501

SID 501

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Mr Mr: Sage

Address, [redacted]

Tel No

Email

502

SID 502

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ELAINE HARDCASTLE

Address [redacted]

Tel No [redacted]

Email [redacted]

503

SID 503

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☑ Yes I wish to appear at the examination

Name ....MICHAEL REEDER....

Address. [redacted]

Tel No ..

Email .....

504

SID 505

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....Kenneth Hack

Address.....[redacted]

Tel No .....

Email .....

505

SID 505

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ...LIAM RAPP.....

Address [redacted] .....

Tel No [redacted] ....

Email [redacted] .....

506

SID 506

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No. I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name C. CUNNINGHAM

Address [redacted]

Tel No [redacted]

Email .....

507

SID 507

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ...RUAN COCHRANE.....

Address [redacted]

Tel No . [redacted]

Email ... [redacted]

SID 508

508

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ...Mr. Graham Scott

Address..[redacted]

Tel No ...

Email ...

509

SID 509

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name H. G. & C. M. McKay

Address [redacted]

Tel No [redacted]

Email [redacted]

510

SID 510

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name KEN RICHARDSON

Address [redacted]

Tel No

Email

511

SID 511

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name JOHN MATOR

Address [redacted]

Tel No [redacted]

Email [redacted]

512

SID 512

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....HELEN RENSHAW.....

Address..[redacted]

Tel No ...

Email he

513

SID 513

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....O.J. SHERWOOD.....

Address. [redacted]

Tel No ..

Email ....

514

SID 514

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name BERYL COATES

Address [redacted]

Tel No [redacted]

Email .....

515

SID 515

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MR + MRS M JONES

Addres [redacted]

Tel No [redacted]

Email [redacted]

516

SID 516

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....MR & MRS S BRIGGS.

Address...[redacted]

Tel No ...

Email .....

517

SID 517

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ..... N.A. SELLERS .....

Address [redacted] .....

Tel No .. [redacted] .

Email .....

518

SID 518

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....MRS K BROOKES.....

Address [redacted]

Tel No .

Email .....

519

SID 519

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ...Emma Bock

Address. [redacted]

Tel No ...

Email ....

520

SID 520

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ..... C. Atkinson

Address.. [redacted]

Tel No ...

Email .....

SID 521

521

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....JIM SUMANKS.....

Address..[redacted]

Tel No ...

Email .....

522

SID 522

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Andrew Deryn Gott

Address [redacted]

Tel No [redacted]

Email [redacted]

523

SID 523

Do you consider the City of York Draft Local Plan Publication SOUND

[X] Yes

[ ] No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

[X] No, I do not wish to participate at the hearing session at the examination

[ ] Yes I wish to appear at the examination

Name .....MRS S. WAKEFIELD.....

Address [redacted]

Tel No ..

Email .....

524

SID 524

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....Susan Adams.....

Address..[redacted]

Tel No .....

Email[redacted].....

SID 525

525

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MRS V JOWITT

Address [redacted]

Tel No [redacted]

SID 526

526

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....T. RADFORD.....

Address... [redacted] .....

Tel No .... [redacted] .

Email .....

527

SID 527

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name PAULINE BAILEY

Address [redacted]

Tel No [redacted]

Email [redacted]

528

SID 528

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ...Jill Gowb.....

Address [redacted]

Tel No .

Email .....

529

SID 529

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name HENRY STEWART + WENDY ATKINSON

Address [redacted]

Tel No . [redacted]

Email ... [redacted]

SID 530

530

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name V DUFFIELD

Address. [redacted]

Tel No .....

Email .....

531

SID 531

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Emma Booth

Address [redacted]

Tel No .....

Email [redacted]

532

SID 532

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MR & MRS P JEFFREY

Address [redacted]

Tel No

Email

533

SID 533

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Mr & Mrs J Wakes

Address. [redacted]

Tel No .....

Email .....

534

SID 534

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MR & MRS G R WALKER

Address [redacted]

Tel No [redacted]

Email .....

535

SID 535

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MRS HARRISON

Address [redacted]

Tel No

Email

536

SID 536

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ...MARTIN + CLARE BLANDAMER

Address [redacted]

Tel No .

Email ..

537

SID 537

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MR + MRS B. ATKINSON

Address [redacted]

Tel No [redacted]

Email [redacted]

538

SID 538

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes NO FURTHER DEVELOPMENT ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....CHRISTINE....HAINSWORTH

Address..[redacted]

Tel No ...

Email ....

539

SID 539

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....MRS E CUMMINS....

Address....[redacted]....

Tel No ....[redacted]....

Email ....

540

SID 540

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name R. DAVISON

Address [redacted]

Tel No [redacted]

Email [redacted]

541

SID 541

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....ANN BRIGGS....

Address....[redacted]

Tel No ....EX DIRECTORY....

Email ....

542

SID 542

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Mr + Mrs J ASKHAM.

Address [redacted]

Tel No [redacted]

Email [redacted]

543

SID 543

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MR + MRS. B. HIELDS

Address. [redacted]

Tel No [redacted]

Email .....

544

SID 544

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name [illegible]

Address [redacted]

Tel No [redacted]

Email [redacted]

545

SID 545

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....FELICITY PATERSON.....

Address..

Tel No ...

Email .....

[redacted]

546

SID 546

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Jane Rhodes

Address [redacted]

Tel No [redacted]

Email [redacted]

547

SID 547

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name P. A. INWOOD

Address [redacted]

Tel No

Email

548

SID 548

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ..... R. Davis

Address... [redacted]

Tel No ...

Email .....

549

SID 549

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Mrs. A. Woodward

Address [redacted]

Tel No .....

Email [redacted]

550

SID 550

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ...Mr P.J. MOORE.....

Address... [redacted]

Tel No ....

Email .....

551

SID 551

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Peter and Caroline Haynes.

Address [redacted]

Tel No [redacted]

Email [redacted]

552

SID 552

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name VALERIE THATCHER

Address [redacted]

Tel No [redacted]

Email .....

553

SID 553

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....

Address. [redacted] .....

Tel No ... [redacted] .

Email .....

.....

554

SID 554

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes

☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....MR + MRS A. BROWNLIE.....

Address..[redacted]

Tel No ...

Email .....

555

SID 555

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....MR L J. ROBERTS....

Address... [redacted] .....

Tel No ... [redacted]

Email ..... [redacted] .....

556

SID 556

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name P. EASTWOOD

Address [redacted]

Tel No [redacted]

Email ——

557

SID 557

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name GYMER

Address [redacted]

Tel No [redacted]

Email [redacted]

558

SID 558

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MR MRS MAHER

Address. [redacted]

Tel No . [redacted]

Emai [redacted]

559

SID 559

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name FRASER TUBDENHAM.....

Address [redacted]

Tel No .

Email .....

560

SID 560

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....C. D. MACDONALD.....

Address.....[redacted]

Tel No .....

Email .....

SID 561

561

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name DAVID NEWMAN

Address... [redacted]

Tel No ....

Email .....

562

SID 562

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....BARRIE COHKILL

Address..[redacted]

Tel No ..

Email ....

563

SID 563

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name M. DUNCANSON

Address [redacted]

Tel No [redacted]

Email .....

564

SID 564

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name S.D. + A.F. Rose

Address [redacted]

Tel No [redacted]

Email [redacted]

565

SID 565

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name LYNNE CALLINGTON

Address [redacted]

Tel No [redacted]

Email [redacted]

566

SID 566

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MR + MRS P.M. PAGE

Address [redacted]

Tel No [redacted]

Email

KS 123

567

SID 567

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination — [illegible]

☐ Yes I wish to appear at the examination

Name Gwyneth and Peter Hoole

Address [redacted]

Tel No [redacted]

Email [redacted]

Thank you and good wishes.

568

SID 568

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .MR T. FLETCHER.....

Address. [redacted]

Tel No ..

Email ....

569

SID 569

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name ....Dr C H BELL.....

Address..[redacted]

Tel No ...

Email .....

.....

570

SID 570

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name Mr + Mrs J. Whipp

Address. [redacted]

Tel No .. [redacted]

Email [redacted]

571

SID 571

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☒ No

RECEIVED
05 MAR 2018
BY:

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name R & C.M. TURNER

Address [redacted]

Tel No [redacted]

Email .....

572

SID 572

Do you consider the City of York Draft Local Plan Publication SOUND

RECEIVED
05 MAR 2018
BY:

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name MRS KATHLEEN LOVATT

Address [redacted]

Tel No

Email

.....

573

SID 573

Do you consider the City of York Draft Local Plan Publication SOUND

RECEIVED
05 MAR 2018

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☐ No, I do not wish to participate at the hearing session at the examination

☑ Yes I wish to appear at the examination

Name DAVID TRAVTHORN

Address [redacted]

Tel No [redacted]

Email [redacted]

574

SID 574

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....

Address.....

Tel No .....

Email .....

575

SID 575

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....

Address.....

Tel No .....

Email .....

576

SID 576

Do you consider the City of York Draft Local Plan Publication SOUND

☒ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☒ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....

Address.....

Tel No .....

Email .....

577

SID 577

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name .....

Address.....

Tel No .....

Email .....

578

SID 578

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination — have already participated in last 2 hearings. Thought it was all over !!

☐ Yes I wish to appear at the examination

Name ...IAN & ANITA CARR.....

Address. [redacted]

Tel No ...

Email ....

579

SID 579

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

This area already has too much traffic and will have a lot more when the Stadium is built. More people, needing G.P's, schools, etc. Will be overloaded.

Name Mrs. M. A. Howarth

Address [redacted]

Tel No. [redacted]

Email

580

SID 580

Do you consider the City of York Draft Local Plan Publication SOUND

☑ Yes ☐ No

There will be a Public Enquiry about the Local Plan. You are allowed to speak at the Enquiry. Please let us know if you wish to speak.

☑ No, I do not wish to participate at the hearing session at the examination

☐ Yes I wish to appear at the examination

Name STEVE CLWAYS

Address [redacted]

Tel No [redacted]

Email [redacted]

ADDITIONAL COMMENTS OVER LEAF →

- OVERCROWDING IN SCHOOLS, DOCTORS & DENTISTS ETC..
- ALREADY A PLANNING APPLICATION / LOCAL PLAN FOR NEW DEVELOPMENT JUST THE OTHER SIDE OF MONKS CROSS (± 1 MILE) FOR OVER 1000 HOUSES.
- FIELD PROPOSED FOR HOUSING REGULARLY FLOODS, POOR DRAINAGE.
- NEW LANE / SOCKET LANE REGULARLY FLOOD
- TRAFFIC ALREADY NEAR GRIDLOCK STATUS DURING PEAK SHOPPING TIMES (WEEKENDS, BANK HOLS, CHRISTMAS RUN UP)
- TRAFFIC DIVERTS DOWN NEW LANE & SOCKET LANE TO A19 AND AVOID QUES @ VANGARD / MONKS CROSS
- THIS WILL BE WORSE WHEN STADIUM COMPLEX / CINEMAS OPEN

[redacted]

From: Emma Jones [Emma.Jones@howplanning.com]
Sent: 29 March 2018 17:15
To: localplan@york.gov.uk
Cc: Rebecca Mitchell; Richard Barton
Subject: York Local Plan Publication Regulation 19 Consultation Representation
Attachments: App 10 Heritage Tech Note.pdf; App 11 Landscape Tech Note.pdf; App 1 Regeneris Review of City of York Local Plan Housing Targets.pdf; App 2 CYC Safeguarded Land Counsel Advice.pdf; App 3 Delivery Statement.pdf; App 4 EDP Ecology Update.pdf; App 5 PBA Supporting Statement Groundwater.pdf; App 6 WWT Peer Review_Hydrogeological Review.pdf; App 7_Moor Lane_Water_Tech_Note.pdf; App 8_Moor Lane_Transport_Tech_Note.pdf; App 9 Ecology Tech Note.pdf; Barwood Comment Form.pdf; App 12 York Local Plan - Advice - 27.03.18.pdf; Representations to the York Local Plan Publication 290318.pdf

Good afternoon

On behalf of Barwood Strategic Land II LLP, please find attached representations to the City of York Local Plan Publication Consultation. The following documents are submitted in support of the representations:

- Duly completed comments form;
- Representations to the City of York Local Plan Publication Consultation;
- Appendices:

- Appendix 1: Regeneris Review of City of York Local Plan Housing Targets
- Appendix 2: CYC Safeguarded Land Counsel Advice
- Appendix 3: Delivery Statement
- Appendix 4: EDP Ecology Update
- Appendix 5: PBA Supporting Statement Groundwater
- Appendix 6: WWT Peer Review Hydrogeological Review
- Appendix 7: Moor Lane Water Tech Note
- Appendix 8: Moor Lane Transport Tech Note
- Appendix 9: Ecology Tech Note
- Appendix 10: Heritage Tech Note
- Appendix 11: Landscape Tech Note
- Appendix 12: York Local Plan Advice

I would be grateful if you could please acknowledge safe receipt of this email and the attachments.

Regards

Emma Jones
Associate
Direct Line: 0161 831 5881
Mobile: 07378 814 576
Email: emma.jones@howplanning.com

HOW

HOW Planning LLP
40 Peter Street
Manchester M2 5GP
T: 0161 835 1333
howplanning.com

insider RESIDENTIAL PROPERTY AWARDS 2018
WINNER NORTH WEST PLANNING CONSULTANCY TEAM OF YEAR

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:
ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mrs
First Name		Emma
Last Name		Jones
Organisation (where relevant)		HOW Planning
Representing (if applicable)		Barwood Strategic Land II LLP
Address – line 1		40 Peter Street
Address – line 2		Manchester
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		M2 5GP
E-mail Address		emma.jones@howplanning.com

Telephone Number		0161 831 5881

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft x

Policies Map ☐

Sustainability Appraisal/Strategic Environmental Assessment ☐

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No x

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☐

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report and appendices

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No x

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	x	**Justified**	x
Effective	x	**Consistent with national policy**	x

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.		Site Ref.	

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached report and appendices

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See attached report and appendices

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the examination	x

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The site is a reasonable alternative for residential development

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature [redacted] **Date** **29th March 2018**

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

York Local Plan Publication Draft (February 2018)

Representations on behalf of Barwood Land Strategic II LLP
Land at Moor Lane, Winthorpe, York

Barwood Strategic Land II LLP
April 2018

HOW Planning LLP, 40 Peter Street Manchester, M2 5GP

Contact Partner: Telephone:

Planning and Environmental Advisers

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2	**HOUSING REQUIREMENTS IN THE PLAN**	**8**
3	**GREEN BELT EVIDENCE BASE**	**26**
4	**SITE SELECTION METHODOLOGY AND SUSTAINABILITY APPRAISAL**	**32**
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APPENDICES

APPENDIX 1: Regeneris Review of City of York Local Plan Housing Targets

APPENDIX 2: Counsel Advice to City of York Council

APPENDIX 3: Moor Lane Delivery Statement

APPENDIX 4: EDP Ecology Update

APPENDIX 5: PBA Supporting Statement Groundwater

APPENDIX 6: WWT Peer Review Hydrogeological Review

APPENDIX 7: Moor Lane Water Tech Note

APPENDIX 8: Moor Lane Transport Tech Note

APPENDIX 9: Ecology Tech Note

APPENDIX 10: Heritage Tech Note

APPENDIX 11: Landscape Tech Note

APPENDIX 12: York Local Plan Advice

EXECUTIVE SUMMARY

INTRODUCTION

These representations are made on behalf of Barwood Strategic Land II LLP ('Barwood') in response to the City of York Publication Local Plan Regulation 19 Consultation (February 2018) ('the Publication Plan') being undertaken by the City of York Council ('the Council').

They refer to land at Moor Lane, Woodthorpe, 17ha of which had been previously been identified by the Council as development allocation Site ST10: Land at Moor Lane, Woodthorpe in the Preferred Options consultation in 2013 and also the Further Sites consultation in June 2014. It was then proposed as a safeguarded land site SF12 in the halted draft Publication Local Plan in September 2014. It was deleted as a proposed allocation at the Preferred Sites Consultation in July 2016.

These representations explain the soundness concerns with the plan and sets out why the Moor Lane site should be allocated for housing development.

OBJECTIVELY ASSESSED HOUSING NEED

The Council's approach to identifying its Full Objectively Assessed Need (FOAN) is unsound. The Council has rejected GL Hearn's and their own Officers advice on the need for a market signals uplift and instead opted for a lower target of 867 dwellings per annum (dpa). This stance is deeply flawed. The evidence points to strong and entrenched market signals issues across York. The approach of applying a flat percentage uplift of the order of 10% to 20% has now been accepted by numerous Local Plan Inspectors. All available approaches to housing need, both current and emerging, point to an OAN of at least 1,070 dpa for York. This is the figure that should be used by York in its emerging Local Plan. It will be necessary for the Council to revisit its FOAN assessment, which if done correctly will result in a much greater housing requirement that the Council is not capable of meeting through its current proposed site allocations.

HOUSING TRAJECTORY AND DELIVERY

The Council has not provided an annualised trajectory in order to understand in detail the phasing of delivery rates proposed for each site and how the Council will maintain a rolling five year housing land supply in accordance with the NPPF Paragraph 47 requirement. Therefore, it has not been justified that the trajectory can be delivered on a site specific basis. This is crucial as there are significant soundness concerns regarding the deliverability of key sites which suggest that the many of the proposed allocations have significant constraints to delivery which it has not yet been justified can be adequately mitigated and we do not consider that they will be able to provide a robust five year housing land supply early in the plan period.

Paragraph 5.12 of the Publication Plan explains that the yield for each of the strategic sites has been established through working with the site promotors but the Council has failed to provide details of the net developable areas and constraints for these sites in order to justify that the yields are realistic. It is considered that the proposed densities are questionably high given the site-specific constraints that are known to exist in relation to several of the strategic sites such as the need for ecological and landscape buffers and heritage constraints.

The combined effect of the unconfirmed developable areas of key strategic sites such as ST15 Land East of Elvington, ST5 York Central, ST35 Queen Elizabeth Barracks and ST36 Imphal Barracks, together with the questionably high densities for several other strategic sites casts doubt over the ability of allocations to deliver the number of dwellings proposed within and beyond the plan period.

The plan also proposes to rely on windfall sites to deliver circa 20% of York's proposed figure of 867 dpa. This is considered unsound and does not allow any flexibility when considering that the sites are windfall because they fall outside of the site selection criteria. The justification for including a windfall allowance is unsound as it is based on a period of time where there was no plan adopted and heavily skewed by a recent spike in office to residential conversions in York due to change to permitted development rights (of which there is a finite supply).

The resulting impact is that additional allocations will be required in order for the Council to meet its five year housing land supply early in the plan period and meet the overall housing requirements throughout the lifetime of the plan and the 'Green Belt boundary' period.

SAFEGUARDED LAND

The omission of safeguarded land further serves to fatally undermine the plans approach, the latter going against Advice received from its own Counsel.

A period of only 5 years (2033 to 2038) has been considered 'post Plan' which will not ensure the permanence and longevity of the Green Belt. There are serious concerns regarding the proposed densities and deliverability of the strategic sites proposed to deliver housing in the post plan period. Even if the Council’s assumptions were correct (which the evidence does not support), they could only deliver between 2.1 and 3.5 years supply of housing.

GREEN BELT ASSESSMENT

The only Green Belt Appraisal document produced by the City is dated 2003 and is just 16 pages long. Clearly this document was formulated in the context of development requirements that bear no relation at all to present and forecast needs. Moreover, there have been significant changes

in policy/guidance upon assessments of landscape and heritage issues which were key parts of the work done in the early 1990s.

SUSTAINABILITY ENVIRONMENTAL APPRAISAL

The sustainable environmental assessment (SEA)/sustainability appraisal (SA) and site selection process that the council have undertaken through each stage of the Local Plan publication is unsound as it has been inconsistent, retrofitted with no evidence available to demonstrate that a reasonable range of alternative approaches have been evaluated in an SEA context prior to choices being made. On the contrary, a preferred approach and preferred sites were identified prior to key documents being produced that should shape policy options.

The Moor Lane site has only ever been considered in detail as a reasonable alternative at the 2018 publication stage and this assessment only relates to the 17 ha parcel that was previously considered as a proposed allocation and then subsequently as a safeguarded site. The wider site that has been the subject of consistent representation to the City Council backed by extensive technical data relating to suitability and deliverability has not been considered in detail. Given the clear concerns relating to FOAN and the absence of any identified safeguarded land, the wider site should have been considered and yet it has not been.

HABITAT REGULATIONS ASSESSMENT

Key policies still need to be subject to an Appropriate Assessment with respect to the Habitats Regulations, the relevant policies cannot be considered sustainable on ecological grounds with reference to the provisions of the National Planning Policy Framework (NPPF).

Given the lack of robust evidence and, in relation to the legal certainty required by the Habitats Regulations with respect to European designated sites, it is considered that the Policy SS13 (ST15 Land to the West of Elvington) and Policy SS19 (ST35 Queen Elizabeth Barracks) are unsound and the Council should invoke the precautionary principle due to the lack of scientific evidence to inform the likelihood of significant effects.

The lack of update to the HRA at the publication stage of the plan means that the plan strategy has not yet been justified by the legally required assessment.

