainty that any meaningful supply will be realised from these sources.

Indeed, we set out in our hearing statement for Phase III, Matter 1 (Affordable Housing) that Policy GB4 (Affordable Housing Exception Sites in the Green Belt) is not clear on what scale of development would be considered acceptable. The proposed Main Modifications (MM10.6) seek to clarify this by inserting the words ‘limited affordable housing’. The supporting text at paragraph 10.22 of the Local Plan references the NPPF explanation that ‘limited affordable housing’ meeting certain criteria will be acceptable in the Green Belt, although provides no further clarification on the scale of development which could be acceptable.

A review of recent appeal decisions for affordable housing development in Green Belt suggests that ‘limited’ generally relates to very small developments, often 10 dwellings or less<sup>1</sup>. Even with a more flexible approach to the appropriate scale of development, it is highly unlikely that the policy will make a material difference to the Council’s overall affordable housing requirements and will not increase supply meaningfully above the 35% projected delivery. To have any certainty of delivery, the Council must allocate sufficient sites to deliver market and affordable housing requirements over the plan period and not rely on exception sites which, by definition, should be the ‘exception’.

The subsequent acknowledgement that sites will continue delivering affordable housing beyond the plan period is of no relevance to achieving the plan period housing requirement.

The concluding comments at paragraph 9 note that viability testing demonstrates that higher than policy requirement levels of affordable housing could be achieved on the majority of sites. The Council does not intend to change the policy requirement, but rather to propose further modifications confirming the policy requirements will be considered the ‘minimum requirement’ and that the council will seek to negotiate higher levels on schemes where viability is not compromised.

We comment on the soundness of this approach under the Main Modifications consultation, but in principle it is clear that this is an attempt by the Council to convince the inspectors that they can deliver more affordable housing. In reality, this provides no certainty whatsoever and the only way the Council will reasonably achieve this is by increasing its global housing requirement in accordance with our extensive submissions and allocating sufficient sites to achieve its actual housing requirement.

---

<sup>1</sup> APP/N4720/W/16/3146753 – Clifford Moor Road, Wetherby; APP/M3645/W/19/3243231 – Plough Road, Smallfield; APP/P2935/W/21/3274050

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

Set out below are our comments on the Main Modifications on behalf of Bellway Homes.

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

The policy provides greater clarity on the permanence of the Green Belt, confirming sufficient land is allocated to meet the requirements for a minimum of 5 years beyond the plan period. We have provided extensive evidence during the hearing sessions demonstrating the published housing need figure is woefully low and will not deliver upon the wider plan objectives. As such, the plan neither allocates sufficient land for the plan period or for a period beyond the plan period.

The final bullet point of the policy states the Plan will deliver ‘at least 45%’ of the affordable housing requirement over the plan period. As set out above, the evidence does not support this with supply of only 35% being identified. For the Council to deliver at least 45%, a further 940 affordable dwellings will need to be delivered. Other policies within the plan are insufficiently flexible to achieve anywhere near this figure. To deliver this additionality via exception sites would require over 90 such sites to come forward over the plan period.

As such, the policy modifications are not positively prepared, justified or effective.

***MM5.21 Policy H10: Affordable Housing***

The proposed modification makes a series of clarifications to the policy which we do not object to. The element we do object to is set out at part i of the policy, which now states:

*“affordable housing is provided in accordance with Table 5.4 as a minimum. Higher rates of provision will be sought where development viability is not compromised.” (Lichfields’ emphasis)*

The second part of the paragraph is not sound, leaving applicants with uncertainty over what may be required and the Council with uncertainty over what may be delivered. The primary purpose of the plan-led system is for all users to understand what is and is not acceptable, although this addition creates uncertainty for anybody seeking to navigate the system. It is not positively prepared, justified, effective or consistent with national policy.

Whilst we understand the Council’s intention to maximise its affordable housing delivery, it is clear that this policy intervention will not increase affordable housing supply, based on the vagaries of the submitted evidence. More significantly, having reviewed the evidence that sits behind these suggested changes, it is clear that the Council is using this policy change to mask the more significant issue of needing a greater global housing figure, in accordance with our previous representations.

Whilst it is accepted that most local plans do not achieve their full affordable housing requirement due to viability constraints, the extent of shortfall in York’s Local Plan is likely to result in a greater affordability issue at the end of the plan period. It is absolutely clear, based on the Council’s evidence to the Local Plan, that the global housing figure should be higher, in accordance with our extensive submissions. This will allow the Council to achieve greater affordable housing delivery without compromising the overall plan deliverability.

