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EXAMINATION INTO THE SOUNDNESS OF THE CITY OF YORK LOCAL PLAN

Rachel Macefield
Forward Planning Team Manager
City of York Council

By email only

24 July 2018

Dear Mrs Macefield

Examination of the City of York Local Plan

Since the Council's submission of the City of York Local Plan ('the plan') for examination in late May, we have been undertaking our initial review of the document and the evidence supporting it. That work remains ongoing. However, we have identified some areas of particular concern and some matters on which we require further clarification at this juncture.

Housing

Paragraph 47 of the NPPF is clear that local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF. The City of York Council Strategic Housing Market Assessment (June 2016) [SD051] ('the SHMA') by GL Hearn was commissioned jointly by the Council, Hambleton and Ryedale District Councils and the North York Moors National Park Authority. This seeks to establish the relevant Housing Market Area ('HMA') for York and to quantify the objectively assessed need for housing ('the OAN'). The SHMA Update (May 2017) [SD050] ('the SHMA Update'), also produced by GL Hearn for the Council, reviews the OAN taking account of the latest demographic information – the 2014 based sub-national household projections and the 2015 mid-year estimates.

The HMA

It is apparent from the SHMA that the relationships between housing markets in North Yorkshire are not straightforward. That is not uncommon. At paragraph 2.103 the authors of the SHMA conclude that "*The triangulation of the sources strongly supports placing each commissioning authority within separate Housing Market Areas. Within this we would consider that the HMA which covers the City of York extends to include Selby.*" However, paragraph 2.106 says that "*While we propose a HMA which links to Selby and York we are not considering housing need across the HMA. Selby has recently produced its own SHMA and this assessment does not seek to replicate it*".

From this, we understand that the Council considers York to be within an HMA which includes the City of York and the area of Selby District Council, but that the two Councils are, for whatever reason, identifying housing need within their administrative boundaries separately. Is that correct? If so, please explain why this path is being followed and why you consider it to be a legitimate approach. If not, please clarify the position.

The OAN

Without prejudice and for present purposes only we assume that our understanding of the HMA described above is correct and that it is a sound approach to take.

The SHMA Update represents the most recent assessment of the OAN by GL Hearn as the Council's professional advisors on the matter. This concludes that 867 dwellings per annum (dpa) should be regarded as the demographic 'starting point' for establishing the OAN. To respond to both market signals and affordable housing need, it advocates a 10% uplift resulting in an OAN of 953 dpa being recommended. On the face of it, and without prejudice to any conclusions we might reach following more detailed exploration through the examination, the SHMA Update appears to be a reasonably robust piece of evidence which follows both the NPPF and the national Planning Practice Guidance. The plan, however, aims to provide sufficient land for 867 dpa.

A note entitled 'Introduction and context to objective assessment of housing need' is provided at the front of the SHMA Update. It appears that this is not the work of GL Hearn and is not part of the SHMA Update, as such. Unless corrected, our assumption is that this text has been penned by officers of the Council in order to set out the Council's view of the evidence it commissioned.

This explains that the Council accepts the figure of 867 dpa, but does not accept the conclusions of the SHMA Update concerning the uplift or the consequent OAN figure of 953 dpa. The reasons given for the latter appear to relate to the challenge of the 'step-change' in housing delivery needed. We also note that it says the Council considers GL Hearn's conclusions to be "... *speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental constraints*".

Precisely what it is about the SHMA Update that the Council considers "*speculative and arbitrary*" is not apparent to us. We are also unsure why you consider the SHMA Update to be "*too heavily reliant on recent short-term unrepresentative trends*". We therefore ask you to elaborate on these shortcomings in your evidence.

Difficulty in housing delivery and the existence of environmental constraints have no place in identifying the OAN. If such matters are to influence the plan's housing requirement, which you will appreciate is a different thing to the OAN, the case for this must be made and fully justified. At present, unless we have missed something, it is not.

Overall, as things presently stand, we have significant concerns about the Council's stance regarding the OAN. The evidence necessary to demonstrate that the 867 dpa figure used in the plan is properly justified is absent from the documents submitted so far. On the contrary, the evidence produced for and submitted by the Council does rather more to suggest that the 867 dpa figure is not justified.

It seems to us that if the Council wishes to continue pursuing the 867 dpa requirement figure in the plan then, in theory at least, it has a choice. It can either seek to justify an OAN of 867 dpa by providing a detailed critique of why a 10% uplift is not necessary as a response to market signals and affordability. However, in the face of the work undertaken by GL Hearn, and bearing in mind that this was produced for the Council as a wholly independent exercise free of any influence one way or the other, this may prove challenging.

Alternatively, it is possible that the OAN figure identified by GL Hearn is the most appropriate, but that there are persuasive grounds for not meeting it. Paragraph 14 of the NPPF says that "*Local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted*". Footnote 9 of the NPPF provides some examples of the latter. If such adverse impacts are probable or if there are reasons why specific policies in the NPPF indicate that development above the 867 dpa figure should be restricted, then it is open to the Council to seek to demonstrate this. Full, robust and detailed evidence will be necessary.