SUMMARY

It is clear that the Council's approach to preparing the York Local Plan is fundamentally flawed, not being informed by the necessary evidence base to ensure it has been prepared in a sound manner; rather it is clear that the Council is has made key decisions on site selection without undertaking an up to date assessment of the Green Belt, sustainability appraisal of reasonable

alternatives or appropriate assessment of ecological impacts. This retrospective approach to informing its site selection process does not find support anywhere in the National Planning Policy Framework or Planning Practice Guidance. The approach has been confirmed as being legally unsound by David Manley QC (Opinion attached at Appendix 12).

In light of the above it is clear that the Council has not allocated sufficient housing sites and additional sites will be required in order to deliver the authority's FOAN. Moor Lane is extremely well placed in a sustainable location to help deliver this additional need, being suitable, available and achievable.

The deliverability of the site has been demonstrated unequivocally courtesy of a comprehensive amount of technical work undertaken, more akin to that which would normally be expected to support a planning application. Engagement with key stakeholders including Natural England and the Yorkshire Wildlife Trust has informed this work in order to ensure that development proposals are entirely robust. The Council's reasons for not allocating the site are unfounded as demonstrated by the substantial technical evidence and in the case of heritage/Green Belt impact based on wholly unsound evidence.

1 INTRODUCTION

1.1 These representations are made on behalf of Barwood Strategic Land II LLP ('Barwood') in response to the City of York Publication Local Plan Regulation 19 Consultation (February 2018) ('the Publication Plan') being undertaken by the City of York Council ('the Council'). They refer to land at Moor Lane, Woodthorpe, 17ha of which had been previously been identified by the Council as development allocation Site ST10: Land at Moor Lane, Woodthorpe in the Preferred Options consultation in 2013 and also the Further Sites consultation in June 2014 - capable of delivering approximately 511 dwellings over the lifetime of the plan period on a land area of some 17.02 hectares. It was then proposed as a safeguarded land site SF12 in the halted draft Publication Local Plan in September 2014. It was deleted as a proposed allocation at the Preferred Sites Consultation in July 2016.

1.2 Through its appointed technical consultants, Barwood has engaged with the Council at all key stages of the Local Plan process to date and has made submissions accordingly.

1.3 At the Local Plan Working Group on 23rd January and also Executive on 25th January, Officers reported to the Members the outcome of the Pre-publication Draft Local Plan Regulation 18 Consultation (September 2017) ('the Pre-publication Plan') and made a series of recommendations to make alterations to the plan allocations to increase housing numbers and employment land provision to take account of certain consultation comments. Members rejected most of the options presented by Officers and only accepted minor wording changes and changes proposed to increase density of York Central and reduce the number of dwellings at Queen Elizabeth Barracks to increase the on-site recreational buffer required to mitigate impacts on the nearby Strensall Common SAC. Various minor wording changes made for clarity were also approved to be made to the Publication Plan.

1.4 Thus, except for the minor wording changes and changes to the capacity of two proposed allocated sites, the Publication version of the plan remains virtually the same as the Pre-publication Local Plan ('the Pre-publication plan') consulted on in October 2017, despite the advice of the Council's own officers to increase the housing numbers and employment provision to make the plan more robust.

1.5 HOW Planning has significant concerns that the Council is proceeding with an unsound plan with an absence of key evidence to support the Council's approach. As presented, the Publication Plan cannot be found to be sound, or a sound approach which can be built upon, due to the absence of robust evidence to inform the promoted strategy.

1.6 These representations explain the soundness concerns with the plan and sets out why the Moor Lane site should be allocated for housing development.

2 HOUSING REQUIREMENTS IN THE PLAN

2.1 This section sets out Barwood's general representations to the Publication Plan setting out that the plan is unsound with regard to its failure to allocated sufficient housing.

OBJECTIVELY ASSESSED HOUSING NEED

Current Evidence Base

2.2 The Publication Plan carries forward the same housing target of 867 dwellings per annum (dpa) for the period 2017 to 2032/33 as was included in the October 2017 Pre-Publication plan. The most up to date evidence base in relation to housing need remains the GL Hearn Strategic Housing Market Assessment Addendum Update published in May 2017. This GL Hearn document recommends an Objectively Assessed Need (OAN) and housing target of 953 dpa. For both the Pre-Publication and Publication stages of the plan, the Council has chosen to reject GL Hearn's and its own Officers' advice and instead opted for a housing target of 867 dpa.

2.3 Barwood's appointed economic advisors, Regeneris Consulting ('Regeneris'), undertook a review of the Full Objectively Assessed Need (FOAN) for York, including a review of the GL Hearn SHMA Addendum Update. The Regeneris report was provided with the previous representation made by HOW on behalf of Barwood submitted to the 'Pre-publication' plan. However, as the Council has made no alteration it is included again at Appendix 1 and a summary of the report's key findings and the impact upon the soundness of the Local Plan are detailed below.

2.4 GL Hearn has provided the Council with an OAN of 953 dpa. GL Hearn uses the standard three stage approach of the current Planning Practice Guidance (PPG, namely:

- A demographic starting point of 867 dpa.
- An assessment of the need for an economic adjustment – GL Hearn conclude no economic adjustment is required.
- An assessment of the need for a market signals adjustment – GL Hearn conclude a 10% market signals uplift is required (867 dpa plus 10% = 953 dpa).

2.5 The Council has rejected GL Hearn's and their own Officers advice on the need for a market signals uplift and instead opted for an OAN of 867 dpa, stating:

> *"The recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were 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 considerations".

2.6 This stance is deeply flawed. The evidence points to strong and entrenched market signals issues across York. The approach of applying a flat percentage uplift of the order of 10% to 20% has now been accepted by numerous Local Plan Inspectors.

2.7 As confirmed in the Regeneris report, GL Hearn has not properly assessed the need for an economic adjustment. Regeneris find that this is an unjustified and flawed omission and unusual for GL Hearn who typically model this step in the industry standard way.

2.8 Regeneris have corrected for this omission and have found that under the GL Hearn higher growth economic scenario (circa +900 jobs per annum) there will be a need to increase the OAN beyond the 867 dpa starting point to circa 1,050 dpa. Under the baseline economic scenario (+600 jobs per annum) there is no need for an economic adjustment.

2.9 Under the current OAN guidance Regeneris therefore conclude that the OAN for York is in the region of 1,150 dpa, based on the higher economic growth scenario plus a 10% market signals adjustment.

The New and Emerging Evidence Base

2.10 New approaches to estimating the OAN for housing were first introduced in the work of the Local Plans Expert Group (LPEG) in March 2016. These were crystallised into new CLG guidance on assessing housing need which is was consulted on in October 2017. The current Draft NPPF open to consultation reiterates the need for Council's to meet their housing requirements using the new methodology. The findings of these new approaches are as follows:

- The LPEG approach suggests that the OAN for housing in York is 1,320 dpa for the period 2012 to 2032, inclusive of the LPEG uplift for the delivery of affordable housing.

- The new CLG guidance states that the OAN for housing in York over the period 2016 to 2026 is 1,070 dpa.

Conclusion on OAN

2.11 The Council's position of adopting a housing need figure of 867 dpa is deeply flawed.

2.12 All available approaches to housing need, both current and emerging, point to an OAN of at least 1,070 dpa for York. This is the figure that should be used by York in its emerging Local Plan.

HOUSING TRAJECTORY

OAN Implications

2.13 Whilst HOW considers the Council's proposed housing supply to be fundamentally unsound such that it will not deliver the housing supply as stated in the proposed housing trajectory at Table 5.2 of the Publication Plan, we have reviewed the trajectory in light of Regeneris Consulting's findings.

2.14 Table 1 below demonstrates that if the Council adopted the minimum OAN figure of 1,070 dpa this would have a significant impact upon the Council's proposed housing supply over the plan period. It shows that there would be need for 3,250 additional houses required through the lifetime of the plan and that the Council is not providing sufficient flexibility in the proposed supply to ensure that the Council can maintain a rolling five-year housing supply.

2.15 This is critical as Barwood also has concerns regarding the Council's inclusion of a windfall allowance, the delivery of strategic sites and their assumptions on density and delivery rates for the proposed housing allocations. Notably, the Council has not provided an annualised trajectory in order to understand in detail the phasing of delivery rates proposed for each site and how the Council will maintain a rolling five year housing land supply in accordance with the NPPF Paragraph 47 requirement. Therefore, it has not been justified that the trajectory can be delivered on a site specific basis. This is crucial as there are significant soundness concerns regarding the deliverability of key sites which suggest that the many of the proposed allocations have significant constraints to delivery which it has not yet been justified can be adequately mitigated.

Table 1: Housing Trajectory with Minimum OAN Figure

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Year	**2017/18**	**2018/19**	**2019/20**	**2020/21**	**2021/22**	**2022/23**	**2023/24**	**2024/25**	**2025/26**	**2026/27**	**2027/28**	**2028/29**	**2029/30**	**2030/31**	**2031/32**	**2032/33**
Projected Housing Completions Including Windfall Allowance (From 2020/21)[1]	1222	590	730	1758	1602	1682	1433	1286	1144	1200	1169	1179	1162	924	884	874
Minimum OAN Figure[2]	1070	1070	1070	1070	1070	1070	1070	1070	1070	1070	1070	1070	1070	1070	1070	1070
Inherited Shortfall (2012 - 2017) Annualised over Plan Period[3]	56	56	56	56	56	56	56	56	56	56	56	56	56	56	56	56
OAN & shortfall	1126	1126	1126	1126	1126	1126	1126	1126	1126	1126	1126	1126	1126	1126	1126	1126
Annual Over/ under supply	96	-536	-396	632	476	556	307	160	18	74	43	53	36	-202	-242	-252
Cumulative Over/under supply	96	-440	-836	-204	272	828	1135	1295	1313	1387	1430	1483	1519	1317	1075	823

[1] York Local Plan Publication Document Table 5.2
[2] Based on CLG guidance housing need consultation (September 2017)
[3] York Local Plan Publication Document Table 5.2

Deliverability

2.16 We have reviewed the Council's assumptions on deliverability and the site densities and have general comments on the assumptions adopted by the Council.

Delivery Rates

2.17 As the Council does not provide an annualised housing trajectory it is not possible to review in detail how the proposed delivery rates for the allocated sites contribute towards either a five year housing land supply or the overall supply of housing. Instead the Council state (in Table 5.1 and the individual site policies) the estimated phasing for each site in the following categories:

- Short Term (years 1-5)
- Short to Medium Term (years 1-10)
- Medium Term (years 6-10)
- Medium to Long Term (years 6-15)
- Lifetime of the Plan (years 1-16)
- Lifetime of the Plan and Post Plan Period (years 1-21)
- Post Plan Period (years 16-21)

2.18 Much of the supply is included from year 1 and there is no information regarding the Council's assumed lead in times for sites with permission and for proposed allocations. Lead in times for these categories will clearly differ. The Council need to ensure that they have considered that the following will be required prior to the first completions of units:

- Submission of outline planning application to completion of S106 (issue of decision);
- Preparation and approval of reserved matters;
- Discharge of pre-commencement planning conditions;
- Initial site infrastructure; and
- Completion of first dwelling.

2.19 Recent research[4] indicates that the planning approval period and subsequent time to first housing delivery reveals the total period increases with the size of sites, with the total period being in the order of 5.3 – 6.9 years for sites between 1,500 and 2,000+ and concludes that large sites are typically not quick to deliver; in the absence of a live planning application, they are, on average, unlikely to be contributing to five year housing land supply calculations. The research does caveat that these are average figures, and there are significant variations from the mean. Clearly, circumstances will vary markedly from site to site and will depend on site specific factors such as land ownership and the need for major infrastructure improvements.

2.20 The same research found that on average, sites of 100 to 1,000 units will typically deliver 60 units, each year while sites of 2,000 or more will deliver over 160 units per annum. That research notes that while larger sites have a higher delivery rate due to the number of additional outlets, they take longer to plan and start on-site.

2.21 For sites delivering less than 1,000 houses, it is considered reasonable to include a lead in time of 2 years for committed sites with outline permission and 3 years for allocated sites without planning permission. For sites proposed to deliver over 1,000 units it is considered reasonable to allow for a 5 year lead in time.

2.22 Table 1 illustrates that against a higher housing target, there is a significant shortfall in the first few years of the plan period. The Council has not provided an annualised trajectory on a site by site basis demonstrating realistic lead in times for sites and we do not consider that they will be able to provide a robust five year housing land supply early in the plan period.

2.23 Table 2 illustrates the phasing indicated in the Publication Plan for each of the strategic sites. This demonstrates that delivery rates for the largest sites, including York Central, Land North of Monks Cross, Land West of Wigginton Road, Land West of Elvington, Queen Elizabeth Barracks and Imphal Barracks are above average rates. The Council has not justified on a site by site basis the delivery assumptions being made to deliver their housing trajectory.

2.24 The Council should be taking a cautious approach to delivery rates and allocating sufficient sites to ensure a five year housing land supply. The Council's anticipated delivery rates should be reconsidered to review whether the expectation of a number of the strategic sites delivering high rates (and multiple outlets) simultaneously would be realistic.

[4] Start to Finish How Quickly do Large-Scale Housing Sites Deliver? November 2016, Lichfields

Table 2: Phasing and Delivery of Strategic Sites

Site Reference	Number of Houses to be Delivered	Delivery Phasing[5]	Delivery Rate Within Plan Period[6]	Delivery Rate Post Plan Period	Notes
ST5 York Central	1,700 – 2,500 houses	1 – 16 years	154 houses per year (minimum of 1,500 to be delivered)	200 to 1,000 houses = 40 – 200 houses per year	
ST1 British Sugar / Manor School	1,200 houses	1 – 16 years	109 houses per year		An outline application for up to 1,100 units (Ref. 14/02789/OUTM) was validation on 02.01.2015 and is still pending determination.
ST2 Civil Service Sports Ground	266 houses	1 – 10 years	38 houses per year		A full application for up to 266 dwellings (Ref. 14/02979/FULM) was validated on 08.01.2015 and is still pending determination.
ST4 Land Adjacent to Hull Road	211 houses	1 – 10 years	30 houses per year		A full planning application for 180 dwellings (Ref. 15/00166/FULM) was validated on 09.03.2017 and is still pending determination.
ST7 Land East of Metcalfe Lane	845 houses	1 – 16 years	65 houses per year		
ST8 Land North of Monks Cross	968 houses	1 – 16 years	74 houses per year		An outline planning application for up to 970 dwellings (Ref. 18/00017/OUTM) was validated on 08.01.2018 and is pending determination.
ST9 Land North of Haxby	735 houses	1 – 16 years	57 houses per year		No planning history

[5] York Publication Plan Table 5.1
[6] Number of dwellings divided by number of years site is phased for minus lead in times (assuming 5 year lead in time for sites over 1,000 units and 3 year lead in time for smaller sites)

ST14 Land West of Wigginton Road	1,348 houses	1 – 21 years	1,200 = 109 houses per year	148 houses = 30 houses per year	
ST15 Land West of Elvington	3,339 houses	1 – 21 years	2,200 = 200 houses per year	1139 = 228 houses per year	
ST16 Terry's Extension Site	111 houses	1 – 10 years	Phase 1 (1 – 5 years) = 22 houses Phase 2 (1 – 10 years) = 33 houses Phase 3 (1 – 10 years) = 56 houses		Phasing based on an outline planning permission covering the whole site and subsequent reserved matters.
ST17 Nestle South	863 houses	1 – 16 years	Phase 1 (1 – 10 years) = 263 houses - 26 houses per year Phase 2 (6 – 15 years) = 600 houses – 67 houses per year		Outline application (Ref. 10/01955/OUTM) was validated on 15.09.2010 for a mixed use development, including up to 213 units however, was withdrawn on 26.10.2017
ST31 Land at Tadcaster Road	158 houses	1 – 10 years	22.5 houses a year		No planning history
ST32 Hungate	328 houses	1 – 10 years	46 houses a year		No planning history
ST33 Station Yard, Wheldrake	147 houses	1 – 10 years	21 houses a year		No planning history
ST35 Queen Elizabeth Barracks	500 houses	6 – 15 years	83 houses per year		
ST36 Imphal Barracks	769 houses	16 – 21 years		153 houses per year	

Site Densities

2.25 Paragraph 5.12 of the Publication Plan explains that the yield for each of the strategic site has been established through working with the site promotors but they have failed to provide details of the net developable areas and constraints for these sites in order to justify that the yields are realistic. It is considered that the proposed densities are questionably high given the site-specific constraints that are known to exist in relation to several of the strategic sites such as the need for ecological and landscape buffers and heritage constraints. This is crucial as HOW has significant concerns regarding the deliverability of key sites following a detailed technical review which suggests that many of the proposed allocations have significant constraints to delivery including potential highway and ecological impacts which have not yet been justified can be adequately mitigated. Therefore, it has not been justified that the trajectory can be delivered on a site-specific basis.

2.26 The Publication Plan also states that the site yield for the non-strategic sites has been calculated by applying a net to gross ratio depending on area of between 70% and 100% and indicative average densities have been applied depending on the nature of development proposed and Policy H2 densities (100 units/ha the city centre, 50 units/ha within the York urban area, 40 units/ha within the suburban area and Haxby/Wigginton, 35 units/ha in the rural area and villages).

2.27 The combined effect of the unconfirmed developable areas of key strategic sites such as ST15 Land East of Elvington, ST5 York Central, ST35 Queen Elizabeth Barracks and ST36 Imphal Barracks, together with the questionably high densities for several other strategic sites casts doubt over the ability of allocations to deliver the number of dwellings proposed within and beyond the plan period.

2.28 The resulting impact is that additional allocations will be required in order for the Council to meet its five year housing land supply early in the plan period and meet the overall housing requirements throughout the lifetime of the plan and the 'Green Belt boundary' period.

2.29 Also, there are significant soundness concerns regarding the deliverability of key strategic sites proposed as allocations in the plan.

ST15: Land East of Elvington

2.30 This site is proposed as a new sustainable garden village settlement to provide 2,200 dwellings in the plan period (years 1 to 16) and an additional 1,139 dwellings in the five year post plan 'green belt period' (years 16 to 21).

2.31 Sandby (York) Ltd and Oakgate/Caddick Group, the representors controlling the majority of the landholdings for this strategic allocation have been promoting an alternative site boundary and objected to the proposed allocation at the Pre-publication consultation summarising that it is:

- Unsustainable, unviable and potentially harmful to the environment in which it is set.
- Unviable and unachievable and incapable of making any contribution to the City's housing needs.

2.32 Specifically, they state:

- that the proposed site capacity is only capable of delivering 1,950 dwellings in the plan period (250 less than the proposed allocation).
- there will be an overall decline in biodiversity from the proposed land take.
- Involves access on third party land.
- It is unlikely to be financially viable or sustainable from a public transport perspective.
- The scale of development is incapable of delivering the required level of services to create a sustainable settlement or support a primary or secondary school and would in effect create a distant suburb of York.
- Surveys have not been carried out on all of the land and it is unknown if it is suitable for development.

2.33 However, contrary to its own officer's recommendations at the January 2018 Local Plan Working Group, the Council chose to reject the proposed boundary change put forward by the majority of the landholders to ensure a sound allocation. It is therefore highly questionable that the site is deliverable and, if it can be delivered at all, whether sufficient developable area can be achieved to deliver the number of dwellings proposed (which also remain unaltered).

2.34 The plan cannot be considered sound if its largest strategic allocated housing site has serious question marks over its deliverability and sustainability credentials. It is clear from the representations submitted on behalf of the site promotors that, as proposed by the Council, this site is incapable of delivering the number of dwellings it is allocated for and if it is viable, delivery would be at a lower rate than the Council have proposed.

ST5: York Central

2.35 York Central is proposed as a strategic allocation for a mixed-use development including for 1,700 - 2,500 dwellings, of which a minimum of 1,500 dwellings are to be delivered in the plan period, and 100,000 sq m of Office B1a).

2.36 No justification has been provided to date to demonstrate how the quantum of development can be achieved and it is also concerning that the proposed capacity of this site has varied considerably between each stage of the plan.

2.37 Furthermore, Historic England objects to the proposed quantum of development stating that they:

> *'remain to be convinced that the quantum of development being proposed is actually deliverable in a manner which will not only safeguard the significance of the numerous heritage assets in its vicinity but also not have significant knock-on effects upon the historic core of York.'*

2.38 The website for York Central Partnership (comprising City of York Council, Network Rail, the National Railway Museum and Homes England) states the following:

> *'Relocation of the remaining rail site will allow new development to take place. The current proposals are subject to further technical work and consultation, but current suggestions include:*
>
> - *1,000 to 2,500 homes*
> - *60,000m2 to 120,000m2 of office, leisure and retail uses*
>
> *A collaborative development partnership which includes ourselves, Network Rail, the National Railway Museum and Homes England is progressing investment and delivery for the site. The site has been designated a Housing Zone as well as an Enterprise Zone and public investment is planned to deliver key infrastructure with a view to de-risk and accelerate this project.'*

2.39 It is clear from the development partnership that there is a significant amount of work required in order to both justify the quantum of development proposed in the plan and also to bring the site forward.

MOD Sites

2.40 The residential land supply in the plan relies upon the closure of two operational Ministry of Defence sites announced in the 'A Better Defence Estate' report published in November 2016.