**Summary**

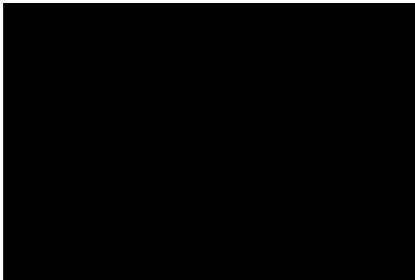
On behalf of Bellway Homes, we object to the proposed Main Modifications, as set out above. The proposed modifications do not address any of our objections made at each of the previous stages. Rather, they seek to mask the most significant issue of failing to meet overall housing needs by suggesting an undeliverable means of possibly increasing affordable housing supply.

On the basis of the proposed Main Modifications, we consider the plan has progressed as far as it reasonably can without a comprehensive review of strategy and direction. It is clear that this plan remains unsound and the Council has made several unsuccessful attempts since it was submitted in 2018 to make it sound.

National planning policy has moved on significantly over this time, and it is likely the third version of the NPPF will have been published before this plan is found sound. Being based on the 2012 NPPF, the local plan will be so far removed from national policy by the time it is adopted that it will be out-of-date immediately following adoption.

We respectfully request the inspectors confirm the plan cannot continue in its current form should be found unsound.

Yours faithfully

A large black rectangular redaction box covering the signature area.

**Alastair Willis**  
Planning Director



SIGN UP FREE



# City of York Local Plan Modifications Consultation 2023

QUESTION SUMMARIES

DATA TRENDS

INDIVIDUAL RESPONSES

All Pages ▼

Respondent #318 ▼



COMPLETE

**Started:** Monday, March 27, 2023 11:36:38 AM  
**Last Modified:** Monday, March 27, 2023 11:41:19 AM  
**Time Spent:** 00:04:41  
**IP Address:** 91.143.75.98

Page 1: Survey Information

### Q1

Do you confirm that you have read and understood the privacy notice? You must select 'Yes' in order to take the survey.

Yes

Page 2: Register for consultation

### Q2

Your name:

Alastair Willis

### Q3

Contact details: Please provide email and/or address

Organisation (optional) Lichfields

Address The St Nicholas Building

Address 2 St Nicholas Street

City/town Newcastle upon Tyne

Post code NE1 1RF

Email address [REDACTED]

### Q4

Do you wish to be notified when the City of York Local Plan is adopted by the Council? If yes we will use contact details provided above

Yes

Page 3: Your response

### Q5

To which consultation document does this response relate? Please note, links shown beside each option are for associated documents.

Share Link



COPY

459 responses



SIGN UP FREE



**Q6**

To which section does this response relate?

Section 3: Spatial Strategy

Page 5: Section 2: Vision

**Q7**

To which modification does this response relate?

Respondent skipped this question

Page 6: Section 3: Spatial Strategy

**Q8**

To which modification does this response relate?

MM3.1 Policy SS1: Delivering Sustainable Growth for York

Page 7: Section 4: Economy and Retail

**Q9**

To which modification does this response relate?

Respondent skipped this question

Page 8: Section 5: Housing

**Q10**

To which modification does this response relate?

Respondent skipped this question

Page 9: Section 6: Health and Wellbeing

**Q11**

To which modification does this response relate?

Respondent skipped this question

Page 10: Section 7: Education

**Q12**

To which modification does this response relate?

Respondent skipped this question

Page 11: Section 8: Placemaking, Heritage, Design and Culture

**Q13**

To which modification does this response relate?

Respondent skipped this question

**Q14**

To which modification does this response relate?

Respondent skipped this question

Page 13: Section 10: Managing Development in the Green Belt

**Q15**

To which modification does this response relate?

Respondent skipped this question

Page 14: Section 11: Climate Change

**Q16**

To which modification does this response relate?

Respondent skipped this question

Page 15: Section 12: Environmental Quality and Flood Risk

**Q17**

To which modification does this response relate?

Respondent skipped this question

Page 16: Section 14: Transport and Communications

**Q18**

To which modification does this response relate?

Respondent skipped this question

Page 17: Section 15: Delivery and Monitoring

**Q19**

To which modification does this response relate?