It may be that, on reflection in the light of this letter, the Council would wish to accept the recommendation of the SHMA Update. If so, it will be necessary for the Council to prepare a paper explaining the implications of this for the submitted plan – for example, whether or not further land for housing would need to be identified.

The supply of land for housing

We note Figures 5.1 and 5.2 of the plan, which illustrate the housing trajectory in graph and tabular formats. However, we are not clear about the sources of supply which lead to the figures for each year of the plan. This is particularly pertinent in relation to the five year supply. For example, one cannot discern the level of new housing that is anticipated to come forward for each of the next five years from 'commitments' – sites that have already been granted planning permission. It would therefore assist us greatly if the Council would update both of these two figures to show the level of housing expected from each different source, including proposed site allocations, commitments and windfall sites.

Within Figures 5.1 and 5.2, 56 dpa is included within the annualised requirement to deal with the "inherited shortfall" from 2012 to 2017, the latter being the start of the plan period. However, the OAN established through the SHMA and the SHMA Update relates to the period 2012 to 2032. Therefore, is it the case that this "inherited shortfall" is already accounted for within the OAN figures? If so, it should not be double counted. We ask the Council to establish the position on this point.

Green Belt

It is clear from your topic paper that the issue of a Green Belt around York has a long and complicated history. As we understand it, there has at no time been an adopted development plan for York with an adopted policies map identifying the Green Belt, or at least not its boundaries. The Local Plan now sets out to rectify this. It proposes to designate land as Green Belt and to delineate Green Belt boundaries.

Paragraph 82 of the National Planning Policy Framework ('the NPPF') says that "*The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances ...*". Paragraph 83 of the NPPF says that "*Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans ... Once established, Green Belt boundaries should only be altered in exceptional circumstances ...*".

We note that the Order¹ partially revoking the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (May 2008) ('the RSS') does not revoke section C of Policy YH9 or sections C1 and C2 of Policy Y1, all of which are York Green Belt policies. It also does not revoke "*the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York*".

In the light of this, it would assist us to understand the Council's position in respect of the present status of the York Green Belt and the implications of that in relation to paragraphs 82 and 83 of the NPPF. We ask the Council to produce a concise paper explaining this. In particular, the paper should answer the following questions.

¹ The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013

- For the purpose of paragraph 82 of the NPPF, is the Local Plan proposing to establish any new Green Belt?
- If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at paragraph 82 of the NPPF?
- If not, does the Local Plan propose to remove any land from an established Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the 'garden villages', for example – is a matter of establishing Green Belt boundaries rather than altering them, in the terms of paragraph 83 of the NPPF?

Notwithstanding all of the above, it is not clear to us how the Council has approached the task of delineating the Green Belt boundaries shown on the Policies Map submitted. Unless we have missed something, no substantive evidence has been provided setting out the methodology used and the decisions made through the process. We ask that the Council now provides this.

Infrastructure

The Infrastructure Delivery Plan (May 2018) ('the IDP') provides much detailed information concerning the delivery of infrastructure. However, the link between this and the delivery of housing is less apparent to us. We need to know precisely what infrastructure needs to be delivered and when in relation to the delivery of the new housing and any other development that might have significant infrastructure implications.

To this end, we ask the Council to produce a chart (a Gantt chart or similar) which builds on that in Appendix 4 of the IDP and shows the level of anticipated housing delivery from each site (including allocated sites and other commitments/sites with planning permission) on a year by year basis, along with the delivery of the infrastructure that it is necessary to provide in order to support that cumulative number of new homes. This should tie-in with the housing trajectory, including with the revisions to Figures 5.1 and 5.2 of the plan we have requested above, and should illustrate the timing of housing delivery and the delivery of the infrastructure needed to support it. A column indicating the likely costs, funding sources and mechanisms to secure funding would also be of considerable assistance.

In producing this chart, we ask that the Council liaises with landowners and/or developers in relation to the timing of housing and/or infrastructure delivery if there is presently any uncertainty. This will avoid the need for protracted debate on the matter at hearing sessions. In addition, where new infrastructure requires land – for example the provision of

new school places – then we ask the Council to produce now the evidence to show that the land needed can be provided.

Overall and looking forward

Overall, there are a number of issues that must be addressed. Clearly, the matters concerning the OAN and the Green Belt are of fundamental importance to the soundness of the plan and it is essential that the Council's position concerning both is made clear before the examination can progress.

We recognise that some of the points raised may take some time to deal with fully, and we ask that you contact us soon to let us know your next steps and the likely timescales involved. As we mentioned above, our review of the plan and evidence is still ongoing and it may be that we identify other matters to raise with you. If so, we will do all we can to ensure that any such issues are brought to your attention as soon as possible.

We trust that you find this letter helpful. Rest assured that we will do all we can within the scope of our role to assist, and we will give the Council every opportunity to address these issues.

We look forward to hearing from you at the earliest opportunity in relation to your view about the next steps and timescales involved. In the meantime, please ensure that a copy of this letter is placed on the examination webpage.

Yours sincerely

Simon Berkeley and *Andrew McCormack*

Inspectors