- ST35 Queen Elizabeth Barracks, Strensall (allocated for 500 dwellings - years 6 to 15)
- ST36 Imphal Barracks, Fulford Road (allocated for 769 dwellings - years 16-21)

2.41 In the case of Queen Elizabeth Barracks in Strensall, the estimated disposal date was given as 2021 but that this relies upon the closure reliant upon re-provision elsewhere. Imphal Barracks has an estimated disposal date of 2031. The MOD has confirmed that the strategy for the re-provision is not yet known and to plan, secure and implement the relocation is clearly unrealistic to achieve by 2021.

2.42 The report states that MOD will commence on a range of detailed assessment studies for the built estate plans and provide an update on the progress of this strategy in the first annual report to Parliament in autumn 2017. No public updates to Parliament have been made to date.

2.43 Given that the sites remain operational and no further announcement has been made to confirm the estimated closure date or the necessary re-provision of the existing facilities, these sites cannot be considered to be available. Relying on as yet unconfirmed closures poses a significant risk to the strategy of the plan.

2.44 We note that other representors have drawn attention to the Cheltenham, Tewkesbury and Gloucester Core Strategy where the plan proposed the allocation of the MOD site at Aschurch (also identified for closure in the 'A Better Defence Estate' November 2016 document). This was later partly withdrawn from the Core Strategy due to retention by MOD of part of the site.

2.45 If the sites are to be included within the land supply, the Council should obtain commitment, with evidence to demonstrate this will be achieved, from the MOD that the sites are deliverable and a confirmed disposal date.

2.46 It is considered that given the level of uncertainty regarding these sites a more robust approach would be to include other sites to provide sufficient flexibility in the Council's housing land supply, particularly in the early years of the plan.

2.47 Furthermore, there are site-specific concerns in relation to the quantum of delivery achievable for these sites. Historic England has raised objection to both of these sites as an assessment of the significance of the sites is lacking, meaning that it is not possible to ascertain whether the quantum of development anticipated is likely to be deliverable.

2.48 Natural England has also raised objection to ST15 Queen Elizabeth Barracks due to the lack of information being required for the plan's Habitat Regulation Assessment (HRA) due to the proximity to Strensall Common SAC.

2.49 These statutory consultee objections reflect the lack of technical assessment that has been carried out to date to justify the quantum of development proposed can be delivered and any impacts be appropriately mitigated.

2.50 It is unsound for the plan to rely upon a significant provision of housing supply from sites that are still operational with unconfirmed closures and do not appear to have been subject to the same level of robust technical assessment as other sites in relation to the extent of constraints and particularly potential impacts upon heritage assets, ecological designations and the highway network.

Windfall Allowance

2.51 The Council's approach to the inclusion of a windfall allowance has been to consider sites below 0.2 hectares and conversions as windfall sites, as these fall outside of the threshold used to identify potential housing sites in the Local Plan. An allowance of 169 dwellings per annum accounts for 20% of the Council's annual OAN. HOW Planning considers that this amount of windfall is too high and a more robust approach, and to ensure flexibility throughout the Plan period, would be to allocate sufficient land allocations to meet the identified OAN allowing any windfall development to provide flexibility in delivering housing through the identified sources. A reliance on windfall sites to deliver circa 20% of York's proposed figure of 867 dpa does not allow any flexibility when considering that the sites are windfall because they fall outside of the site selection criteria. In summary, these are the only other sources of supply which the Council can rely upon.

2.52 HOW Planning considers that it is unsound for the windfall allowance to be calculated from historic annual windfall completions during a period when York did not have an adopted plan or an identified housing supply; as such the delivery of houses through windfall was considerably higher than would be likely when a Plan-led approach to development is functioning properly. However, it is not possible to be definitive on this point as the City of York Local Plan Windfall Allowance Technical Paper (2017) referred to at Paragraph 5.8 of the Publication Plan has not been published alongside the consultation. Reviewing the previously published Windfall Allowance Technical Paper (2016), in five of the ten years where windfall has been considered, this form of supply accounted for over 50% of all overall completions, accounting for almost 77% in 2008-2009. A Plan-led approach would very likely have resulted in a substantially reduced windfall figure given that when supply is being met elsewhere there is a reduced demand for small and converted developments coming forward.

2.53 The Windfall Paper highlights that there has been a recent spike in the 'Conversions' category on the back of Permitted Development changes. This type of development is a finite supply and there is no guarantee that the levels achieved from 2014-16 will continue at this rate which has had the effect of significantly inflating the windfall average.

2.54 It is not robust to extrapolate from data with a spike in this type of housing which distorts the ten year average figure as there is insufficient data to judge whether there will continue to be an increased rate experienced. Indeed, the most up to date monitoring data reported in York's Half Year Housing Monitoring Update for Monitoring Year 2017/18 shows that there has been a significant drop and just 2.7% of the completions arise from this source at the midpoint for the year.

2.55 Given, the large and recent fluctuations, the Council should be erring on the side of caution and not extrapolating a new trend forward in calculating its windfall rate.

2.56 It is impossible to be definitive as an up to date Technical Paper has not been published, but the 2016 Technical Paper states that it is not necessary to make any reduction to allow for uncertainty in the market. It is recommended therefore that a reduction of 10% should be applied, in line with the approach adopted by other authorities.

APPROACH TO SAFEGUARDED LAND

2.57 At the Preferred Sites stage of the plans preparation in 2016 the Council deleted a safeguarded land policy and allocations and instead sought to identify sufficient land to accommodate York's development needs across the plan period, 2012-2032 stating that:

> *'the Plan provides further development land to 2037 (including allowing for some flexibility in delivery) and establishes a green belt boundary enduring 20 years. In addition, safeguarded land is no longer designated… rather several of the Strategic Sites identified in the document have anticipated build out time beyond the fifteen year plan period. This ensures that we can meet long term development needs stretching well beyond the plan period and that green belt boundaries will not need to be altered at the end of the plan period."*

2.58 Paragraph 3.13 of the Publication Plan states that in addition to the needs of the plan period (to 2033), the Plan provides further development land to 2038 to establish a Green Belt boundary for 20 years.

2.59 The NPPF, paragraph 85, identifies that where necessary Local Plans should provide safeguarded land to meet longer term development needs stretching 'well beyond the plan period'

and that local authorities should satisfy themselves that Green Belt boundaries 'will not need to be altered at the end of the development plan period'. NPPF, paragraph 157, advocates a 15-year time horizon for Local Plans.

2.60 A number of other Local Plans have indicated that a 15-year plan period, followed by 10 to 15 years' worth of safeguarded land will ensure that Green Belt boundaries retain a degree of permanence. It would therefore appear appropriate to ensure that the Green Belt boundaries are capable of enduring until at least 2043.

2.61 The previously aborted 2014 Publication draft Local Plan identified that the full needs of the housing and employment land during the plan period should be met without compromising the integrity of the Green Belt and which would endure for at least 25 years. The previous Preferred Approach was to safeguard land to provide options for future consideration during the lifetime of the Green Belt (a further 10 years). As stated at Paragraph 2.3.64 of the Sustainability Appraisal, this approach has not been carried forward because:

> *'Safeguarded land previously identified in the aborted Publication draft Local Plan was removed given that several of the strategic site identified in the document anticipated build out times beyond the fifteen year plan period. This was to ensure that the long-term need stretching beyond the plan period could be met and Green Belt boundaries would not need to be altered in the plan period.'*

2.62 Rather than the allocation of safeguarded land, the Publication Plan promotes build out rates beyond the fifteen year plan period for several of the Strategic Sites identified in the document. HOW Planning do not consider this approach to be sound due to the reasons set out below.

2.63 By our calculations in Table 3 below these strategic sites are not capable of delivering five additional years housing land supply. Furthermore, as set out above there are serious questions regarding the quantum of development that can be delivered from these sites. Given the importance of the plan strategy to ensure that the Green Belt endures 'well beyond' the plan period, it is concerning that the Council are relying on these sites to achieve this.

Table 3: Post Plan Period Housing Supply

	Dwellings to be delivered Years 16 to 21[7]
ST36 Imphal Barracks	769
ST15 Land West of Elvington	1,139

[7] York Local Plan Publication Plan Table 5.1

ST14 Land West of Wigginton Road	148
ST5 York Central	200-1,000
Total	2,256- 3,056
Years supply against Council OAN[8]	2.6 - 3.5
Years supply against Minimum OAN[9]	2.1 - 2.8

2.64 The abortive Publication Draft Local Plan (2014) included Policy SS3: The Creation of an Enduring Green Belt which sought the allocation of 335 hectares of safeguarded land, in order to create a Green Belt that endures beyond the Plan period. The Council sought legal advice in January 2015 which was presented to the Local Plan Working Group at their meeting of 29 January 2015, to advise how the Local Plan should address safeguarded land within the Local Plan (See Appendix 2). There are a number of points raised within Counsel's Advice, which are worth further consideration as, despite Counsel's warning regarding an alternative approach to that advocated within the Advice, the Council has chosen to continue to promote an approach which is clearly unsound and places the Local Plan and severe risk.

2.65 In the context of the Safeguarded Land opinion, Counsel advised that a time horizon of 10 years beyond the life of the Plan would be considered appropriate to meet longer term development needs and to ensure the permanence of the Green Belt by ensuring Green Belt boundaries would not need to be altered at the end of the development plan period. The approach promoted by the Council in the Preferred Sites document and carried forward to the Publication Plan is to 'over allocate' a number of identified strategic sites so development on these sites will continue beyond the fifteen year trajectory. Coupled with a windfall allowance, the Council consider that this approach is sufficient for Green Belt boundaries to endure for a minimum of 20 years and thus no land has been allocated as safeguarded. This is particularly pertinent when considering that the OAN promoted in the Publication Plan is significantly below the OAN calculated by Regeneris and the figure derived from the consultation CLG guidance, and the allocated sites will not deliver the land required to accommodate the development needs of this Plan period let alone beyond this Plan.

2.66 Counsel's Advice was clear that if no safeguarded land is identified in the emerging Local Plan, this would give rise to a serious risk of the Plan being found unsound. There would be a failure to

[8] City of York have assessed needs as 867dpa for the period 2033-2038
[9] Based on Regeneris's suggested minimum OAN

identify how the longer-term needs of the area could be met, and in particular a failure to indicate how those longer-term needs could be met without encroaching into the Green Belt and eroding its boundaries. Counsel's Advice concludes that the Local Plan must be able to demonstrate that there is sufficient land outside of the Green Belt boundary which will be suitable for meeting the need for further development, and which is likely to be available when those needs arise. This advice has not been heeded by the Council and, as published, the Publication Plan is unsound.

2.67 HOW Planning considers that the Council's approach and justification to the non-inclusion of safeguarded land is unsound for the following reasons:

- The OAN which the Council has projected forward to calculate development needs post Plan period does not meet full objectively assessed needs;
- There are serious concerns regarding the proposed densities and deliverability of the strategic sites proposed to deliver housing in the post plan period. Even if the Council’s assumptions were correct (which the evidence does not support), they could only deliver between 2.1 and 3.5 years supply of housing;
- A period of only 5 years (2033 to 2038) has been considered 'post Plan' which will not ensure the permanence and longevity of the Green Belt, as the Council had previously accepted that 10 years post Plan would be required; and
- The Council's reliance on allocated sites and windfall allowance to deliver development needs post-Plan does not allow for any flexibility within the Plan period and thus cannot be relied upon to provide a robust approach to the development post-Plan and to ensure the permanence of the Green Belt.

2.68 There is little guidance available in defining the appropriate amount of safeguarded land, but after considering best practice and reviewing the approach taken by other authorities, an approach which considers a 10-15 year period beyond the end of the current Plan period seems to be most appropriate, as this strikes a reasonable balance between avoiding the need to review Green Belt at the end of the current Plan period and avoiding unnecessary releases of Green Belt land at this time. Table 4 sets out projected needs (both the Council's and a Minimum OAN) post Plan and calculates the quantum of land which should be allocated as safeguarded land to meet development needs for a 10-year period post 2033. This approach projects forward development needs a further 10 years, however excludes any windfall allowance. It is noted that this exercise simply extrapolates the Council's planned provision (for the period 2033-2038, as this is different to the OAN proposed during the Plan period) and Regeneris's suggested minimum OAN for a 10-year period beyond the Plan period.

Table 4: Calculation of Safeguarded Land Requirements (10 years)

	City of York Council OAN	GL HearnOAN	Minimum OAN	Regeneris OAN
OAN (dpa)	867[10]	953	1,070[11]	1,150
Required Safeguarded Land (units)	8,670	9,530	10,700	11,500
Required Safeguarded Land (hectares)[12]	413	454	510	548

2.69 As there may be a requirement to bring forward growth anticipated for post 2033, to ensure a sufficient supply of land to meet housing and other development needs, it is therefore essential that an appropriate level of safeguarded land is allocated now to prevent the need to review the Green Belt boundaries again at the end of this plan period, or indeed before.

2.70 In summary, the Council's failure to adequately demonstrate both a satisfactory required quantum of safeguarded land and a sufficient supply is contrary to the necessities of the NPPF to ensure the permanence of the Green Belt. Consequently, the Council's approach to the non-inclusion of safeguarded land within the Local Plan is not considered to be sound as it fails to meet objectively assessed development needs and would require a further review of Green Belt boundaries at the end of the Plan period, if not before.

[10] City of York Council have assessed needs as 867dpa for the period 2033-2038
[11] Based on Draft CLG Methodology October 2017
[12] Based upon a net developable area of 70% and a development density of 30 dwellings per hectare.

3 GREEN BELT EVIDENCE BASE

3.1 Paragraph 1.49 of the Publication Plan sets out that the York Local Plan is establishing the detailed boundaries of the Green Belt for the first time. It explains that the majority of land outside the built-up areas of York has been identified as draft Green Belt land since the 1950's, with the principle of York's Green Belt being established through a number of plans including the North Yorkshire County Structure Plan (1995-2006), and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (2008). It states that the overall purpose of York's Green Belt is to preserve the setting and special character of York, also helping to deliver the other purposes.

3.2 The Local Plan will establish the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and define the inner boundary to establish long term development limits that safeguard the special character and setting of the historic city. It is therefore the role of the Local Plan to define what land is in the Green Belt and in doing so established detailed green belt boundaries.

3.3 The Publication Plan states that as well as the Green Belt's primary aim being to preserve and enhance the special character and setting of York, it will also have a critical role in ensuring that development is directed to the most sustainable locations.

3.4 NPPF paragraph 83 allows for Green Belt boundaries to be altered in exceptional circumstances as part of the preparation or review of a Local Plan. Paragraph 84 confirms that when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development and the consequences of channelling development towards non-Green Belt locations should be considered. Paragraph 84 also requires local planning authorities to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period and to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. Paragraph 85 seeks (amongst other things) consistency with the strategy for meeting identified requirements for sustainable development, including longer term development needs *"stretching well beyond the plan period"*.

3.5 Whilst, the Local Plan covers the period from 2017 to 2032/33, the Green Belt boundaries are stated to endure for an additional 5 years up to 2037/38. No justification has been provided as to why 5 years beyond the plan period is considered to be *'well beyond the plan period'*. Given the arguably national importance of York's green belt in heritage terms, there is a strong argument to be made that the Green Belt should endure well beyond the period in York. This is dealt with in greater detail in our response to the plans approach to safeguarded land below. HOW consider it appropriate to ensure that the Green Belt boundaries are capable of enduring at least an additional 10 years until 2043.

3.6 In addition to setting the detailed boundaries, HOW Planning also consider that exceptional circumstances exist which justify a general review of the extent of Green Belt boundaries around York. Indeed, the Plan does propose allocations that would be considered to site within the broad extent of the Green Belt as it currently stands.

3.7 Given, the importance of establishing a Green Belt that will endure in York, it is extremely surprising that the Council is relying upon an evidence base that dates back to 2003 and earlier: *'The Approach to the Green Belt Appraisal 2003'*. This 2003 report is just 16 pages long and states that the appraisal consisted of the following three component parts:

- Desk top study - comprising two parts: firstly a review of relevant written information including [now superseded] PPG2, the work of Baker of Associates in the East Midlands, and previous work undertaken by the City of York and North Yorkshire County Councils; and secondly, the detailed consideration of maps both historic and current of the City of York Council area.

- Field analysis - A considerable amount of time was spent in the field assessing the land outside the City's built up area.

- Data collation and analysis. The output from the two stages above was analysed and evaluated to determine which areas of land are most valuable in Green Belt terms. The results of this work are included within this document and illustrated in map form.

3.8 The report does not include the detailed evaluation outlined above and reads as a conclusion. It is considered unsound that the empirical evidence base upon which the Council's site selection process is based has not been made available and relies upon documents that are over 25 years old including the work of North Yorkshire County Council in their York Green Belt Local Plan, which was considered at a public inquiry between autumn 1992 and spring 1993.

3.9 The 2003 report states that it sought to identify those areas within York's Draft Green Belt that were key to the City's historic character and setting. The outcome was the identification of the following areas of land important to the historic character and setting of York:

- Areas preventing coalescence

- Village setting area

- Retaining the rural setting of the City

- River corridor

- Extension to the Green Wedge
- Green Wedge
- Stray

3.10 These areas of land, established in 2003, still form the basis of the Council's approach to site selection and Green Belt boundaries.

3.11 The Moor Lane site lies within an area 'Retaining Rural Setting' stated to be: *specific to areas of open countryside visible from prominent locations enabling views of the city and in particular the Minster or conservation areas.*

3.12 At section 8. (page 14) of the 2003 document the reasons for the importance of that category are given as:

> *(i) Open countryside visible from a prominent location enables view of the city, the historic character of which is particularly important.*
>
> *(ii) Areas afford either good views of the Minster or the urban edge comprised of a Conservation Area, the historic character of which it is important to retain.*

3.13 Specifically, it identifies 'Area F3: South and West of Woodthorpe' which the site falls within as having:

- An open agricultural landscape including the woodland of Askham Bogs affording prominent views of Minster.
- Also has an important role in preventing the coalescence of Copmanthorpe and the urban area.

3.14 The 2003 assessment was then updated in 2011 by a Historic Character and Setting Paper, the stated purpose of this was:

> *'to consider potential changes to the boundaries proposed in the 2003 Appraisal document, in light of issues raised on historic character and setting designations as part of the consultation on the Core Strategy and Allocations DPD. It is not intended to readdress or reconsider the background principles in or behind the Appraisal or make any changes to the principles behind the designation of a piece of land.' (paragraph 1.2, York Council Historic Character and Setting Technical Paper, 2011).*

3.15 Since 2003 the following updates have been undertaken to the Green Belt/Heritage evidence base:

- **City of York LDF Historic Character and Setting Technical Paper (January 2011)**. The 2011 Technical Paper sets out that the work was undertaken as a response to the consultation response by Fulford Parish Council which included a review of Fulford's Green Belt Land and other consultation responses to the Core Strategy Preferred Options document and to the Allocations DPD Issues and Options document. It did not comprehensively review all of the historic character areas, only responding to specific concerns raised. The only changes made were around the village of Fulford reliant upon the Parish Council's assessment of the Green Belt.

- **Historic Character and Setting Technical Paper Update (June 2013)**. This Update considered sites that had been submitted to the plan process and made a series of additions and deletions to the boundaries under the relevant historic character and setting designations. Again, it did not undertake a wholesale re-assessment of the historic character and setting areas.

- **Heritage Topic Paper Update 2013 (June 2013)**. This states that:

  it is clear that the evidence base:

  is incomplete and that there is a requirement for further specific studies which will provide more detailed evidence for this exploration of the special historic character of the city; and

  it is subjective and that at any one moment the constituent parts of the categories can change and be redefined. The results of any further studies will demand a review of this paper and the process of review may challenge parts of the narrative.

- This document examines and assesses existing evidence relating to the City of York's historic environment and how it can be used to develop a strategic understanding of the city's special qualities. This assessment proposes six principal characteristics of the historic environment that help define the special qualities of York. The 2013 Update sets out those factors and themes which have influenced York's evolution as a city and whilst it makes references to some sites within this, it does not comprise specific nor general site assessments.

- **Heritage Topic Paper Update (September 2014).** Appears identical to the Topic Paper 2013 Update. We note that the 2013 Topic Paper Update is no longer available on the Council's website only the 2014 document.

- **Heritage Impact Assessment (September 2017)**. this document comprises a detailed assessment of the proposed Strategic Sites or planning policies against the six Principal Characteristics identified in the Heritage Topic Paper. It does not re-evaluate the historic character and setting areas.

3.16 Whilst the evidence base sets out a series of incremental changes to the areas of land important to the historic character and setting of York, largely in response to consultation responses, a full re-appraisal of the designations has not been carried out since 2003.

3.17 Given that the designations are based on changing factors such as views of Minster this should have been updated by the Council and their failure to do so is unsound as is their failure to make the empirical site assessment available for scrutiny.

3.18 Planning Practice Guidance Paragraph 014 Reference ID: 12-014-20140306 states that:

> *'evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example, when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).*
>
> *Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan.'*

3.19 Given the national importance of the York Green Belt in heritage terms, an evidence base relying upon work carried out more than 25 years ago and not made available for review cannot be considered to be justified by appropriate and proportionate evidence base or in line with national policy on Green Belts which has changed since 2003 with the publication of NPPF.