Respondent skipped this question

Page 18: Proposed Policy Map Modifications

**Q20**

To which modification does this response relate?

Respondent skipped this question

Page 19: New evidence documents

**Q21**

To which evidence document does this response relate?

Respondent skipped this question

Page 20: Comment Form

**Q22**

Do you support or object to the proposed modification(s)?

Object

**Q23**

If you object, please select your reason from the list below (select all that apply):

Not positively prepared - i.e. strategy will not meet development needs

Not justified - i.e. there is no evidence to justify the modification

Not effective - i.e. it won't work

Not consistent with national policy - i.e. doesn't comply with the law

**Q24**

Please set out the reasoning behind your support or objection: Please note there is a 1000 character limit, therefore if your reason for support or objection is longer than this, please summarise the main issues raised.

The plan does not allocate sufficient land to deliver the objectives of policy SS1. The policy makes assumptions on the delivery of affordable exception sites which are wholly unrealistic. To deliver upon the objectives of the policy and the whole plan, the Council must allocate additional land for development with a higher OAN figure. The Policy is not positively prepared, justified, effective or consistent with the NPPF. Refer to the attached letter for the full consideration of this matter.

Powered by  SurveyMonkey

Check out our [sample surveys](#) and [create your own now!](#)

Sir/Madam  
York City Council  
Strategic Planning Policy  
West Offices  
Station Rise  
York  
YO1 6GA

**Date:** 20 March 2023

**Our ref:** 50730/01/MHE/26435504v2

Dear Sir/Madam

## **CITY OF YORK LOCAL PLAN: Main Modifications Consultation**

We write in response to the on-going City of York Local Plan examination, following previous written and oral submissions made on behalf of Bellway Homes.

We have engaged at all relevant stages of the examination on behalf of Bellway Homes, explaining why we do not consider the Local Plan (as submitted) to be sound and the changes which are needed to make it sound. We maintain our view that the Local Plan (including the proposed Main Modifications) is not sound and should not progress to adoption.

Whilst it is agreed that the emphasis should be on having an up-to-date Local Plan in place, this should not involve the extent of compromise contained within the emerging York Local Plan. We take this opportunity to respectfully remind the inspectors in this case, that the DLUHC Chief Planner (Joanna Averley) wrote to PINS on 6<sup>th</sup> March 2023 confirming the instruction not to send letters or reports which conclude local plans are unsound and incapable of being made so, has now been withdrawn.

### **Comments on updated evidence**

There are a total of 30 additional evidence base documents being consulted upon, alongside the Main Modifications to the Plan. We have previously described the York Local Plan as a case of retro-fitting the evidence to fit the proposed policy, rather than the other way around. This opinion is supported by the number of updated evidence documents prepared since the submission of the Plan.

Overall, we maintain our position that the Council is not planning for sufficient homes over the plan period and there is a need to identify additional housing land over the plan period. The Plan remains unjustified on these matters and is not sound.

### **EX/CYC/107/2 – Affordable Housing Note August 2022**

The submitted Affordable Housing Note responds to the Inspectors' request for an update on affordable housing provision and clarification on supply. Whilst the note

clarifies the position on affordable housing supply, it further highlights the failings of the Local Plan to plan for sufficient homes over the plan period.

The Note concludes the full plan period affordable housing need is 9,396 dwellings. The predicted supply over the plan period is only 3,265 dwellings (just 35% of the identified need – woefully below the plan requirement). Whilst it is a relatively minor difference, we also note the sources of supply set out at paragraph 5 amount to only 3,255 dwellings.

Paragraph 6 goes on to note a series of other potential sources of supply, which include affordable exception sites and other sites where registered providers over deliver on the policy requirement. There is no certainty that any meaningful supply will be realised from these sources.

Indeed, we set out in our hearing statement for Phase III, Matter 1 (Affordable Housing) that Policy GB4 (Affordable Housing Exception Sites in the Green Belt) is not clear on what scale of development would be considered acceptable. The proposed Main Modifications (MM10.6) seek to clarify this by inserting the words ‘limited affordable housing’. The supporting text at paragraph 10.22 of the Local Plan references the NPPF explanation that ‘limited affordable housing’ meeting certain criteria will be acceptable in the Green Belt, although provides no further clarification on the scale of development which could be acceptable.