3.20 In September 2016 Barwood's consultants advising on heritage (see Appendix 10) concluded that allocation of the Moor Lane site for development would not have a direct, physical effect upon a designated heritage asset. They concluded that despite being categorised as forming part of the 'rural setting of York' by the City of York Council, the Moor Lane site is separated by some three kilometres of nondescript suburban development from the characteristic and recognisable

landmarks of the historic city. It is also closely associated with the extensive modern housing estates of Woodthorpe to the north, and the mixed educational and retail facilities focused around Askham Bar on the main road to the east. Together these areas of recent development both contain and constrain its wider contribution to the setting of York, in terms of its significance as an historic place.

3.21 Whilst the current openness of the land south of Woodthorpe contributes to the rural setting of the city, the appreciation of the rural setting is a visual experience, not based on the historic or cultural importance of this area of land as a retained open buffer. Nor does the current extent of the rural setting south of Woodthorpe exist – or need to continue to exist – by virtue of some substantive landscape principle (a scarp slope or river valley for example). There is no natural landscape 'watershed' or feature that dictates that a fixed amount of rural buffer remains; the current urban edge is merely as far as the City has extended in its historic growth up until this Plan Period. As such, this quality is both seasonal (open views being obscured by the roadside hedge in summer) and entirely subject to the vagaries of land management practices, over which the Council has no control. The rural setting is mainly experienced from the A1237 and could readily be changed (or obscured) by hedgerow management and/or tree planting.

3.22 In light of the pressing need to identify strategic housing land, Barwood's advisors consider that the preservation of a green buffer to the A1237, rather than the city, is an appropriate way to protect the visual interests of the main receptors of the rural buffer, i.e. those using the A1237.

3.23 These issues are highlighted by the Council's Green Belt study; as long ago as 2003 when the Study was commissioned, the ST10 site was, curiously, omitted from the land area subject to review. There are no natural landscape boundaries between ST10 and wider Moor Lane site which would suggest that ST10 alone (and no more land) is capable of coming forward for development.

3.24 Given that the land surrounding Marsh Farm (ST10) is excluded from this Green Belt character area already, extending this boundary to the proposed red line within the context of a sensitively treated masterplan would not result in the loss of the whole of this Green Belt character area, or erode the impression of a historic city within a rural setting.

3.25 The site boundary promoted by Barwood is not exceptional in terms of its location within Green Belt land; in particular it would not contribute to the sprawl of large urban areas; and would not lead to the coalescence of settlements.

4 SITE SELECTION METHODOLOGY AND SUSTAINABILITY APPRAISAL

4.1 Planning Practice Guidance (PPG) advises[13] that plan-makers should assess the policies in a draft Local Plan, including the reasonable alternatives, to identify the likely significant effects of the available options. Reasonable alternatives should be identified and considered at an early stage in the plan making process, as the assessment if these should inform the local planning authority in choosing its preferred approach. With regards to plan-making, the NPPF confirms at paragraph 152:

> *'Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.'*

4.2 This section sets out that the sustainable environmental assessment (SEA)/sustainability appraisal (SA) and site selection process that the council have undertaken through each stage of the Local Plan publication is unsound as it has been inconsistent, retrofitted with no evidence available to demonstrate that a reasonable range of alternative approaches have been evaluated in an SEA context prior to choices being made.

4.3 On the contrary, a preferred approach and preferred sites were identified prior to key documents being produced that should shape policy options.

LOCAL PLAN PREFERRED OPTIONS (2013)

4.4 At the 2013 Preferred Options stage 17.02 hectares of the Moor Lane site was proposed as a strategic site to provide a suburban extension for 511 dwellings to be developed over the lifetime of the plan (years 1-15 of the trajectory).

4.5 The Council produced Sustainability Appraisal (SA) Appendices. Appendix 1: Local Plan SA - Policy Alternatives Appraisal and Appendix 2: Strategic Sites Preferred Options Appraisal. The latter included an appraisal of the proposed ST10 Moor Lane as a strategic site against a series of objectives. Figure 8 in that document summarised this appraisal.

4.6 At that stage the Council predicted negative impacts against 'biodiversity', 'Use land resources efficiently and safeguard their quality' and 'flooding' objectives. Notably, the site was appraised

[13] PPG Paragraph: 017, Reference ID: 11-017-20140306

as having a ‘positive or negative impact depending upon how it is implemented’ on both ‘cultural heritage’ and ‘natural and built landscape’ objectives.

4.7 The detailed appraisal highlighted the potential risk to Askham Bog and the need for further work to demonstrate that mitigation could be achieved. In relation to biodiversity it was stated:

> *‘Further work in needed to determine what impact this level of development would have on the site through hydrological survey and assessments. The severity of the impact would depend upon the masterplan and final housing numbers. Currently, the impact would be negative although this is subject to further assessment.’*

4.8 In relation to land use it was stated:

> *‘This site is greenfield and is currently within agricultural use. It is grade 3 agricultural land indicating it is of high quality. Furthermore, the quality of this land is associated with peat reserves and its ability to provide and store ground water Askham Bog. Loss of this resource could have significant environmental consequences although the severity of this would need to be determined through further assessment.*
>
> *A positive for this site is that it does not contain any outstanding contamination issues.’*

4.9 In relation to flooding it was stated:

> *‘There are known capacity issues in the water course within this area which would need to be investigated further as it is known that there is an existing pumping station which works 24 hours a day. Specific mitigation techniques for the management of surface water flooding such as sustainable drainage (SUDs) should be considered in relation to the impacts on Askham Bogg.’*

Figure 1: Preferred Options 2013 Appendix 2 SA Extract

Cumulative Impact Appraisal

Figure 8: Indicative Cumulative Impacts of the Strategic Sites

Key to the appraisal matrices	Likely effect on the SA Objective
++	The option is likely to have a **very positive** impact
+	The option is likely to have a **positive** impact
0	**No significant effect / no clear link**
?	**Uncertain** or **insufficient information** on which to determine impact
-	The option is likely to have a **negative** impact
--	The option is likely to have a **very negative** impact
I	The option could have a positive or a negative impact depending on **how it is implemented**

Objectives	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ST1: British Sugar	++	I	I	+	++	I	I +	+	++	I +	I	I	++	I	I
ST2: Former sports ground at Millfield lane	++	I	?	+	++	I	I +	++	0	I +	I	I	+	I	+
ST3: The Grainstores	++	I +	?	+	++	I	I +	++	--	I +	I	?	+	+	+
ST4: Land adj Hull Road Grimston Bar	++	I +	? I	+	++	I	I +	++	--	I +	I	I	+	I -	I -
ST5: York Central	++	+	I	++	++	+ -	I +	++	++	I +	I	-	I -	I	I
ST6: Land East of Grimston Bar	+	I +	I	+	-	+ -	I +	+	--	I +	I	I	+	I	I
ST7: Land East of Metcalfe Lane	++	I +	I	+	I +	+ I	I +	++	-	I +	I	I	I	I	I
ST8: Land North of Monks Cross	++	I +	I +	+	I +	+ -	I +	++	-	I +	I	I	++	+	I
ST9: Land North of Haxby	++	I +	I +	+	I +	+ -	I +	++	-	I +	I	I	++	+	I
ST10: Land at Moor lane Woodthorpe	++	I +	I +	+	I +	+ -	I +	--	-	I	I	+	-	I	I
ST11: Land at New Lane,	++	I +	I +	+	I +	+ -	I +	+	+	I +	I	I	+	I	I

4.10 Representations to the Preferred Options consultation that supported the allocation of ST10 but also proposed a larger area of land at Moor Lane, Woodthorpe for allocation supported by a detailed masterplan.

FURTHER SITES CONSULTATION (2014)

4.11 The Council undertook a further sites consultation in 2014. This consultation included a 'Technical Officer Assessment of Boundary Changes' included within Further Sites Consultation Appendix 5: Changes to Strategic Sites. It also included Further Sites Consultation Appendix 12: Sustainability Appraisal Technical Note.

4.12 The Technical Officer Assessment rejected the proposed boundary change and retained the smaller area, stating that:

> *'The proposed boundary extensions would also have landscape and heritage impact issues, and are on land identified within the Cities greenbelt appraisal evidence base as being an important character area retaining the rural setting of the City. The proposed extensions to the west of the original boundary would have a particularly severe heritage impact, as a result of their proximity to the Outer Ring Road and impact on the setting of*

the city and key views of the minster and city – bringing development into the foreground of these views.'

'The wider proposed development area surrounding the Preferred Options allocation would have landscape and greenbelt impacts and whilst the principle of providing a green wedge between the site and Askham bog in order to mitigate impacts is supported, the extent of this strategic green space buffer and development area would require very careful consideration, and robust evidencing as part of the masterplanning process. Strategic green space will have an important function in terms of setting of the City as well as the landscape setting of Askham Bog - the countryside setting of this important landscape asset for existing and new residents. Land to the south of the preferred options allocation is identified as greenbelt character area 'retaining rural setting', and was proposed to form part of the greenbelt in the Preferred Options draft plan given it's landscape quality and the sensitive nature of this area in terms of establishing the setting of the city. Development along Moor Lane would reduce views across the rural landscape, including Askham Bogg. From this perspective alone, although the depth of development is less critical than at the western site boundary, it would still compromise the landscape setting of the city'.[14]

4.13 The Sustainability Appraisal undertaken at that stage was very brief and assessed sites against a desk based analysis and scored accordingly how sustainable they are in terms of their location against a number of social, environmental and economic factors.

4.14 Through the SA process the Council should have undertaken an assessment of all reasonable alternatives. The Council did not test fully the potential site amendments identified within the '2013 Further Sites Consultation'. No sustainability appraisal was made of allocating the larger site over that originally proposed as ST10.

4.15 At this stage Barwood submitted detailed representations supported by an updated Masterplan which was fully informed by a detailed technical evidence base and following comprehensive discussions with officers and other key stakeholders, such as Natural England and the Yorkshire Wildlife Trust (YWT).

HALTED DRAFT LOCAL PLAN PUBLICATION DOCUMENT (2014) – PRESENTED TO LOCAL PLANS WORKING GROUP AND EXECUTIVE

4.16 The ST10 site was omitted as a strategic site at this stage of the plan and instead the same extent of land was identified as land to be safeguarded for longer term development needs.

[14] Further Sites Consultation Appendix 5: Changes to Strategic Sites pages 21-23

4.17 The reasons set out by the Council in the Site Selection Paper Addendum (September 2014) broadly accord with those identified in the earlier Further Sites consultation, with significant reliance placed on concerns expressed by key stakeholders.

> *'Whilst it is acknowledged that both the 17ha and 98ha site extents are controlled by a willing landowner, and the smaller site extent meets the constraint and accessibility related criteria for site selection, the potential for ecological impact on the adjacent Askham Bog SSSI, and potential implications of any mitigation approach on site viability and deliverability are currently uncertain and require further detailed assessment. In the context of requirements set out a paragraph 118 of the NPPF, these unknowns represent a key risk to site delivery.*
>
> *The severity and complexity of these issues is likely to be increased for the larger 98ha site extent, due to closed proximity to the SSSI and larger quanta of development (albeit it is acknowledged that a larger development will generate greater value to implement mitigation). In addition, there are key and fundamental landscape and greenbelt/heritage impact concerns relating to the larger proposed site allocation. For this combination of reasons, the decision has been made to not take the larger potential site forward for allocation in the plan.*
>
> *On the smaller site, landscape and greenbelt issues are less severe, and ecological impacts and mitigation requirements would still be required, though may be of a commensurately smaller scale and therefore more manageable. Given that in the current absence of firmer evidence, risks around delivery still exist, and within the context of availability of alternative development sites with fewer development risks around capable of meeting objectively assessed needs over the plan period, the decision has been taken to safeguard the smaller 17ha site. This will allow development decisions to be made at a later date, when a better understanding of technical impacts, mitigation measures and deliverability issues is available.'*

4.18 The Draft Sustainability Appraisal (Main) Report (September 2014) advises that all proposed site allocations and alternatives have been subject to SA as part of the preparation of the Report, including those that have already been subject to SA (in order to reflect new information received) using the site assessment criteria. This is detailed within the Appendix H. The following assessment is given for ST10: Moor Lane.

Figure 2: Extract from Appendix H: Draft Sustainability Appraisal (Main) Report (September 2014)

Call for Sites Ref	Local Plan Ref	SITE NAME	Status at Submission Stage	SA01 Housing	SA02 Health and Well-Being	SA03 Education	SA04 Jobs and Economy	SA05 /SA06 Equality/Travel	SA07 Climate Change	SA08 Biodiversity	SA09 Land Quality	SA10 Water	SA11 Waste	SA12 Air Quality	SA13 Flood Risk	SA14 Cultural Heritage	SA15 Natural and Built Landscape
148	ST10	South of Moor Lane, Woodthorpe	Allocated as a Strategic Housing Site	++	++	+	0	++	+	-	+/-	-	N/A	0	0	-	-

4.19 A detailed appraisal of the site was not provided only the above summary. Thus, there was no additional explanation was given as to why the site was now appraised to have a negative impact upon 'cultural heritage' and 'natural and built landscape' objectives when previously.

4.20 No appraisal was made of allocating the larger site over that originally proposed as ST10.

LOCAL PLAN PREFERRED SITES CONSULTATION (2016)

4.21 Following a long hiatus in the plan making process, at the Preferred Sites stage of the plans preparation in 2016 the Council deleted a safeguarded land policy and allocations and instead sought to identify sufficient land to accommodate York's development needs across the plan period, 2012-2032 stating that:

> *'the Plan provides further development land to 2037 (including allowing for some flexibility in delivery) and establishes a green belt boundary enduring 20 years. In addition, safeguarded land is no longer designated… rather several of the Strategic Sites identified in the document have anticipated build out time beyond the fifteen year plan period. This ensures that we can meet long term development needs stretching well beyond the plan period and that green belt boundaries will not need to be altered at the end of the plan period."*

4.22 The Local Plan Preferred Sites was accompanied by an 'Interim SA' report. The Interim SA is stated to supersede those previously considered in the Sustainability Appraisals (SA) that accompanied the Preferred Options Local Plan (2013) and the aborted Local Plan Publication Draft (2014).

4.23 It is an extremely limited document that satisfies itself with testing the proposed allocations against a range of SA objectives. It was the intention of the Council to then move forward to prepare a full SA which will purport to test sites and alternatives. The opinion of Leading Counsel submitted by Barwood at that stage of the plan that this approach is deeply flawed in that "it has a poor relationship to legal requirements and will tend to appear as an exercise in retrofitting evidence to a pre-determined outcome."

4.24 There was no available evidence to demonstrate that a reasonable range of alternative approaches were evaluated in an SEA context prior to choices being made; rather a preferred approach has been identified prior to any proper SEA exercise and in the absence of the completion of a comprehensive Green Belt Assessment. The approach taken by the Council thus far in arriving at this 'Preferred Sites' stage is clearly unsound and has been carried out without the essential requirement of supportive evidence to inform the choices being pursued.

LOCAL PLAN PRE-PUBLICATION REGULATION 18 CONSULTATION (2017)

4.25 The Pre-Publication Sustainability Appraisal Appendix H: Appraisal of Allocations and Alternatives considers the larger Moor Lane site against the SA Objectives as a reasonable alternative. This is provided below.

Figure 3: Extract from Appendix H Pre-Publication Sustainability Appraisal

Call for Sites Ref	Local Plan Ref	SITE NAME	Status at Pre-Publication Draft	SAO 1	SAO 2	SAO 3	SAO 4	SAO 5 / SAO 6	SAO 7	SAO 8	SAO 9	SA10	SA11	SAO12	SAO13	SAO14	SAO15
880	n/a	ST10 Alternative Boundary	Reasonable Alternative	++	++	++	0	+	+	--	--	-	0	0	0	-	--

4.26 This is the first time that the Council appears to have assessed the wider Moor Lane site against the sustainability objectives. The key differences to the earlier assessment of the smaller site are:

- a very negative impact in relation to land quality for the larger site rather than no significant link for the smaller site; and
- a very negative impact from the larger site in relation to landscape rather than a negative impact from the smaller site.

4.27 No consideration was given at this stage to the smaller previously allocated area as a reasonable alternative.

LOCAL PUBLICATION PLAN REGULATION 19 CONSULTATION (2018)

4.28 The current Publication Plan Sustainability Appraisal Appendix I - Appraisal of Strategic Sites Part 2 – Alternative Strategic Sites and their boundary alternatives considers the previously allocated ST10/SF12 site in detail.

4.29 The summary provided with the appraisal does not tally with the preceding appraisal and states:

'A significant positive effect was recorded against objective 1 (housing) as a result of the significant number of new houses that will be constructed in an area of need. Objective 9 (land use) was assessed as a significant negative effect due to the loss of greenfield land.

A minor positive effect was recorded against objective 5 (equality) as a result of the inclusion of affordable housing and good access to local services and objective 10 (water) due to potential detrimental impacts on local water quality from increased consumption and objective 11 (waste) as a result of the increase in waste generation. A minor negative effect was also recorded against objective 12 (air quality) due to the increase in construction emissions.

A mixed minor positive effect was recorded for objective 2 (health) due to the improved access to open space and the potential for short term noise disturbance during construction. Objective 3 (education and training) was appraised as mixed minor positive and uncertain due to the enhancement of trade skills but the unknown access to educational facilities. Objective 4 (jobs) was assessed as a neutral to minor positive effect due to the limited generation of jobs but lack of access to employment opportunities. A mixed neutral to minor negative effect was also recorded against objective 6 (transport) as the development is not expected to generate congestion but has limited opportunity for sustainable travel and objective 7 (climate change) due to the potential to include renewable energy and the increased greenhouse gas emissions. A neutral effect with the potential for a minor negative effect was recorded against 14 (cultural heritage) due to the lack of impact on heritage assets and setting and potential for archaeological deposits. Objective 15 (landscape)was also mixed neutral and minor negative.

Neutral impacts are identified for Objective 8 (biodiversity) due to limited likely ecology on site; objective 13 (flooding) due to low flood risk. There are uncertainties over whether any new facilities would be included in the development, the level and type of open space and renewable energy generation to be included in the development, and the presence or condition of any archaeological remains.'

SUMMARY

4.30 The Local Plan Sustainability Appraisal has only considered the Moor Lane site as a reasonable alternative in detail at the 2018 Publication Stage and this relates only to the smaller 17ha area that was previously proposed as an allocation and later safeguarded before being deleted.

4.31 At the Preferred Sites Stage in 2016 when the Council deleted the safeguarded land policy and the site from the plan the Interim Sustainability Appraisal failed to appraise the significant change

to the plan in deleting the safeguarded sites and did not consider either the smaller or larger site as a reasonable alternative.

4.32 At the regulation 18 and regulation 19 stages there has been an inconsistent approach to the consideration of the site as a reasonable alternative. At the Pre-publication stage the SA provided a summary of the appraisal of the 'ST10 Alternative boundary', which we assume refers to the wider site. No detailed appraisal was included to explain the impacts.

4.33 The Publication SA considers the previously deleted site as a reasonable alternative (but not the wider site). Thus, it is only now at the publication stage when a preferred approach has been decided that part of the site is considered as a reasonable alternative although there appears to be a mistake in the summary section of the appraisal.

5 HABITAT REGULATIONS ASSESSMENT (HRA)

5.1 The Council has not produced an updated version of the HRA since the Pre-publication consultation. The 2017 HRA provides a preliminary assessment of the emerging Plan. The HRA asks very specific questions of a local plan. Firstly, it screens the plan to identify which policies or allocations may have a likely significant effect (LSE), alone or in combination with other plans and projects, on the European sites. If LSEs can be ruled out, then the plan may be adopted but if not, the plan must be subjected to the greater scrutiny of an 'appropriate assessment' to find out if the plan will have an adverse effect on the integrity of the European sites. Again, if it passes this test, the plan may be adopted. If necessary, the plan should be amended to mitigate any problems, which typically means that some policies or allocations need to be modified or, more unusually, may have to be removed altogether.

5.2 The 2017 document represents only the screening exercise and it does not include the more detailed appropriate assessment. The document states that in due course, it will influence a refined list of allocations and policies and as the plan evolves, future iterations will inevitably be based on a growing evidence base and will explore the full range of tests required by the Regulations.

5.3 We have concerns that the Council is proceeding with the Local Plan without carrying out the legally required Appropriate Assessment part of the HRA. The final paragraph of the 2017 HRA states:

> *"However, at this stage in the plan, it was not found possible to mitigate policies SS19, E18, H59 or SS13 and these will need to be subjected to an appropriate assessment. Because of these outstanding issues, the Plan must await the outcome of this further scrutiny."*

5.4 The Council appears to be deferring key details which could significantly affect the principle of developing sites to the planning application stage in the hope that they can be dealt with at this stage.

5.5 In the case of Policy SS13 (which allocates ST15 Land West of Elvington Lane), given that this will provide a significant proportion of the plans housing supply, the site's own promotors have raised objection that there are unknown environmental impacts and given that there is already a very optimistic timescale for its delivery (mindful that the proposed ecological mitigation needs to be in place for 5 years prior to commencement of development), a robust evidence base to inform the allocation is essential. Such an evidence base is currently absent and therefore the ability of the allocation to mitigate its effects on national and European designations is far from certain.

5.6 In the case of Policy SS19 (which allocates ST35 Queen Elizabeth Barracks), the site is within 400m of Strensall Common SAC and likely significant effects have been identified both within the HRA informing the Local Plan and within Policy SS19, particularly with respect to recreational pressures, hydrology and air quality. However, these have been erroneously deferred by Policy SS19 in the hope that they can be mitigated at the planning application stage. However, no evidence has been published to confirm that they can be mitigated and therefore the principle of development of this site is uncertain.

5.7 Considering the above, and mindful that the policies still need to be subject to an Appropriate Assessment with respect to the Habitats Regulations, the relevant policies cannot be considered sustainable ecological grounds with reference to the provisions of the National Planning Policy Framework (NPPF)[15].

5.8 Given the lack of robust evidence and, in relation to the legal certainty required by the Habitats Regulations with respect to European designated sites, it is considered that the Policy SS13 and Policy SS19 are unsound and the Council should invoke the precautionary principle due to the lack of scientific evidence to inform the likelihood of significant effects[16].

5.9 The lack of update to the HRA at the publication stage of the plan means that the plan strategy has not yet been justified by the legally required assessment.

[15] NPPF, Para. 119: "The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined"
[16] Commission of the European Communities (2000) Communication from the Commission on the Precautionary Principle

6 THE CASE FOR ALLOCATION OF LAND AT MOOR LANE WOODTHORPE

6.1 This representation should be read in conjunction with the Moor Lane Delivery Statement (Appendix 3) and Technical Notes (Appendices 4-11), which clearly demonstrate the suitability of the site to be identified as a housing-led mixed-use allocation.

6.2 Barwood and its professional team of consultants has engaged with key stakeholders over a period in excess of 5 years in order to understand all relevant considerations pertinent to establishing the suitability of development at this location.

6.3 As a result of this engagement a wealth of technical assessments have been undertaken, akin to the level of detail one would expect to support a planning application rather than an allocation. This vast amount of information has provided Barwood with an intimate understanding of the site, allowing for the production of a Delivery Statement which succinctly sets out how the site could be delivered in an entirely appropriate and comprehensive manner, and a suite of technical documents which have been summarised in the attached Technical Notes.

6.4 The Council has previously supported the principle of development at Moor Lane, firstly in the form of an allocation and latterly safeguarded land. The significant removal of safeguarded land from the plan has resulted in Moor Lane not currently having any proposed status. The reasons for this were not clear as part of the Preferred Sites document, however the rationale for the change from an allocation to safeguarded land was fully explored by the development team at the time and strongly disputed. Technical work undertaken at the time and subsequent to this serves to demonstrate why the Council was wrong to question the developability of the site, which Barwood has demonstrated to be entirely suitable.

6.5 In brief, the Delivery Statement and Technical Notes demonstrate that:

- The site is located in a highly sustainable location, enjoying excellent accessibility to local facilities and to York city centre;
- Comprehensive, positive engagement has been carried out with a number of key stakeholders including Natural England and the Yorkshire Wildlife Trust in order to understand how development could deliver net environmental benefits;
- It is surrounded by strong physical boundaries ensuring that a new defensible Green Belt boundary can be drawn to protect the surrounding countryside;
- It is substantially unconstrained in terms of on-site environmental and technical considerations;

- It is deliverable immediately, capable of accommodating up to 1,250 new homes, employment and associated social and community facilities;
- It can deliver significant social, economic and environmental benefits, not least to the local community, Askham Bog and the operation of the nearby Park and Ride; and
- It represents a logical and appropriate extension to the City to help meet urgent housing needs for the next Plan period.

6.6 The extensive technical work undertaken includes:

- Hydrological investigations, modelling and monitoring over a 15-month period;
- Assessment of highway, access and sustainability considerations;
- Phase I Ecological habitat surveys;
- Phase II Protected Species surveys and specialist surveys of the Askham Bog SSSI;
- Aquatic Invertebrate survey;
- Arboricultural Surveys;
- Landscape and Visual Impact appraisals;
- Visual modelling to inform a range of development scenarios;
- Agricultural Land Classification Farming Circumstances and Soils Baseline Assessment; and
- Archaeological Investigations, including geophysical surveys and trial trenching.

6.7 The technical work demonstrates beyond doubt that Moor Lane is a deliverable, achievable and viable site; one which represents an appropriate area to contribute to the City's future development needs. Being located within the surrounding A64 and A1237 road corridors, the wider strategic Green Belt function will not be materially affected. The strong physical boundaries provide an exceptional level of containment to the site and offer an excellent opportunity to provide a new, strong, defensible boundary to the Green Belt.

6.8 It is Barwood's case therefore that the site should be allocated for development.

7 CONCLUSION

7.1 This representation has been prepared by HOW Planning on behalf of Barwood Strategic Land II LLP in relation to land at Moor Lane, Woodthorpe.

7.2 It is clear that the Council's approach to preparing the York Local Plan is fundamentally flawed, not being informed by the necessary evidence base to ensure it has been prepared in a sound manner; rather it is clear that the Council is has made key decisions on site selection without undertaking an up to date assessment of the Green Belt, sustainability appraisal of reasonable alternatives or appropriate assessment of ecological impacts. This retrospective approach to informing its site selection process does not find support anywhere in the National Planning Policy Framework or Planning Practice Guidance. The approach has been confirmed as being legally unsound by David Manley QC (Opinion attached at Appendix 12).

7.3 In addition to this, the Council's approach to identifying its Full Objectively Assessed Need is incorrect for the reasons set out in the work undertaken by Regeneris (Appendix 1). It will be necessary for the Council to revisit its FOAN assessment, which if done correctly will result in a much greater housing requirement that the Council is not capable of meeting through its current proposed site allocations.

7.4 Furthermore, the Council's reliance on windfall development, unrealistic assumptions about site densities and delivery rates, sites with unquantifiable impacts upon heritage and biodiversity and the omission of safeguarded land further serves to fatally undermine its approach, the latter going against Advice received from its own Counsel.

7.5 In light of the above it is clear that the Council has not allocated sufficient housing sites and additional sites will be required in order to deliver the authority's FOAN. Moor Lane is extremely well placed in a sustainable location to help deliver this additional need, being suitable, available and achievable.

7.6 The deliverability of the site has been demonstrated unequivocally courtesy of a comprehensive amount of technical work undertaken, more akin to that which would normally be expected to support a planning application. Engagement with key stakeholders including Natural England and the Yorkshire Wildlife Trust has informed this work in order to ensure that development proposals are entirely robust. The Council's reasons for not allocating the site are unfounded as demonstrated by the substantial technical evidence and in the case of heritage/Green Belt impact based on wholly unsound evidence.

7.7 In summary, it is clear that the Council will need to make significant amendments to its approach in the preparation of the new Local Plan if it is to be found sound, and that Moor Lane is an appropriate allocation to assist them in meeting their FOAN.

This report has been prepared by HOW Planning LLP, with all reasonable skill, care and diligence. The scope of this report is subject to specific agreement and has been prepared solely for the benefit of our Client and should not be relied upon by any other party. Any third parties that use this information do so at their own risk. HOW Planning LLP accepts no responsibility for information contained within this report that has been independently produced or verified.

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APPENDIX 1: REGENERIS REVIEW OF CITY OF YORK LOCAL PLAN HOUSING TARGETS

APPENDIX 2: COUNSEL ADVICE TO CITY OF YORK COUNCIL

APPENDIX 3: MOOR LANE DELIVERY STATEMENT

APPENDIX 4: EDP ECOLOGY UPDATE

APPENDIX 5: PBA SUPPORTING STATEMENT GROUNDWATER

APPENDIX 6: WWT PEER REVIEW HYDROGEOLOGICAL REVIEW

APPENDIX 7: MOOR LANE WATER TECH NOTE

APPENDIX 8: MOOR LANE TRANSPORT TECH NOTE

APPENDIX 9: ECOLOGY TECH NOTE

APPENDIX 10: HERITAGE TECH NOTE

APPENDIX 11: LANDSCAPE TECH NOTE

APPENDIX 12: YORK LOCAL PLAN ADVICE

Appendix Body

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REGENERIS

Review of City of York Proposed Local Plan Housing Targets

A Report by Regeneris Consulting

17 October 2017

Barwood Development Securities Limited

Review of City of York Proposed Local Plan Housing Targets

17 October 2017

www.regeneris.co.uk

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1. Introduction

Context

1.1 York City Council is consulting on its Pre-Publication Draft Local Plan and updated evidence base.

1.2 The Pre-Publication Draft Local Plan contains a housing target of 867 dwellings per annum (dpa) between the period 2017 to 2032/33.

1.3 The updated evidence base in relation to housing need is the GL Hearn Strategic Housing Market Assessment Addendum Update published in May 2017. This GL Hearn document recommends an Objectively Assessed Need (OAN) and housing target of 953 dpa. The Council rejected the GL Hearn advice and instead opted for 867 dpa.

1.4 New approaches to OAN were first introduced in the work of the Local Plans Expert Group in March 2016. These have now crystalised into new CLG guidance on assessing housing need which is currently open for consultation. The new CLG guidance states that housing need in York over the period 2016 to 2026 is 1,070 dpa.

Purpose of this Report

1.5 This report reviews the Council's latest evidence and position on housing need, and advises Barwood Developments on the robustness of the Council's position.

1.6 The report has been prepared by Regeneris Consulting. We are experts in assessing housing need and have prepared NPPF/PPG compliant OAN evidence in over 40 housing market areas in England.

2. Current OAN Guidance

NPPF

2.1 National Planning Policy Framework issued in March 2012 sets out an explicit and unambiguous target to "boost significantly the supply of housing" (para 47). The 27 March 2012 NPPF launch speech from Greg Clark stated…"This National Planning Policy Framework will help build the homes the next generation needs".

2.2 The primacy of the housing delivery target is rooted in underpinning government analysis released prior to the launch of NPPF. The government's November 2011 Laying the Foundations : A Housing Strategy for England states:

- "…for decades in Britain we have under-built. By the time we came to office, house building rates had reached lows not seen in peace-time since the 1920s". Foreword from David Cameron and Nick Clegg.
- "The problems we face are stark – we have not built enough new homes for more than a generation" (Paragraph 5, Executive Summary).

2.3 The NPPF is clear on the importance of Local Planning Authorities (LPAs) ensuring they have properly assessed housing need. In paragraph 47 it says LPAs should 'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area…'.

2.4 Paragraph 50 states that "…to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should….plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community…"

2.5 Paragraph 158 of the Framework requires that LPAs 'ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals'.

2.6 There is further clarity on what should be involved in the process of assessing housing needs in paragraph 159, under the Plan Making heading. The NPPF states that LPAs should "prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries.

The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- meets household and population projections, taking account of migration and demographic change;
- addresses the need for all types of housing, including affordable housing and the needs of different groups in the community;
- and caters for housing demand and the scale of housing supply necessary to meet this demand".

National Planning Practice Guidance (March 2014)

2.7 The Government published National Planning Practice Guidance in March 2014. PPG provides more clarity on the process for measuring objectively assessed housing need, and identifies **three broad steps** that should be included:

2.8 **First, the guidance makes it clear that Government household projections are a starting point for identifying housing need**, but they may require adjustment by plan makers. Specifically the guidance says:

"The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice. They do not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour" (para. 15 of the section on Methodology : Assessing Housing Needs).

2.9 And

"…plan makers may consider sensitivity testing, specific to their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates". (para 17)

2.10 The PAS guidance document (Objectively Assessed Need and Housing Targets Technical Advice Note, July 2015) states that it is necessary to explore alternative demographic assessments…"The base period used in the latest official projections, 2007-12, is especially problematic. The period covers all of the last recession, in which migration was severely suppressed as many households were unable to move due to falling incomes and tight credit. Therefore the official projections may underestimate future migration - so that they

show too little population growth for the more prosperous parts of the country, which have been recipients of net migration in the past".

2.11 **Second, the guidance is clear on the need to build economic growth assumptions into assessments of housing requirements in local areas**. On how to factor economic growth into plans it states:

"Plan makers should make an assessment of the likely change in job numbers based on past trends and/or economic forecasts as appropriate and also having regard to the growth of the working age population in the housing market area" (para. 19).

"Where the supply of working age population that is economically active (labour force supply) is less than the projected job growth, this could result in unsustainable commuting patterns (depending on public transport accessibility or other sustainable options such as walking or cycling) and could reduce the resilience of local businesses. In such circumstances, plan makers will need to consider how the location of new housing or infrastructure development could help address these problems" (para. 19).

There have been some Councils that argue an OAN can be based only on demographic forecasts and should not build in any economic growth assumptions. This is not correct. The July 2015 PAS Technical Note also provides useful guidance on this matter. In discussing the factors that should be included in an OAN (defined as being "above the line" by PAS) and those which should be excluded (defined as "below the line"), the PAS guidance says:

- "Future jobs belongs above the line, because jobs impact on the demand for housing (many people want to live near their workplaces or new job opportunities), independent of any policy considerations" (para 4.5)

2.12 There are now numerous instances of appeal decisions wrestling with issues of economic growth rates. It is clear that the economic adjustment is an issue for both plan making and decision taking.

2.13 **Third**, **affordability issues and market signals** are recognised in the PPG as factors which should be considered in establishing housing requirements. The guidance sets out a series of indicators on prices, (land, house purchases, rent), affordability, overcrowding and development rates (para. 19). It recommends (para. 20) analysis of these trends and comparison with other areas. It then states (para. 20) that:

"A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections…In areas where

an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (eg the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be" (para. 20).

3. Review of the GL Hearn OAN

3.1 GL Hearn have produced three documents in the last 12 months that are relevant to matters of housing need in York:

- The main June 2016 Strategic Housing Market Assessment (SHMA).
- A SHMA Addendum Report published later in 2016.
- September 2017 SHMA Addendum Update[1]

3.2 All three documents are required to understand the GL Hearn approach and conclusions, which can be summarised as follows:

- A starting point need of 867 dpa between 2012 and 2032 using the 2014-based sub national population projections
- No adjustment for longer term (10 year or 14 year) migration trends as the evidence shows that longer term migration trends deliver lower housing numbers than the 2014-based population projections.
- No adjustment for a return to earlier household formation rates for younger age cohorts. This is because the GL Hearn evidence suggest there is no material difference between the household formation rates embedded in the CLG 2014-based household projections and those of the period around 2001.
- No upwards economic adjustment.
- Market signals uplift of 10% on the CLG starting point to reflect GL Hearn's view that "market signals are quite strong" (para 3.19 of 2017 Addendum Report). GL Hearn carried out a review of other areas where a market signals had been applied and concluded that a 10% adjustment was warranted in York.
- A final OAN of 953 dpa (867 dpa plus 10%).

3.3 The GL Hearn method follows the broad approach of PPG and in large part represents a sound approach. The one main exception to this is in relation to the assessment of the need for an economic uplift.

3.4 The GL Hearn approach is to utilise both Oxford Economics and Experian employment forecasts for York. These show employment growth in the range of 609 jobs per annum to

[1] The GL Hearn document is actually dated May 2017 but York Council has introduced its own Cover/Cover Note dated September 2017.

868 jobs per annum. This employment growth rate is broadly similar to that used by ARUP in their earlier work advising York Council on Housing Need in late 2015. The ARUP employment growth range was 621 jobs per annum to 900 jobs per annum. There is therefore a consensus that employment growth rates are in the 600-900 jobs per annum range, and we agree this is a sensible range.

3.5 Unfortunately GL Hearn then do very little with these employment forecasts. This is not how GL Hearn, and the industry more generally, typically approach these matters. The typical approach is to model the population consequences of the employment growth scenarios, using linking assumptions on economic activity rates, double jobbing and commuting. The modelled population is then typically translated into housing need so that housing targets are aligned with the most likely economic scenarios.

3.6 What GL Hearn do instead is to:

- Knowingly accept the inconsistencies in the population estimates that underpin the employment forecasts. The ratios of population to employment change vary quite widely across the forecasts, something which GL Hearn acknowledge at para 5.10 of their main June 2016 SHMA.
- Leave the linking assumptions used by the forecasting models on economic activity rates, double jobbing and commuting untested.

3.7 This approach is not sound. It fails to give proper attention to a critical element of the Planning Practice Guidance which is to test fully the consequences of economic growth on housing need.

3.8 As an aside to these criticisms, the SHMA covers the period 2012 to 2032. The Local Plan covers the period 2017 to 2037. We are not clear why the SHMA wasn't commissioned to cover the same time period as the new Local Plan.

Council's Use of the GL Hearn Evidence

3.9 GL Hearn made a clear recommendation to the Council that the CLG starting point projection of 867 dpa should be uplifted by a further 10% for market signals factors.

3.10 The Council Executive resolved at its 10 and 13 July meetings that:

"The recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were 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 considerations".

3.11 Our view is that the Council's stance is deeply flawed for the following reasons:

- The evidence points quite strongly to strong and entrenched market signals issues across York. As GL Hearn show, both the Lower Quartile Affordability Ratio (8.9) and Median Affordability Ratio (8.3) are both higher than the England average, and have "worsened quite markedly over the past 15 years" (p10. 2017 SHMA Addendum).
- The approach of applying a flat percentage uplift of the order of 10% to 20% has now been accepted by numerous Local Plan Inspectors, as shown by GL Hearn. Indeed this is the approach that is favoured in both the work of the Local Plans Expert Group (LPEG) and the new CLG consultation guidance on OAN – see Section 5 of this report.

4. Regeneris Consulting OAN

4.1 Regeneris Consulting has provided two previous inputs to housing need consultations in York:

- 26 February 2016 – where we reviewed the Council's OAN provided by ARUP which concluded an OAN in the range of 809 dpa to 854 dpa.
- 5 September 2016 – where we reviewed the (then) GL Hearn position that the OAN was 841 dpa based on their original June 2016 SHMA.

4.2 Not wishing to repeat this material in full, a summary of our position is provided below:

Demographic Starting Point

4.3 We adopt largely the same demographic starting point as GL Hearn.

4.4 The latest official 2014-based household projections point to the need for 890 dpa between the years 2012 to 2032, and we utilise this number.

4.5 GL Hearn use a slightly different approach of re-applying the 2014-based household formation rates to the 2014 sub national population projections. In theory, their approach should yield the same number as the official 2014-based household projections but they don't. The differences between these two numbers are, however, relatively minor.

Economic Adjustment

4.6 York is a strongly performing economic area. It has many of the assets for continued economic growth such as a favourable economic structure and an environment/quality of life offer that is attractive to both business owners and workers.

4.7 We provided our own transparent assessment of housing need under various Oxford Economics employment growth scenarios – in particular the employment growth scenarios used in the ARUP work for the Council of 621 jobs per annum (baseline scenario) to 900 jobs per annum (growth scenario).

4.8 The assumptions that we used to link employment growth and housing numbers are robust and reasonable and in line with standard practice in OAN assessments.

4.9 We used the following assumptions:

- Unemployment starts at 5.7% in 2012, informed by the model-based APS estimate of 5.7% in 2012 and the Census rate of 5.9% in 2011. We then reduce unemployment to 4.6% by 2014 and then trend it down to 3.5% (to align with pre-recession levels) by 2018 and keep it constant thereafter. Our approach therefore assumes that maximum use is made of York's current pool of unemployment.
- The net commuting rate is fixed at the 2011 Census level of 0.93 throughout the period. This means that York remains a net in-commuting area. This is in line with the PAS guidance[2] which generally recommends the use of fixed commuting ratios.
- Economic activity rates are forecast to change in line with the Office for Budget Responsibility (OBR) 2015 projections, taken from the OBR publication Labour Market Participation Rates Nov 2015.

4.10 All analysis has been undertaken in POPGROUP software. POPGROPUP is the leading demographic modelling software and is owned by the Local Government Association.

4.11 The scale of housing that is required to align with baseline economic scenario is 895dpa. The scale of housing required to align with the higher growth economic scenario is 1,076 dpa. Our conclusion is therefore that under the baseline jobs scenario no upward adjustment is required to the housing number on economic grounds. Under the higher economic scenario a small upward adjustment from the demographic starting point is required.