A review of recent appeal decisions for affordable housing development in Green Belt suggests that ‘limited’ generally relates to very small developments, often 10 dwellings or less<sup>1</sup>. Even with a more flexible approach to the appropriate scale of development, it is highly unlikely that the policy will make a material difference to the Council’s overall affordable housing requirements and will not increase supply meaningfully above the 35% projected delivery. To have any certainty of delivery, the Council must allocate sufficient sites to deliver market and affordable housing requirements over the plan period and not rely on exception sites which, by definition, should be the ‘exception’.

The subsequent acknowledgement that sites will continue delivering affordable housing beyond the plan period is of no relevance to achieving the plan period housing requirement.

The concluding comments at paragraph 9 note that viability testing demonstrates that higher than policy requirement levels of affordable housing could be achieved on the majority of sites. The Council does not intend to change the policy requirement, but rather to propose further modifications confirming the policy requirements will be considered the ‘minimum requirement’ and that the council will seek to negotiate higher levels on schemes where viability is not compromised.

We comment on the soundness of this approach under the Main Modifications consultation, but in principle it is clear that this is an attempt by the Council to convince the inspectors that they can deliver more affordable housing. In reality, this provides no certainty whatsoever and the only way the Council will reasonably achieve this is by increasing its global housing requirement in accordance with our extensive submissions and allocating sufficient sites to achieve its actual housing requirement.

---

<sup>1</sup> APP/N4720/W/16/3146753 – Clifford Moor Road, Wetherby; APP/M3645/W/19/3243231 – Plough Road, Smallfield; APP/P2935/W/21/3274050

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

Set out below are our comments on the Main Modifications on behalf of Bellway Homes.

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

The policy provides greater clarity on the permanence of the Green Belt, confirming sufficient land is allocated to meet the requirements for a minimum of 5 years beyond the plan period. We have provided extensive evidence during the hearing sessions demonstrating the published housing need figure is woefully low and will not deliver upon the wider plan objectives. As such, the plan neither allocates sufficient land for the plan period or for a period beyond the plan period.

The final bullet point of the policy states the Plan will deliver ‘at least 45%’ of the affordable housing requirement over the plan period. As set out above, the evidence does not support this with supply of only 35% being identified. For the Council to deliver at least 45%, a further 940 affordable dwellings will need to be delivered. Other policies within the plan are insufficiently flexible to achieve anywhere near this figure. To deliver this additionality via exception sites would require over 90 such sites to come forward over the plan period.

As such, the policy modifications are not positively prepared, justified or effective.

***MM5.21 Policy H10: Affordable Housing***

The proposed modification makes a series of clarifications to the policy which we do not object to. The element we do object to is set out at part i of the policy, which now states:

*“affordable housing is provided in accordance with Table 5.4 as a minimum. Higher rates of provision will be sought where development viability is not compromised.” (Lichfields’ emphasis)*

The second part of the paragraph is not sound, leaving applicants with uncertainty over what may be required and the Council with uncertainty over what may be delivered. The primary purpose of the plan-led system is for all users to understand what is and is not acceptable, although this addition creates uncertainty for anybody seeking to navigate the system. It is not positively prepared, justified, effective or consistent with national policy.

Whilst we understand the Council’s intention to maximise its affordable housing delivery, it is clear that this policy intervention will not increase affordable housing supply, based on the vagaries of the submitted evidence. More significantly, having reviewed the evidence that sits behind these suggested changes, it is clear that the Council is using this policy change to mask the more significant issue of needing a greater global housing figure, in accordance with our previous representations.

Whilst it is accepted that most local plans do not achieve their full affordable housing requirement due to viability constraints, the extent of shortfall in York’s Local Plan is likely to result in a greater affordability issue at the end of the plan period. It is absolutely clear, based on the Council’s evidence to the Local Plan, that the global housing figure should be higher, in accordance with our extensive submissions. This will allow the Council to achieve greater affordable housing delivery without compromising the overall plan deliverability.

**Summary**

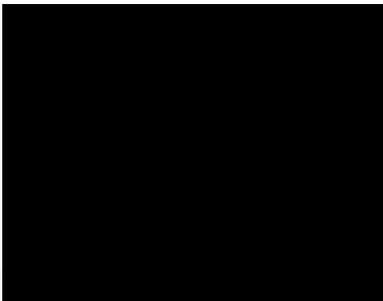
On behalf of Bellway Homes, we object to the proposed Main Modifications, as set out above. The proposed modifications do not address any of our objections made at each of the previous stages. Rather, they seek to mask the most significant issue of failing to meet overall housing needs by suggesting an undeliverable means of possibly increasing affordable housing supply.