Table 4.1 POPGROUP Outputs, Housing Growth in York 2012-32

Scenario	Households (pa)	Dwellings (pa)
Economic Scenario: 621 jobs	840	872
Economic Scenario: 900 jobs	1,014	1,053

Market Signals

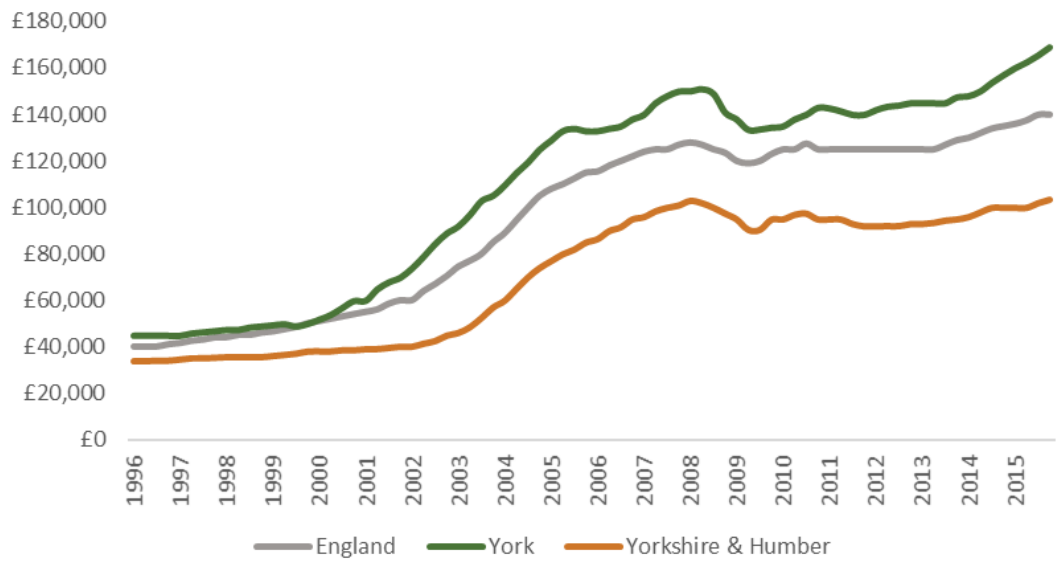
House Prices

4.12 At £215,000, the median house price in York is close to the national level of £212,000 and has remained relatively similar throughout the last decade. However, when taking into account lower quartile house prices, there is a much more significant difference. Lower quartile house prices in York stood at £169,000 against a national average of £140,000 in

[2] Planning Advisory Service. Objectively Assessed Need and Housing Targets. Technical Advice Note. July 2015

2015. Figure 4.1 shows that lower quartile house prices in York have been above national and regional levels since 1996.

Figure 4.1 Lower Quarter House Prices 1996-2015

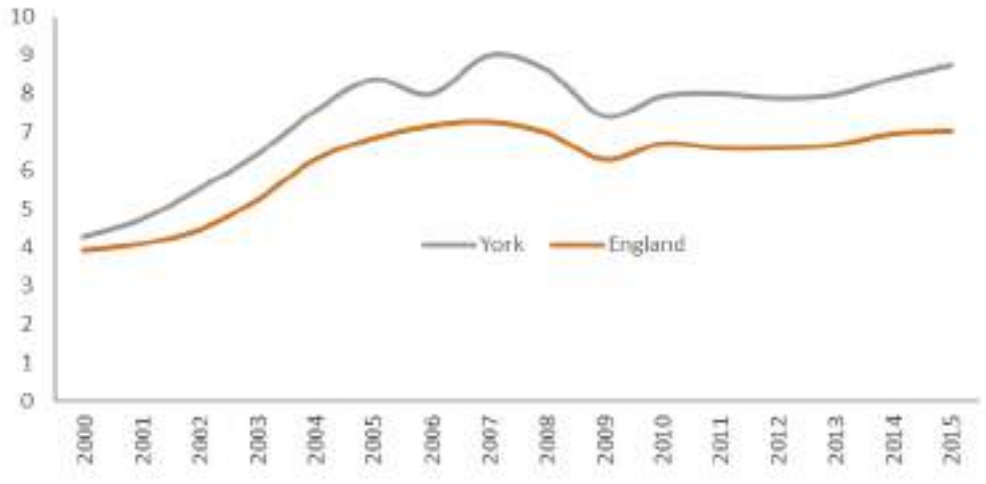


Source : Source: DCLG Housing Market Data

Affordability Ratio

4.13 Looking at the ratio between lower quartile house prices and lower quartile income provides a strong indication of the overall level of housing affordability in an area. At 8.7, York's housing market is 25% less affordable than the England average of 7.0. Figure 4.2 shows that the ratio has been significantly higher in York than the England average since 2000 and has shown signs of worsening of the last two years.

Figure 4.2 Lower Quarter House Price to Earnings Ratio 2000-2015



Source : DCLG Housing Market Data

Occupancy Rating

4.14 An occupancy rating provides an assessment of the demographic composition of a household against number of bedrooms to show the level of under occupancy or overcrowding. Overcrowded conditions and sub-standard housing are associated with a wide range of social impacts including poor health and family stress. At worst, it may result in increased incidence of homelessness. Census 2011 data reveals that 3.5% of households in York were classified as having an insufficient number of bedrooms to meet their requirements; these households are living in sub-optimal housing. Overall around 2,900 households fall into this category. This compares to 4.6% of the population nationally living in housing which can be considered over-crowded.

Concealed Families

4.15 Concealed families are often those who wish to form a separate household but are unable to do so due to the unaffordability of local market housing and an undersupply of affordable housing. Research undertaken for the 2013 UK Housing Review[3] highlights the extent of growth in hidden households and especially among the youngest age brackets[4]. Data from Census 2011 shows that there are around 600 concealed families in York, constituting around 1.1% of all families.

[3] Pawson, H., Wilcox, S. (2013). 'UK Housing Review'. http://www.york.ac.uk/res/ukhr/index.htm

[4] blogs.ft.com/ftdata/2013/03/04/housing-supplydemand-malfunctions-data-reveals-over-1-million-hidden-households/?

Adjustment to OAN

4.16 In a number of Local Plan examinations, Councils and/or Inspectors have recommended a flat rate percentage uplift to deal with market signals issues. The instances where this has occurred to date are in Canterbury, Eastleigh and Uttlesford. What is clear from these cases is that:

- The adjustments have been in the range of 10% to 20%.
- The percentage-based market signals adjustments have been applied in parallel to other assumptions on recovering headship rates. The headship rate adjustments have usually been on the basis of correcting 2011-based rather than 2012-based headship rates.
- The adjustments have been applied in conjunction with an economic uplift.

4.17 Looking at the available market signals evidence for York our conclusion is that a market signals uplift of at least 10% is warranted.

Overall OAN

4.18 Our OAN, under the current guidance, is calculated as follows:

- A demographic starting point of 890 dpa.
- A possible need for an upward economic adjustment, depending on the scale of economic growth. The higher economic growth scenario will take the OAN to circa 1,050 dpa.
- A market signals uplift of at least 10%.
- A final OAN of circa 1,150 dpa (1,050 dpa plus 10%).

5. New Approaches to OAN

Local Plans Working Group (LPEG)

5.1 The Local Plans Expert Group (LPEG) was set up by the Government in 2015 to consider how Local Plan making could be made more effective, efficient and streamlined. LPEG produced a report to the Communities Secretary and the Minister of Housing and Planning in March 2016 with their recommendations. These included detailed recommendations on an alternative method for establishing an OAN, which took the form of draft revised wording to PPG. The approach recommended by the LPEG was as follows:

- Output A: Starting Point - This takes the highest population growth between a base demographic scenario based on the most recent household and population projections and a demographic scenario using 10-year average migration. Then headship rates for 25-44 year olds are adjusted to the highest between the latest household projections and a recovery to part way between the latest household projections and the 2008 projections by 2033.
- Output B: Market Signals – The housing number from Output A is then adjusted to take account of evidence on relative affordability in terms of the house price to earnings ratio and rental costs as a proportion of earnings.
- Output C: Affordable Housing Need – LPEG specifies that plan makers should establish the total number of affordable homes needed using a revised methodology also proposed by LPEG. The overall housing need figure necessary to meet affordable need should then be calculated based on its likely delivery as a percentage of mixed market/affordable housing developments, using target percentages in adopted or emerging local plans. Where the resulting number is higher than the Output B figure, an upward adjustment should be made so that the OAN figure is set at the overall figure described above. This suggested adjustment is set at a maximum of 10%.
- Output D: The final OAN figure is the highest of the outputs B and C.

5.2 It is useful to briefly consider the implications of the LPEG approach:

Starting Point

5.3 The base demographic starting point for our OAN stands at circa 890 dpa across the plan period. The migration rates suggested by the 2014 population projections are larger than the 10-year average so no uplift is applied to take account of longer term migration. Headship rates for 25-44 year olds in the 2008 based projections were predicted to be significantly higher than those of the 2012 based projections so we have applied the recommended LPEG adjustment, bringing the demographic starting point up to 960 dwellings per annum.

Market Signals

5.4 As well as adjusting headship rates, the LPEG recommends applying an adjustment that is proportionate to the scale of affordability issues in the housing market area. The adjustment is made as follows:

- Where the Median House Price Ratio (HPR) is less than 5.3 **and** Lower Quartile Rental Affordability Ratio (RAR) is less than 25% no uplift is required;
- Where HPR is at or above 5.3 and less than 7.0 and/or the RAR is at or above 25% and less than 30%, a 10% uplift should be applied;
- Where the HPR is at or above 7.0 and less than 8.7, and/or the RAR is at or above 30% and less than 35%, a 20% uplift should be applied; and
- Where the HPR is at or above 8.7, and/or the RAR is at or above 35%, a 25% uplift should be applied.

5.5 York's Lower Quartile Rental Affordability Ratio is 36.1%[5] and its median house price affordability ratio is 8.32. The Rental Affordability Ratio qualifies York for the maximum uplift of 25% increasing the OAN to 1,200 dwellings per annum.

Affordable Housing Need

5.6 The recommended proportion of affordable housing in new developments in York is currently set at up to 30%.[6] The SHMA Addendum estimates a net affordable need of 627 dwellings per annum. To reach this affordable need at the recommended proportion of

[5] The ratio between lower quartile rent values from the VOA (2015) and lower quartile salary data from ASHE (2015)

[6] https://www.york.gov.uk/info/20049/planning_advice_and_guidance/1148/affordable_housing_planning_guidance_-_interim_targets

affordable housing, York would require a housing need figure of 2,090 dwellings per annum. As this represents a significant uplift of 74% on the 1,200 dwellings per annum from output B, LPEG recommends the full affordable housing uplift to 10%. This suggests a housing need of 1,320 dwellings per annum. The LPEG approach suggests that the final OAN figure is the highest of outputs A, B and C. This would equate to a housing need figure of **1,320 dpa** in York for the period 2012 to 2032.

Table 5.1 : LPEG Method

	Dwellings per annum
Output A: Starting Point	960
Output B: Market Signals	1,200
Output C: Affordable Housing Need	1,320
Output D: Recommended Final OAN Figure	1,320

Source: Regeneris Consulting

New CLG Guidance

5.7 On 14 September the Government launched consultation on a number of proposals to reform the planning system to increase the supply of new homes and increase local authority capacity to manage growth - *Planning for the Right Homes in the Right Places: Consultation Proposals*.

5.8 The proposals include a standard method for calculating local authorities' housing need. The new approach is a slimmed down version of current practice. It continues to use household projections but limits any uplift to market signals to reflect affordability, based on a fixed formula for areas where the median house price affordability ratio is in excess of 4. It doesn't include for addressing likely job growth or affordable housing.

5.9 The consultation guidance is accompanied by CLG's own calculation of housing need over the period 2016 to 2026 in each Local Authority area using the new approach.

5.10 CLG state that the need for York over the period 2016 to 2026 is **1,070** dwellings per annum. CLG appear to have generated the number on the basis of the following:

- CLG starting point projection of 850 dwellings per annum
- An uplift factor of 26.6%. This is derived from a median affordability ratio of 8.27 applied to the formula set out in the CLG consultation guidance.

6. Conclusion

The Current Evidence Base

6.1 GL Hearn has provided the Council with an OAN of 953 dpa. GL Hearn uses the standard three stage approach of the current PPG, namely:

- A demographic starting point of 867 dpa.
- An assessment of the need for an economic adjustment – GL Hearn conclude no economic adjustment is required.
- An assessment of the need for a market signals adjustment – GL Hearn conclude a 10% market signals uplift is required (867 dpa plus 10% = 953 dpa).

6.2 The Council has rejected GL Hearn's advice on the need for a market signals uplift and instead opted for an OAN of 867 dpa. This stance is deeply flawed. The evidence points to strong and entrenched market signals issues across York. The approach of applying a flat percentage uplift of the order of 10% to 20% has now been accepted by numerous Local Plan Inspectors.

6.3 Regeneris Consulting are broadly content with the GL Hearn approach, save for one important matter. GL Hearn have not properly assessed the need for an economic adjustment. This is a surprising omission and unusual for GL Hearn who typically model this step in the industry standard way.

6.4 Regeneris Consulting have corrected for this omission and have found that under the GL Hearn higher growth economic scenario (circa +900 jobs per annum) there will be a need to increase the OAN beyond the 867 dpa starting point to circa 1,050 dpa. Under the baseline economic scenario (+600 jobs per annum) there is no need for an economic adjustment.

6.5 Under the current OAN guidance we therefore conclude that the OAN for York is in the region of **1,150 dpa**, based on the higher economic growth scenario plus a 10% market signals adjustment.

The New and Emerging Evidence Base

6.6 New approaches to estimating the OAN for housing were first introduced in the work of the Local Plans Expert Group in March 2016. These have now crystalised into new CLG

guidance on assessing housing need which is currently open for consultation. The findings of these new approaches are as follows:

- The LPEG approach suggests that the OAN for housing in York is **1,320 dpa** for the period 2012 to 2032, inclusive of the LPEG uplift for the delivery of affordable housing.
- The new CLG guidance states that the OAN for housing in York over the period 2016 to 2026 is **1,070 dpa**.

Conclusion on OAN

6.7 The Council's position of adopting a housing need figure of 867 dpa is deeply flawed.

6.8 All available approaches to housing need, both current and emerging, point to an OAN of **at least 1,070 dpa** for York. This is the figure that should be used by York in its emerging Local Plan.

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Annex B

THE COUNCIL OF THE CITY OF YORK

IN THE MATTER OF THE PREPARATION OF
THE YORK LOCAL PLAN

ADVICE

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1. I am asked to advise the Council as to the approach which should be adopted in relation to the determination of the Green Belt boundary in the preparation of the York Local Plan.

2. The background to this advice can be stated briefly. The principle of a Green Belt around the City of York has been long established. Its general extent was identified in the Regional Strategy for Yorkshire and Humber (RSS). The RSS included the following York Green Belt policies:

POLICY YH9: Green belts
C The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.

POLICY Y1: York sub area policy
Plans, strategies, investment decisions and programmes for the York sub area should:
C Environment

1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.
2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

The RSS Key Diagram illustrated the RSS York Green Belt policies and the general extent of the Green Belt around the City of York.

3. When the RSS was revoked in February 2013 the Green Belt policies and Key Diagram were expressly excluded from the revocation. They continue in force and, as the Ministerial statement on the revocation explains: "in York, the development plan will continue to include the regional strategy's green belt policies".

4. Although the general extent of the Green Belt has thus been identified, the detailed boundaries remain undefined. Attempts have been made to achieve definition of the boundaries in various studies and plans since at least the early 1980s, but none have reached a successful conclusion. It is now part of the function of the emerging Local Plan to set the detailed boundaries for the first time. In doing so it is important to ensure that the approach adopted by the Council accords with relevant national policy.

5. National policy in this respect is to be found in the National Planning Policy Framework (NPPF) published in March 2012.

6. Paragraph 79 of the NPPF emphasises the importance of Green Belts and provides that

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 80 sets out five purposes which the Green Belt serves:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The importance of permanence is further emphasised in paragraph 83, which provides:

"Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period."

7. In the light of this policy advice I am asked to consider how long beyond the Plan period should a Green Belt endure once it is defined in a statutory plan. In my opinion there is no finite period for a Plan to endure. The land which is designated as Green Belt should be expected to remain open and undeveloped indefinitely.

8. In deciding which land should be designated and what the boundaries should be, the Council should consider the extent to which the land identified serves one or more of the five Green Belt purposes set out in paragraph 80. The 4th bullet point is likely to be of particular relevance to York, namely the preservation of the setting and special character of the historic City.

9. In accordance with paragraph 84 of the NPPF authorities are also required, when drawing up Green Belt boundaries to take account of the need to promote sustainable patterns of development. This requires consideration of the development needs of the area, which should be objectively assessed. As paragraph 85 makes clear this involves consideration of the development needs which are to be met during the Plan period, and also the longer term development needs, "stretching well beyond the Plan

period". Quite how far beyond is a matter of planning judgment, but in my opinion a 10 year horizon beyond the life of the Plan as mentioned in my Instructions would be appropriate.

10. Once the need for development, both within the Plan period and beyond, is ascertained, a further judgment is required as to the extent to which the objectively assessed needs should be met. In deciding this further question it is legitimate to consider the effect of meeting the needs in full in relation to the impact that would have on the Green Belt and whether it would still be capable of fulfilling its purpose. As Ouseley J held in *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2014] EWHC 573 (Admin) at paragraph 31:

> "The question is not whether the Green Belt constrains the assessment, but whether the Green Belt constrains meeting the needs assessed. Once the Local Plan is adopted, it is the constrained needs in the Plan which are to be met".

11. With regard to those needs which are to be met in the Plan period allocations should be made and the land required for development should be excluded from the Green Belt.

12. Looking beyond the Plan period there are three potential options in respect of land which is required to meet the longer term development needs of the area: it can be left unallocated; it can remain in the Green Belt; or it can be designated as safeguarded land in accordance with NPPF paragraph 85. Of these three potential options in my opinion the first two are entirely inappropriate. If the land is simply left unallocated it may be difficult to resist proposals for development which is not in accordance with the ascertained needs. If it is left within the Green Belt in the emerging Plan that would be contrary to the overriding requirement of permanence, because it known

that the land will be required to be released to meet future development needs, if not in this Plan's period then at least in the next.

13. The proper course, in my view, is to identify land as safeguarded land to meet the future requirement for development. As the notes in the Planning Encyclopaedia to the now superseded PPG 2 explain, safeguarded land is required in order to strike the balance between preservation of the Green Belt and the need for further expansion. Consequently if land is required to meet the longer term needs it should be excluded from the Green Belt and protected from pressure for development contrary to the longer term needs by including it as safeguarded land. However it is important that any such land will be genuinely available and capable of development when it is needed: *Prowting Projects Ltd v Wychavon DC & Secretary of State for the Environment, Transport and the Regions* (CO/798/98). In the context of land included as safeguarded for employment use, paragraph 22 of the NPPF should be borne in mind, which cautions against long term protection of sites for employment use where there is no reasonable prospect of the site being used for that purpose; see also *DB Schenker Rail (UK) Ltd and another v Leeds City Council* [2013] EWHC 2865 (Admin).

14. The "where necessary" test adumbrated in the third bullet point of NPPF paragraph 85 therefore applies where longer term needs for development have been identified. So those needs can in due course be met, land should be safeguarded for the purpose of that development and, by identifying such land, the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.

15. From the information provided with my Instructions it appears to me that the situation in York is within the circumstances contemplated by this test.

16. In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries.

17. The only argument which it seems to me the Council could deploy to avoid this danger is to be able to demonstrate that there is sufficient land outside the Green Belt boundary which will be suitable for meeting the need for further development, and which is likely to be available when those needs arise. The important point is to be able to demonstrate that the Green Belt boundary will not be affected. I assume many authorities have adopted Local Plans without including safeguarded land. It would have been appropriate for them to do so in accordance with their local circumstances. However I am unaware of a situation comparable to the circumstances in York.

18. I do not consider there is any additional general advice I can usefully add at this stage. However my Instructing Solicitor should not hesitate to get in touch if I can be of any further assistance.

JOHN HOBSON QC

Landmark Chambers
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London EC4A 2HG

16th January 2015

SEPTEMBER 2016

DEVELOPMENT @ moor lane

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BARWOOD LAND

pba peterbrett HOW edp BARTON WILLMORE

INTRODUCTION

This Delivery Statement has been prepared on behalf of Barwood to illustrate how its land to the south of Moor Lane, Woodthorpe represents a suitable and deliverable site for residential development. In order to demonstrate the suitability and deliverability of the Moor Lane site Barwood's consultant team has undertaken an unprecedented level of technical assessment and survey work over the last two years, the scale of which far exceeds what is normally required to support a Local Plan allocation or even an outline planning application.

The Moor Lane site lies in a highly sustainable location. It has excellent accessibility and a good choice of modes of transport underpin its sustainability credentials. The site is surrounded by strong physical boundaries on all sides ensuring that a new defensible Green Belt boundary can be drawn which will protect the surrounding countryside. It is substantially unconstrained in terms of on-site environmental and technical considerations. And it is deliverable immediately, capable of accommodating up to 1250 new homes and associated social and community facilities as well as employment as part of an integrated scheme. It thus represents a logical and appropriate sustainable extension to the City to help meet its urgent housing needs for the next Plan Period.

Previously, the Council has identified the northern part of the site as an appropriate release from the Green Belt and promoted it as a draft residential allocation for 511 homes. The technical work carried out by Barwood confirms that the Council's initial assessment was sound and that a larger land parcel with the potential to accommodate up to 1250 new homes can be appropriately located here without any material adverse impacts.

This document explains how the whole site could be brought forward in a way that would:

- Respect and protect the setting of the City;
- Maintain the open character and views from the A1237;
- Integrate with the existing community of Woodthorpe;
- Maximise the unique and important opportunities for the protection and enhancement of the Askham Bog SSSI; and
- Help to meet the city's urgent housing needs alongside providing a range of other significant community benefits.

Summaries of the technical work undertaken by Barwood's consultant team accompany Barwood's formal representations to the EiP.

BACKGROUND

Barwood and its Professional Team

Barwood is a specialist strategic land promoter and niche homebuilder based in the Midlands. It is committed to excellence in masterplanning and design to deliver homes that people aspire to live in. Each detail is carefully thought through to ensure all of Barwood's sites and homes respect and enhance the places in which they are located.

Barwood has appointed a leading multi-disciplinary professional team to ensure that every aspect of the site is fully understood and the proposals appropriate. The team includes :

1. WWT Consulting, the UK's leading specialist wetland consultancy in creation, restoration, management, and visitor centre design;
2. Peter Brett Associates, a specialist providing multi-disciplinary engineering solutions;
3. Barton Willmore, specialising in innovative and considered design and masterplanning approaches;
4. The Environmental Dimension Partnership (EDP), specialists in the assessment of ecological, heritage and landscape effects of proposed developmet:
5. Dave Bentley Ecology Services, an aquatic invertebrate species specialist;
6. Headland Archaeology, a leading UK archaeological practice.
7. Brunel Surveys, a specialist surveying a 3D modelling company.
8. Kernon Countryside Consultants, agricultural land and farming specialists.

Scope of Work Undertaken

Over the past three years Barwood and its technical team have engaged with a number of key stakeholders including Officers at City of York Council, Natural England, York's Internal Drainage Board, the Environment Agency and the Yorkshire Wildlife Trust.

This has informed an extensive and unprecedented level of technical work that provides a robust and complete understanding of the site constraints and opportunities. That work includes:

1. Extensive hydrological investigations, modelling and monitoring over a 15 month period;
2. Assessment of highway, access and sustainability considerations;
3. Phase I Ecological habitat surveys;
4. Phase II protected species surveys of the site and specialist surveys of the Askham Bog SSSI;
5. Aquatic Invertebrate survey;
6. Arboricultural surveys;
7. Landscape and Visual Impact appraisals;
8. Visual modelling to inform a range of development scenarios
8. Agricultural Land Classification, Farming Circumstances and Soils Baseline Assessment; and
9. Archaeological investigations, including geophysical surveys and trial trenching.

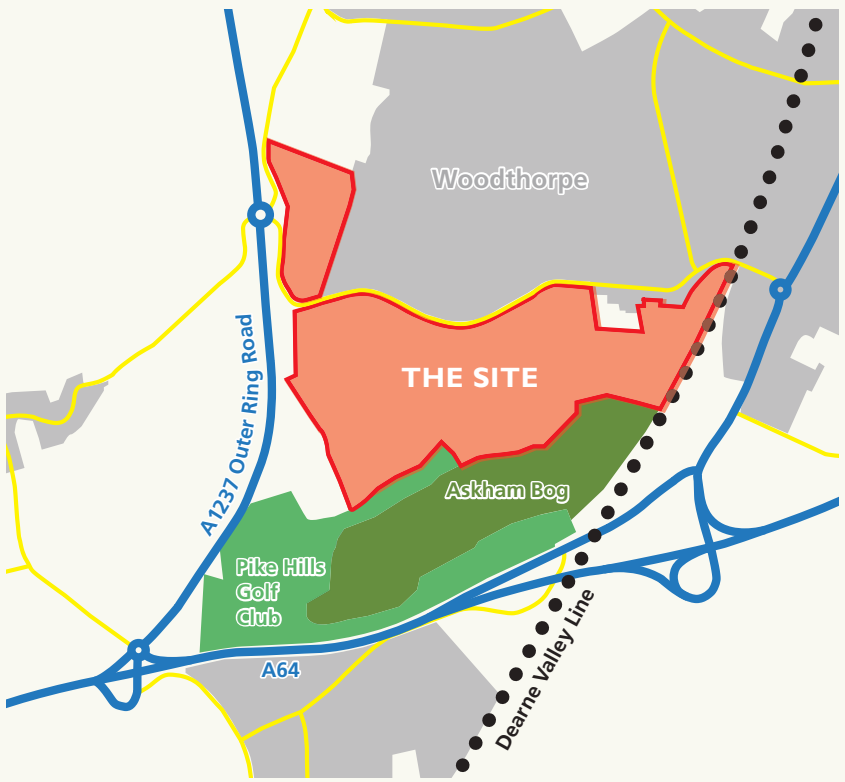
THE SITE

The site lies on the southern edge of the city, adjacent Woodthorpe approximately 3.5 miles from the city centre. It comprises circa 98 hectares (242 acres) as shown on the Plan below.

Strong, permanent existing physical features contain the site on all sides:

- Moor Lane and the residential area of Woodthorpe to the north;
- The Dearne Valley Railway Line, the Askham Bar Park & Ride and a mix of uses including a Tesco superstore and college to the east;
- The Askham Bog and Pike Hills Golf Course to the south, which screens the site with a strong landscaped boundary from the A64 and wider countryside; and
- The A1237 outer ring road to the west.

It is well connected to the city centre with excellent public transport links including the new Park & Ride facility at Askham Bar which is within walking distance of this site. A range of local facilities are within an easy walking distance including schools, York College and local shops. New facilities will also be provided within a community hub within the Moor Lane site.



VISION AND OBJECTIVES

The land at Moor Lane offers the opportunity to deliver a high-quality extension of York that will help meet identified housing needs and retain and enhance the physical and environmental assets of the site and its surroundings. Barwood's vision for the site has been underpinned by the following three guiding principles:

OBJECTIVE

1. SETTING + LANDSCAPE

A scheme that is truly respectful of, and responsive to its setting on the southern edge of York.

A development of exceptional quality that respects and is in keeping with the unique character of the city and the local vernacular.

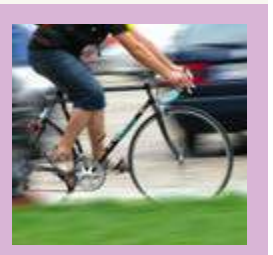
OBJECTIVE

2. COMMUNITY

A form of development that will provide a clearly defined and robust edge to the city and which will create a long-term and defensible new southern boundary to the urban area and York's Green Belt.

Integration with the existing community of Woodthorpe and provision of new facilities and benefits for the existing and new residents including schools, play areas, open space, enhanced green infrastructure network, sports pitches and employment uses.

Helping to meet the significant and urgent needs of York through the delivery of a balance of housing sizes, types and tenures including family housing and affordable and starter homes.



OBJECTIVE

3. PROTECTION + ENHANCEMENT

A scheme which facilitates and delivers enhanced understanding, management and quality of environmental, social and economic assets, including ensuring the long-term protection and enhancement of Askham Bog's SSSI's fenland environment.

Creation of a very strong green network of linear spaces and routes, which ties into and enhances York's existing network of green corridors and green fingers through the city.

A DELIVERABLE AND SUSTAINABLE DEVELOPMENT OPPORTUNITY

Transportation

Peter Brett Associates has undertaken a technical appraisal of access, highways and sustainable transport to ensure the site can be accessed safely while encouraging and enhancing sustainable transport options. To summarise:

- The site enjoys excellent public transport links with bus services along Moor Lane providing direct connections to the city centre, local services and facilities at Foxwood and Monks Cross.
- Askham Bar Park & Ride is within walking distance being located immediately east of the site. This has benefitted from recent significant investment and expansion and provides convenient public transport links every 10-15 minutes between the site and the city centre, thereby reinforcing the site's sustainability credentials.
- A range of local facilities are also within an easy walking distance of the site including schools, York College and local shops. Barwood's proposals ensure these will be supported and enhanced by new facilities to be provided within a community hub on site.
- Safe pedestrian and cycle routes are a priority and the scheme proposed will maximise opportunities for non-car travel. A Travel Plan will be implemented to encourage the new population at Moor Lane to use the Park & Ride other non-car modes of transport.
- Opportunities to provide a new pedestrian link from the site over the railway line to improve accessibility to the Park & Ride from Woodthorpe are being investigated to encourage greater use and support its long term success and viability.

Landscape and Visual

EDP has undertaken detailed landscape and visual assessment and digital modelling of the site, which demonstrates how the proposals would respect its setting including the landscape context, the site's existing main landscape features and key views.

No part of the site has ever been designated as having enhanced scenic or landscape value. While the land use and physical 'fabric' of the site (its field pattern, trees, hedgerows etc) are typical of the 'Rolling Diverse Arable Farmlands' of which the site forms part, the site contains no features that are especially uncommon or special. Indeed its visual and sensory qualities are impacted by the surrounding road infrastructure and built form. This is because Moor Lane is possibly the best contained of all equivalent options for extension of the city, with strong, existing physical features on all sides. This confers significant benefits over other alternative sites:

1. The site can be planned as a whole to be delivered as a single entity without fear of setting future precedent for urban sprawl.
2. A new long term defensible boundary can be drawn that will protect the surrounding countryside and York's character and setting.
3. The site can come forward without fear of breaching any existing natural boundaries and will provide a robust, defensible and long-term edge to the city.

The importance of views from the A1237 outer ring road has been extensively tested, including by digital modelling of a range of development scenarios. This has informed the evolution of the proposals for Moor Lane in order to ensure that the visual impact is minimised, the agricultural setting of the road is protected and the sense of York's being contained within the ring road is retained. This can be achieved by:

- A minimum 'two field setback' from the A1237 ring road of around 300m, retained in agricultural use to protect the immediate setting of the road;
- A scheme designed within the existing framework of field boundaries, which will be strengthened and enhanced through new planting to reinstate their quality;
- New woodland planting to reflect the character of the surrounding 'Rolling Diverse Arable Farmlands'.

A fleeting view of York Minster on the distant skyline from the intersection of the A63 and A1237 is the only key view of relevance that has been identified by the City Council. Digital modelling proves that the view will be retained, even in winter, and will be unaffected by the scheme proposals. This does not appear to be the case for other possible strategic sites which include new settlements lying in much more prominent open countryside locations.

Heritage and Archaeology

EDP and Headland Archaeology have also undertaken an extensive programme of archaeological investigations. This comprised a desk-based study followed by detailed field investigations (including geophysical survey, geo-environmental evaluation and trial trenching). Altogether, a very substantial body of work at this stage of the planning process.

Geo-environmental evaluation and trial trenching investigating the potential for buried archaeological remains identified only two localised and isolated areas of late prehistoric settlement in the far west and north west of the site. In addition restricted and localised areas of buried peat and wind blown sand were found on the very southern edge of the site; however further field investigations and off-site analysis found no evidence of a wider human presence and the City Council's specialist archaeological advisor was able to confirm that:

"There are no archaeological features and deposits identified by the evaluation exercise that will preclude development of the site from an archaeological perspective."

Ecology

The site has been the subject of very detailed ecological studies over a two year period. The level of survey effort far exceeds the detail typically required to support an allocation and is more akin to the evidence base for an outline planning application. The surveys were undertaken on both the site and within Askham Bog, their scope having first been agreed in consultation with key stakeholders including Natural England, the City Council and the Yorkshire Wildlife Trust. The surveys include:

- A hedgerow survey
- An arboricultural assessment
- Breeding bird survey
- Bat activity survey and bat roosting assessments of both suitable trees and buildings
- Badger survey
- Great Crested Newt surveys
- A reptile survey
- An aquatic invertebrate survey of the Askham Bog SSSI, undertaken by an aquatic invertebrate species specialist, Dave Bentley Ecology Services

These surveys, which provide an unprecedented level of detail about the site's ecological value and its relationship with the nearby Askham Bog SSSI, clearly demonstrate that there are no 'in principle' ecological constraints to development. Like any large tract of greenfield land under agricultural management, there are a range of protected species present, but neither the distribution, nature or concentration of the species present would constrain the site's successful allocation and development. Indeed, the surveys found that like much intensively managed agricultural land, the site has experienced an erosion in its ecological value, which is now vested primarily in its remaining hedgerows and trees. As noted earlier, Barwood's proposals specifically seek to retain these features and to extend them as the framework for a new masterplan.

Indeed, significant opportunities for much improved biodiversity and on site habitats have been identified. Development of the Moor Lane site will support and make a significant contribution to the biodiversity and green infrastructure resources of the city. The proposals (described later) will replace intensively farmed agricultural land of relatively low ecological value with a significant and purposefully designed ecological park that will complement and enhance the ecological interest of Askham Bog. This will make a major contribution to the ecological resources of the city.

Given the site's proximity to the Askham Bog SSSI, establishing the precise effects of the site's development on the Bog has been a focus of Barwood's survey efforts. The ecological surveys found that there is little interrelationship between the agricultural habitats within the Moor Lane site and the fenland habitats within Askham Bog due to their different physical attributes: The site being a working arable farm landscape designed to be intensively managed and to shed water from the land, whereas Askham Bog is a peat bog based habitat.

At the request of the ecological consultees, a detailed invertebrate survey was commissioned and undertaken from a specialist entomological consultant. The survey found that there were no species rich invertebrate populations within the site. It also highlights that those species existing within the Bog are threatened by evidence of pollution and the presence of alien invasive plants, which the survey concludes is a serious problem.

The valuable fenland habitats of the Bog and their ecological interest depend on the maintenance of a specific hydrological regime. Detailed hydrological studies of the relationship (in hydrological terms) between the site and the Bog have been undertaken by both the Wildfowl and Wetlands Trust (WWT) in 2013 and thereafter by PBA, who undertook a 15 month programme of hydrological monitoring and water quality testing between July 2014 and September 2015.

Hydrology and Flood Risk

Following discussions with City Council Officers, Natural England, the Internal Drainage Board, Environment Agency and the Yorkshire Wildlife Trust, an extensive suite of water level and water quality data and hydraulic modelling was agreed.

A 15 month programme of hydrological monitoring and testing then followed, to understand what, if any, relationship exists between the site and Askham Bog in hydrological terms. Fourteen rounds of data collection took place between July 2014 and September 2015 to ensure an entire annual seasonal cycle is accounted for. The results provide by far the most detailed, authoritative and up to date picture of the hydrological relationship between the site and the Bog. They demonstrate that :

- There is no direct hydrological connectivity between the site and Askham Bog; the Bog is not fed, supported or maintained by groundwater or surface water from the Moor Lane site.
- The field drains within the site flow into the Holgate Beck which flows along the northern edge of the Askham Bog and further downstream into York itself, with the flows controlled by a foul pumping station at Moor Lane. This pumped system means that the area around the Bog and close to Moor Lane can be prone to localised flooding and risk of pollution.

The assessment work has been submitted to Natural England for further consultation and a specialist organisation in wetland habitats (WWT Consulting) has reviewed the work, peer-reviewing and confirming the conclusions reached. Natural England has confirmed in a letter to PBA dated April 2016 that :

"There are technical/ engineering solutions available to mitigate potential hydrological impacts resulting from a development in this location. Such measures are likely to include a detailed surface water drainage strategy which is enforceable and sustainable in perpetuity. We may well request that such provisions are put in place prior to commencement of the construction of the main development"

The appropriate drainage strategy has been designed to the standards required of the Environment Agency, the Internal Drainage Board and City of York Council based on the following core principles:

- Maintenance of flow rates ; nsuring that the flow in the existing watercourses and current greenfield rates of surface water runoff from the site are maintained through the use of attenuation features;
- Enhancement of runoff water quality; at present the arable farming practices risk pollution by pesticides and nitrates. Scope exists to enhance the quality of water runoff into the surrounding watercourses through the use of SuDS and other water treatment measures;
- Flood alleviation; providing additional storage areas to help manage local flooding from the Holgate Beck, providing a net benefit;
- Extreme event protection; designing in features to protect for extreme events; and
- Enhancement of biodiversity and recreation

Drainage Strategy

The diagram below shows the key elements of the drainage strategy which include:

- Attenuation basins in the north western and along the northern areas of the overall development site;
- Drainage channels running through the main development area feeding an attenuation feature within the southern buffer;
- Outfalls in to the Holgate Beck controlled by new pumping station;
- Upgrades to the existing pumping station.

The attenuation features are designed to incorporate permanently wet areas linked by a series of channels with the potential to accommodate runoff from the development site in the 1 in 100 year storm event with an allowance for climate change, within landscaped basins. These basins will both store the runoff and provide secondary treatment to water quality, through settlement and filtration from use of strategic planting.

Water entering the Holgate Beck system will not exceed the current greenfield rates. Through a managed system and with the storage potential of the attenuation features on site, the impacts of localised flooding will be reduced particularly during the more frequent events, to the benefit of local communities.

MASTERPLANNING & DEVELOPMENT PRINCIPLES

The illustrative masterplan has been informed by the findings of the technical work summarised in this document and is underpinned by a surface water drainage strategy that will protect and support the long-term future of Askham Bog.

WOODTHORPE

1,250 homes on the 35ha site (around 35dph of the net developable area and 15 dph across the whole site)

Tree lined streets and urban green spaces which connect with the existing community and the wider green infrastructure network – a sense of place that respects it location on the edge of York

Provide a balanced mix of housing sizes, types and tenures – this includes affordable, family and starter homes

Strengthening of green infrastructure links, linking into the wider city and strategy

3.44ha employment

Over 50% of the site dedicated to Public Open Space, agricultural buffer (west) and ecology buffer (south)

ASKHAM BOG

A1036

Retention of the most valuable habitat and use of the existing field structure as the design framework. All notable trees will be retained

A 12.5ha, 175 m width buffer between Askham Bog and the built form edge

DEARNE VALLEY LINE

SETTING + LANDSCAPE

COMMUNITY

PROTECTION + ENHANCEMENT

THE SOUTHERN BUFFER

Askham Bog is designated as a Site of Special Scientific Interest (SSSI) for its bog/fen and associated habitats and species. Although a national level designation, the Bog is an artificially maintained and modified fragment of its original state, which reflects centuries of human use and its current management and promoted accessibility. In order to maintain the interest of the SSSI, it is subject to significant interventions; particularly in relation to hydrology, vegetation management and access.

Askham Bog currently has a single, formal point of public access, taken from the A64 to the south. There is no formal access allowed from the northern boundary, although public access is possible because this is not currently physically controlled; indeed, evidence of unauthorised access into the Bog includes dens, evidence of camp fires and littering within the northern part of the site.

The technical work undertaken has given rise to three interrelated strategies for a substantial physical buffer to the Bog, some 175m wide :

People and Access Strategy – the prosed southern buffer provides extensive new opportunities for informal recreation within the development. The proposed deign incorporates measures to prevent access into the Bog from its northern boundary, the latter in consideration of the wishes of Natural England and the Yorkshire Wildlife Trust.

Surface Water Drainage Strategy – the proposed southern buffer incorporates substantial surface water ponds and associated flow management measures that will maintain current greenfield flow rates and improve the quality of surface water draining from the site. It will make a positive contribution to water quality feeding the Holbeck Brook and reduce the risk of flooding in the local area.

Ecological Strategy – the proposed southern buffer creates extensive new wet and seasonally wet habitats which complement and increase the resilience of the designated habitats and species within the Bog. The buffer will form part of the holistic strategy which the proposed development will seek to deliver, the other part of the strategy will include seeking opportunities to directly benefit the SSSI's current interest and management.