On the basis of the proposed Main Modifications, we consider the plan has progressed as far as it reasonably can without a comprehensive review of strategy and direction. It is clear that this plan remains unsound and the Council has made several unsuccessful attempts since it was submitted in 2018 to make it sound.

National planning policy has moved on significantly over this time, and it is likely the third version of the NPPF will have been published before this plan is found sound. Being based on the 2012 NPPF, the local plan will be so far removed from national policy by the time it is adopted that it will be out-of-date immediately following adoption.

We respectfully request the inspectors confirm the plan cannot continue in its current form should be found unsound.

Yours faithfully



**Alastair Willis**  
Planning Director



SIGN UP FREE



# City of York Local Plan Modifications Consultation 2023

QUESTION SUMMARIES

DATA TRENDS

INDIVIDUAL RESPONSES

All Pages ▼

Respondent #319 ▼



COMPLETE

**Started:** Monday, March 27, 2023 11:41:19 AM

**Last Modified:** Monday, March 27, 2023 11:46:38 AM

**Time Spent:** 00:05:18

**IP Address:** 91.143.75.98

Page 1: Survey Information

### Q1

Do you confirm that you have read and understood the privacy notice? You must select 'Yes' in order to take the survey.

Yes

Page 2: Register for consultation

### Q2

Your name:

Alastair Willis

### Q3

Contact details: Please provide email and/or address

Organisation (optional) Lichfields

Address The St Nicholas Building

Address 2 St Nicholas Street

City/town Newcastle upon Tyne

Post code NE1 1RF

Email address [REDACTED]

### Q4

Do you wish to be notified when the City of York Local Plan is adopted by the Council? If yes we will use contact details provided above

Yes

Page 3: Your response

### Q5

To which consultation document does this response relate? Please note, links shown beside each option are for associated documents.

Share Link

[REDACTED]

COPY

459 responses



SIGN UP FREE



**Q6**

To which section does this response relate?

Section 5: Housing

Page 5: Section 2: Vision

**Q7**

To which modification does this response relate?

Respondent skipped this question

Page 6: Section 3: Spatial Strategy

**Q8**

To which modification does this response relate?

Respondent skipped this question

Page 7: Section 4: Economy and Retail

**Q9**

To which modification does this response relate?

Respondent skipped this question

Page 8: Section 5: Housing

**Q10**

To which modification does this response relate?

MM5.21 Policy H10: Affordable Housing

Page 9: Section 6: Health and Wellbeing

**Q11**

To which modification does this response relate?

Respondent skipped this question

Page 10: Section 7: Education

**Q12**

To which modification does this response relate?

Respondent skipped this question

Page 11: Section 8: Placemaking, Heritage, Design and Culture

**Q13**

To which modification does this response relate?

Respondent skipped this question

**Q14**

To which modification does this response relate?

Respondent skipped this question

Page 13: Section 10: Managing Development in the Green Belt

**Q15**

To which modification does this response relate?

Respondent skipped this question

Page 14: Section 11: Climate Change

**Q16**

To which modification does this response relate?

Respondent skipped this question

Page 15: Section 12: Environmental Quality and Flood Risk

**Q17**

To which modification does this response relate?

Respondent skipped this question

Page 16: Section 14: Transport and Communications

**Q18**

To which modification does this response relate?

Respondent skipped this question

Page 17: Section 15: Delivery and Monitoring

**Q19**

To which modification does this response relate?

Respondent skipped this question

Page 18: Proposed Policy Map Modifications

**Q20**

To which modification does this response relate?

Respondent skipped this question

Page 19: New evidence documents

**Q21**

To which evidence document does this response relate?

Respondent skipped this question

Page 20: Comment Form

**Q22**

Do you support or object to the proposed modification(s)?

Object

**Q23**

If you object, please select your reason from the list below (select all that apply):

---

Not positively prepared - i.e. strategy will not meet development needs

---

Not justified - i.e. there is no evidence to justify the modification

---

Not effective - i.e. it won't work

---

Not consistent with national policy - i.e. doesn't comply with the law

**Q24**

Please set out the reasoning behind your support or objection: Please note there is a 1000 character limit, therefore if your reason for support or objection is longer than this, please summarise the main issues raised.

---

The policy changes mask a failure to provide sufficient housing overall for the plan period, requires a policy change which results in uncertainty over the affordable housing requirement for applicants and officers and assumes delivery of affordable exception sites at a wholly unrealistic rate. The policy is not positively prepared, justified, effective or consistent with the NPPF. Refer to attached letter for the full consideration of the matter.

Powered by  SurveyMonkey

Check out our [sample surveys](#) and [create your own now!](#)

Sir/Madam  
York City Council  
Strategic Planning Policy  
West Offices  
Station Rise  
York  
YO1 6GA

**Date:** 20 March 2023

**Our ref:** 50730/01/MHE/26435504v2

Dear Sir/Madam

## **CITY OF YORK LOCAL PLAN: Main Modifications Consultation**

We write in response to the on-going City of York Local Plan examination, following previous written and oral submissions made on behalf of Bellway Homes.

We have engaged at all relevant stages of the examination on behalf of Bellway Homes, explaining why we do not consider the Local Plan (as submitted) to be sound and the changes which are needed to make it sound. We maintain our view that the Local Plan (including the proposed Main Modifications) is not sound and should not progress to adoption.

Whilst it is agreed that the emphasis should be on having an up-to-date Local Plan in place, this should not involve the extent of compromise contained within the emerging York Local Plan. We take this opportunity to respectfully remind the inspectors in this case, that the DLUHC Chief Planner (Joanna Averley) wrote to PINS on 6<sup>th</sup> March 2023 confirming the instruction not to send letters or reports which conclude local plans are unsound and incapable of being made so, has now been withdrawn.

### **Comments on updated evidence**

There are a total of 30 additional evidence base documents being consulted upon, alongside the Main Modifications to the Plan. We have previously described the York Local Plan as a case of retro-fitting the evidence to fit the proposed policy, rather than the other way around. This opinion is supported by the number of updated evidence documents prepared since the submission of the Plan.

Overall, we maintain our position that the Council is not planning for sufficient homes over the plan period and there is a need to identify additional housing land over the plan period. The Plan remains unjustified on these matters and is not sound.

### **EX/CYC/107/2 – Affordable Housing Note August 2022**

The submitted Affordable Housing Note responds to the Inspectors' request for an update on affordable housing provision and clarification on supply. Whilst the note

clarifies the position on affordable housing supply, it further highlights the failings of the Local Plan to plan for sufficient homes over the plan period.

The Note concludes the full plan period affordable housing need is 9,396 dwellings. The predicted supply over the plan period is only 3,265 dwellings (just 35% of the identified need – woefully below the plan requirement). Whilst it is a relatively minor difference, we also note the sources of supply set out at paragraph 5 amount to only 3,255 dwellings.

Paragraph 6 goes on to note a series of other potential sources of supply, which include affordable exception sites and other sites where registered providers over deliver on the policy requirement. There is no certainty that any meaningful supply will be realised from these sources.

Indeed, we set out in our hearing statement for Phase III, Matter 1 (Affordable Housing) that Policy GB4 (Affordable Housing Exception Sites in the Green Belt) is not clear on what scale of development would be considered acceptable. The proposed Main Modifications (MM10.6) seek to clarify this by inserting the words ‘limited affordable housing’. The supporting text at paragraph 10.22 of the Local Plan references the NPPF explanation that ‘limited affordable housing’ meeting certain criteria will be acceptable in the Green Belt, although provides no further clarification on the scale of development which could be acceptable.

A review of recent appeal decisions for affordable housing development in Green Belt suggests that ‘limited’ generally relates to very small developments, often 10 dwellings or less<sup>1</sup>. Even with a more flexible approach to the appropriate scale of development, it is highly unlikely that the policy will make a material difference to the Council’s overall affordable housing requirements and will not increase supply meaningfully above the 35% projected delivery. To have any certainty of delivery, the Council must allocate sufficient sites to deliver market and affordable housing requirements over the plan period and not rely on exception sites which, by definition, should be the ‘exception’.

The subsequent acknowledgement that sites will continue delivering affordable housing beyond the plan period is of no relevance to achieving the plan period housing requirement.

The concluding comments at paragraph 9 note that viability testing demonstrates that higher than policy requirement levels of affordable housing could be achieved on the majority of sites. The Council does not intend to change the policy requirement, but rather to propose further modifications confirming the policy requirements will be considered the ‘minimum requirement’ and that the council will seek to negotiate higher levels on schemes where viability is not compromised.

We comment on the soundness of this approach under the Main Modifications consultation, but in principle it is clear that this is an attempt by the Council to convince the inspectors that they can deliver more affordable housing. In reality, this provides no certainty whatsoever and the only way the Council will reasonably achieve this is by increasing its global housing requirement in accordance with our extensive submissions and allocating sufficient sites to achieve its actual housing requirement.

---

<sup>1</sup> APP/N4720/W/16/3146753 – Clifford Moor Road, Wetherby; APP/M3645/W/19/3243231 – Plough Road, Smallfield; APP/P2935/W/21/3274050

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

Set out below are our comments on the Main Modifications on behalf of Bellway Homes.

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

The policy provides greater clarity on the permanence of the Green Belt, confirming sufficient land is allocated to meet the requirements for a minimum of 5 years beyond the plan period. We have provided extensive evidence during the hearing sessions demonstrating the published housing need figure is woefully low and will not deliver upon the wider plan objectives. As such, the plan neither allocates sufficient land for the plan period or for a period beyond the plan period.

The final bullet point of the policy states the Plan will deliver ‘at least 45%’ of the affordable housing requirement over the plan period. As set out above, the evidence does not support this with supply of only 35% being identified. For the Council to deliver at least 45%, a further 940 affordable dwellings will need to be delivered. Other policies within the plan are insufficiently flexible to achieve anywhere near this figure. To deliver this additionality via exception sites would require over 90 such sites to come forward over the plan period.

As such, the policy modifications are not positively prepared, justified or effective.

***MM5.21 Policy H10: Affordable Housing***

The proposed modification makes a series of clarifications to the policy which we do not object to. The element we do object to is set out at part i of the policy, which now states:

*“affordable housing is provided in accordance with Table 5.4 as a minimum. Higher rates of provision will be sought where development viability is not compromised.”* (Lichfields’ emphasis)

The second part of the paragraph is not sound, leaving applicants with uncertainty over what may be required and the Council with uncertainty over what may be delivered. The primary purpose of the plan-led system is for all users to understand what is and is not acceptable, although this addition creates uncertainty for anybody seeking to navigate the system. It is not positively prepared, justified, effective or consistent with national policy.

Whilst we understand the Council’s intention to maximise its affordable housing delivery, it is clear that this policy intervention will not increase affordable housing supply, based on the vagaries of the submitted evidence. More significantly, having reviewed the evidence that sits behind these suggested changes, it is clear that the Council is using this policy change to mask the more significant issue of needing a greater global housing figure, in accordance with our previous representations.

Whilst it is accepted that most local plans do not achieve their full affordable housing requirement due to viability constraints, the extent of shortfall in York’s Local Plan is likely to result in a greater affordability issue at the end of the plan period. It is absolutely clear, based on the Council’s evidence to the Local Plan, that the global housing figure should be higher, in accordance with our extensive submissions. This will allow the Council to achieve greater affordable housing delivery without compromising the overall plan deliverability.

**Summary**

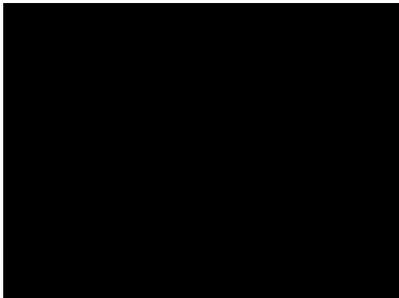
On behalf of Bellway Homes, we object to the proposed Main Modifications, as set out above. The proposed modifications do not address any of our objections made at each of the previous stages. Rather, they seek to mask the most significant issue of failing to meet overall housing needs by suggesting an undeliverable means of possibly increasing affordable housing supply.

On the basis of the proposed Main Modifications, we consider the plan has progressed as far as it reasonably can without a comprehensive review of strategy and direction. It is clear that this plan remains unsound and the Council has made several unsuccessful attempts since it was submitted in 2018 to make it sound.

National planning policy has moved on significantly over this time, and it is likely the third version of the NPPF will have been published before this plan is found sound. Being based on the 2012 NPPF, the local plan will be so far removed from national policy by the time it is adopted that it will be out-of-date immediately following adoption.

We respectfully request the inspectors confirm the plan cannot continue in its current form should be found unsound.

Yours faithfully

A large black rectangular redaction box covering the signature area.

**Alastair Willis**  
Planning Director