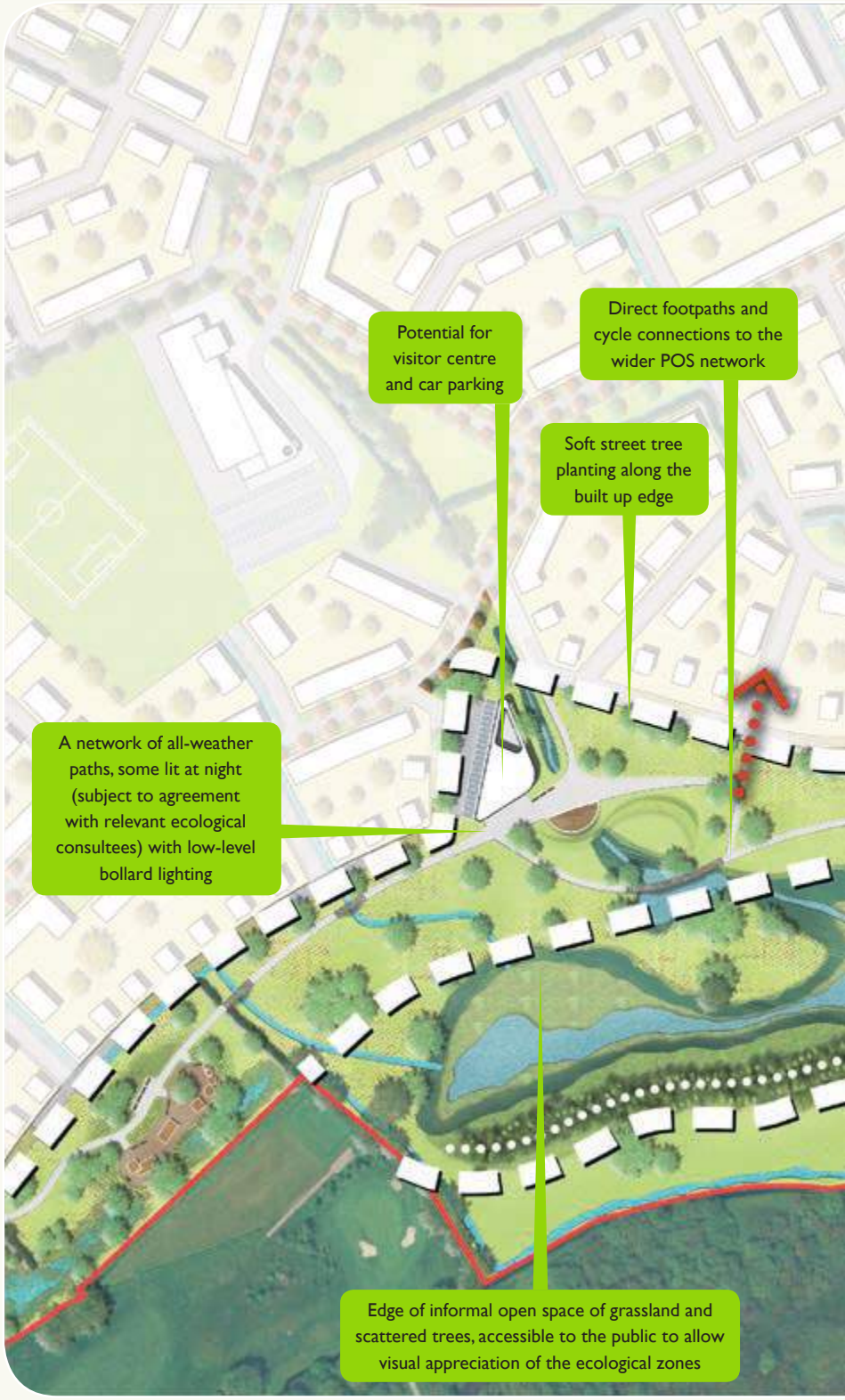
Protecting against recreational impacts

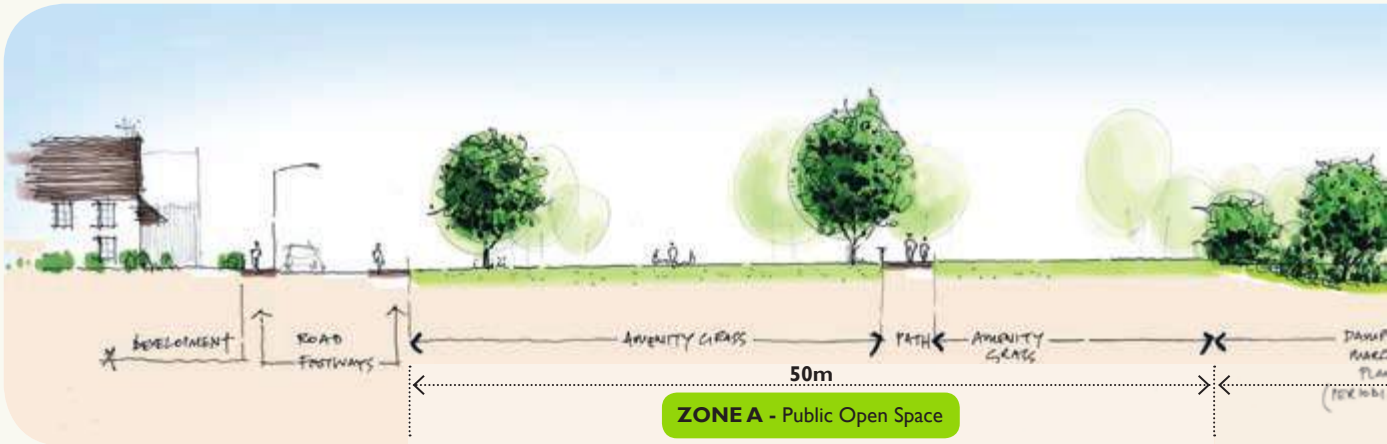
As illustrated right, a southern buffer of at least 175m in width is proposed within the Moor Lane site, separating the Bog from the development. This is the same setback from the Bog that the Council considered acceptable when it allocated land south of Moor Lane for the development of 511 homes. This extensive multi-purpose open space, designed on the basis of the three strategies listed left and covering around half of the total site area, has been designed to create a permanent and impenetrable barrier between the Bog and the site – highlighted as a priority by the Wildlife Trust and Natural England.

The proposed mosaic of different habitats will provide very significant enhancement opportunities for breeding, foraging and a refuge for a range of wildlife species including birds, bats, invertebrates, reptiles and including new aquatic habitats for invertebrates and GCNs present within the site and/or the Bog.

Long term management

Based upon and complementing the technical and design work, Barwood commits to produce a detailed Management Plan for the southern buffer which will be secured as part of a Section 106 agreement to ensure the delivery of the clained benefits and the long-term protection and enhancement of Askham Bog.

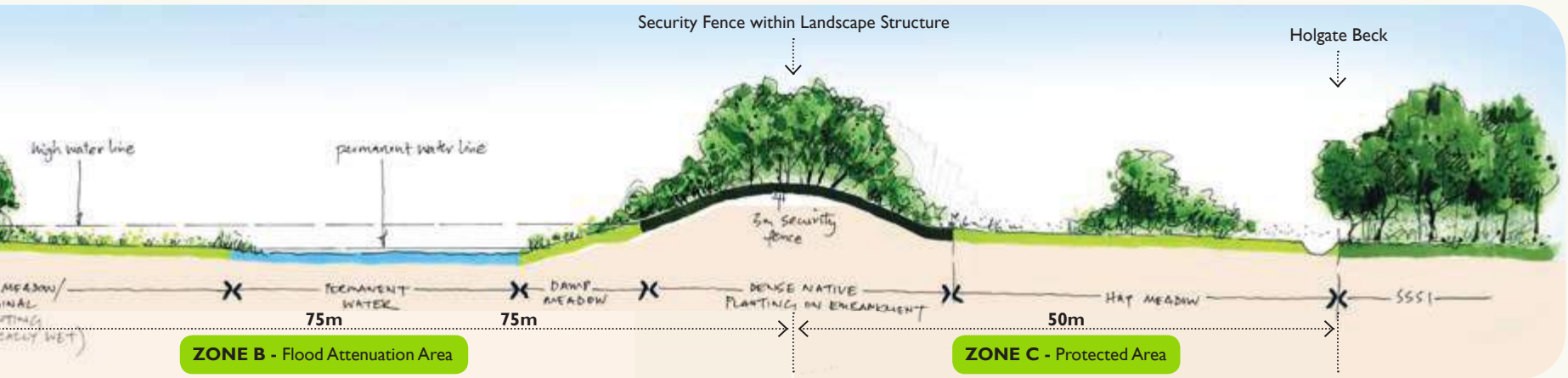




ZONE A: this is the publicly accessible open space closest to the new built development. It provides a readily accessible and attractive area for informal recreation and outdoor exercise linked to the wider open space network within and around the development.

ZONE B: an impenetrable barrier of permanently open water, wetland habitats and earth mounding to prevent public access to the Bog. The drainage features here control the rate and quality of the surface water discharging into local water courses compared to the current intensive arable uses. The permanently open water and wetland habitats are bounded to the south by a dense, thorny scrub planting (incorporating a security fence as an extra precaution) to prevent public access into Askham Bog.

ZONE C: is a zone of minimum management intervention and no public access located adjacent to the SSSI but a minimum of 125m from the proposed development edge. The objective here is to encourage and sustain the development of a rich mosaic of habitats complementary to the interests and long-term management of the SSSI.



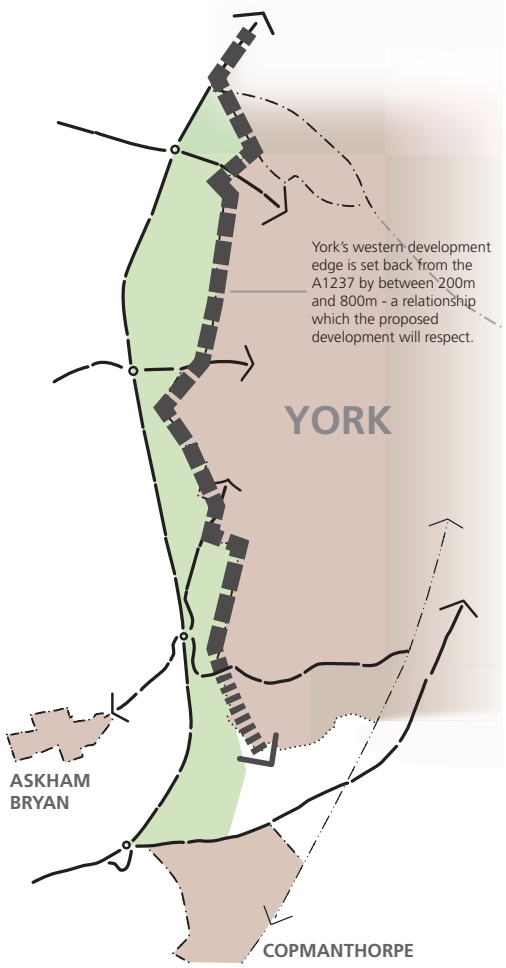
THE WESTERN EDGE

The western limit of York's metropolitan area is currently set back between 200m and 800m from the A1237 outer bypass. The Moor Lane proposals maintain and respect this spatial relationship.

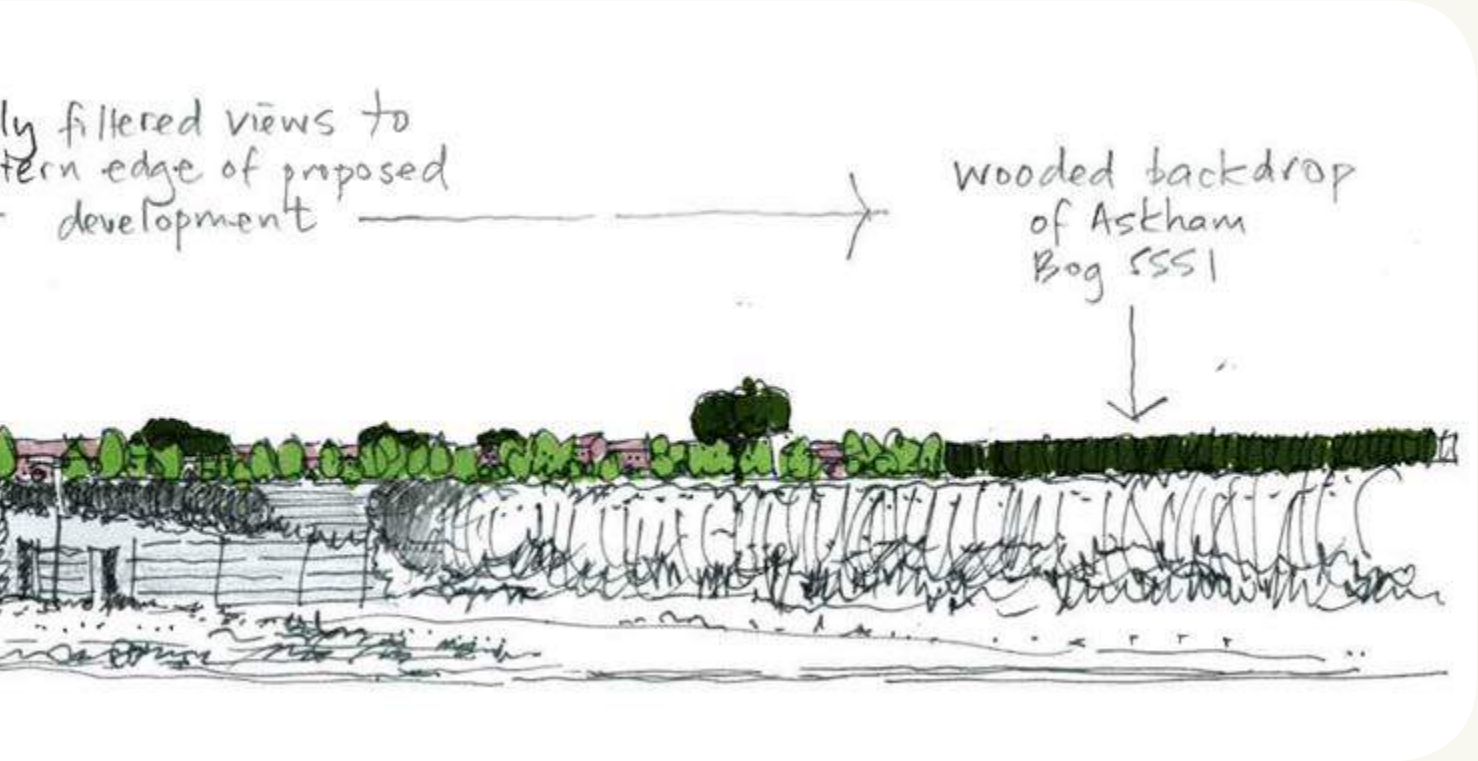
By providing a 'two field setback' of around 300m, detailed landscape and visual assessment work demonstrates that the proposals will be able to protect the open character and agriculturalsetting of the A1237 landscape corridor - a character which is in turn important to the appreciation of the city character.

The sketch below is based upon a computer model of the proposed development massing and demonstrates how the open setting of the road can be maintained and a soft, wooded leading edge provided – an edge treatment that can be manipulated to either softly filter or wholly screen the development, depending on the Council's aspirations.

EXISTING VIEW FROM A1237 LOOKING EAST



VIEW FROM A1237 WITH THE ADDITION OF THE PROPOSED DEVELOPMENT



SETTING STRATEGY

CONCLUSION

This document demonstrates that the land south of Moor Lane York has the potential to deliver a sustainable residential-led, urban extension to the city of York.

Barwood and its professional team has undertaken a very comprehensive level of detailed technical assessments over a period of several years and crafted a high quality, carefully considered indicative masterplan for the site. An unprecedented level of technical work has been undertaken, which addresses all the matters previously raised by City Council officers and other stakeholders to a level of detail far in excess of that normally considered appropriate at the local plan allocation stage.

The technical work demonstrates beyond doubt that Moor Lane is a deliverable, achievable and viable site; one which represents an appropriate area to contribute to the City's future development needs. Being located within the surrounding A64 and A1237 road corridors, the wider strategic Green Belt function will not be materially affected. The strong physical boundaries provide an exceptional level of containment to the site.

Moor Lane will deliver a development of exceptional quality, with around 1,250 homes and a wide mix of community facilities that will help to meet the urgent and significant housing and community needs of the city. With over 50% of the site committed to landscape, open spaces and agricultural uses, it will also truly respect its setting.

The evolution of this scheme has highlighted ways in which the development can deliver significant planning and environmental benefits both to the local community and wider area, including managing flood risk and enhancing ground water quality.

Barwood looks forward to continuing a constructive dialogue with the City of York Council and other stakeholders in order to bring forward this unique opportunity and maximise the benefits Moor Lane can deliver.

No other site can offer this unique and important opportunity to facilitate an improved understanding, long-term management, protection and enhancement of Askham Bog as a fenland environment, with potential for significant net biodiversity gains on site and direct benefits for the SSSI itself.

SETTING + LANDSCAPE · COMMUNITY · PROTECTION + ENHANCEMENT

SETTING + LANDSCAPE

COMMUNITY

PROTECTION + ENHANCEMENT

pba peterbrett

HOW

edp

BARTON WILLMORE

BARWOOD
LAND

Land at Moor Lane, Woodthorpe (Site 880, former SF12)
EDP Representations October 2017
C_2165_17a_301019

1. Introduction

1.1 These representations have been prepared by the Environmental Dimension Partnership Ltd. (EDP) on behalf of Barwood Strategic Land II LLP. These have been prepared primarily in response to City of York Council's assessment of land at Moor Lane, Woodthorpe (Site 880, former SF12) following its Local Plan Preferred Sites Consultation in September 2016.

1.2 The Council's assessment of SF12 states "*the potential for ecological impact on the adjacent Askham Bog SSSI, and potential implications of any mitigation approach on site viability and deliverability are still uncertain*." EDP strongly disagrees with this conclusion since the potential for ecological impact upon Askham Bog has been thoroughly examined based upon an extensive evidence base built up over the past five years. Potential impacts have been identified based on this detailed assessment work (at a level of detail typically reserved for a planning application and EIA) and in consultation with key stakeholders, namely Natural England and Yorkshire Wildlife Trust. The resulting concept design and mitigation strategy, which was presented within representations made by Barwood Strategic Land II LLP to the York Local Plan Preferred Sites Consultation (September 2016), is technically robust and, contrary to the Council's position, provides a high degree of certainty that potential adverse impacts would be avoided, and environmental benefits would be delivered.

1.3 The Council's position also fails to take account of the baseline circumstances, in particular existing threats to the conservation status of Askham Bog, which are capable of being addressed by the proposed development to help secure the future of Askham Bog in the long-term.

1.4 Potential ecological threats and opportunities relating to Askham Bog can be put into four broad categories summarised in turn below.

2. Urban Edge Effects

2.1 Potential urban edge effects on Askham Bog resulting from residential development in SF12 include increased unauthorised access and associated habitat degradation (e.g. from anti-social behaviour including fires and littering), fly-tipping and increased predation of wildlife by domestic cats. The risk of such effects is greatest along the shared boundary along the southern edge of SF12 and the northern edge of Askham Bog.

2.2 When considering these effects, it is important to note that Askham Bog is only 400m from the existing urban edge of Woodthorpe, and the intervening farmland within SF12 contains a number of formal and informal access pathways by which members of the public can reach the

Bog's northern edge. Although the existing water channel (Askham Bog Drain) and dense scrub present along the shared boundary are natural deterrents to access along this edge, there is a small number of access points over culverts and through natural breaks in the vegetation. Accordingly, as confirmed by Natural England and Yorkshire Wildlife Trust, Askham Bog already suffers from unauthorised access from the north, with evidence of anti-social behaviour including dens, fires and littering found on a regular basis.

2.3 The mitigation strategy in respect of unauthorised access and similar urban edge effects such as fly-tipping has been set out in some detail in Barwood's Local Plan representations September 2016, in particular Appendix 2 (Delivery Statement) and Appendix 7 (Ecology Technical Note). In summary, the concept masterplan incorporates a substantial development buffer of a minimum of 175m in width to the south of the development. This buffer will contain several features designed to prevent unauthorised access, including a continuous zone of open water and marsh (achieved through a series of linked attenuation basins) abutted by steep landform/bunding planted with dense thorny scrub and incorporating a security fence. There is no reason to doubt that, when taken through to detailed design and implementation, this buffer would provide an effective and impenetrable barrier, which would not only avoid any impacts resulting from the proposed development, but provide a benefit to Askham Bog by preventing existing unauthorised access from the north.

2.4 The Council's recent assessment of the site states that "*There are still concerns that the proposed buffer zone is too narrow, with some research indicating that 300-400m would be needed to be an effective barrier to impacts such as predation by domestic cats*". Based on EDP's assessment work and consultation with Natural England, these concerns are unfounded. Firstly, Natural England has been clear in advising that achieving an effective and impenetrable barrier to access is a matter of appropriate design rather than conforming to an arbitrary offset distance. Furthermore, whilst the proposed mitigation strategy would provide an effective deterrent to domestic cats, this is a secondary consideration because the designated interest features of Askham Bog SSSI (namely open fen and fen woodland) are not vulnerable to cat predation. This is consistent Natural England's advice who, in its response to the York Local Plan Further Sites Consultation (July 2014), state "*Appendix 5 of the consultation document refers to recreational disturbance and domestic cat predation as specific issues which require mitigation. Whilst these are also urban edge effects, these issues are not a significant concern for Askham Bog SSSI as birds are not an interest feature*".

3. Recreational Disturbance Effects

3.1 New housing in proximity to Askham Bog could result in a more general increase in people visiting the Bog. However, this is not a matter that is unique to SF12, as there are other proposed housing sites within the wider area that would contribute to this effect. Furthermore, as reflected in Natural England's consultation response referred to above, any adverse effects on the Bog are likely to be minimal. The increase in visitors is likely to be small as a proportion of existing visitor levels, since the bog is already well publicised by Yorkshire Wildlife Trust and easily accessible to much of the population of York. Visitors are encouraged to access the site via the

existing car park and make use of the clearly defined paths and boardwalks which enable the public to enjoy the wildlife without damaging or significantly disturbing it. The paths and boardwalks largely confine public access to a specific circular route, whilst the wet ground conditions, open water and/or dense vegetation discourages visitors from deviating from this route. This is not a site that is particularly attractive to dog walkers, however, nor is it a site with designated features that are sensitive to disturbance by dog walkers (such as ground nesting or overwintering birds).

3.2 The mitigation strategy for the development includes the generous provision of formal and informal greenspaces, thereby providing alternative places of recreation for new residents, which would ensure that any potential minor recreational effects on Askham Bog a reduced to insignificant levels. Added benefits would be delivered through provision of interpretation materials at key locations on the edge of the ecological buffer zone overlooking Askham Bog. These would serve to increase awareness of the importance of Askham Bog and promote a sense ownership among the new residents.

4. Hydrological Effects

4.1 Concerns that changes in the quality and flow of surface and ground water, brought about by the development proposals, could negatively affect Askham Bog were first raised by the Council and Natural England in 2013 during the York Local Plan Preferred Options consultation. These concerns have since been investigated in considerable detail to confirm the nature of the potential impacts, the necessary mitigation and the opportunities for delivering benefits, including a 15 month programme of hydrological monitoring between July 2014 and September 2015. The findings of the various technical studies, and consultation with Natural England's hydrological specialists, is summarised within PBA's Water Technical Note (Appendix 4 to Barwood's Local Plan representations September 2016). The Council's recent assessment of SF12 complains that the data from PBA's hydrological monitoring is not presented in full, despite it being made clear in the representations that technical detail of this kind was available on request to any interested parties.

4.2 As set out in PBA's Technical Note and the submitted Delivery Statement, Askham Bog faces a number of hydrological risks irrespective of the proposed development. These include extreme rainfall events and drought linked to climate change, and flooding from the drainage channel on the site's southern boundary (Askham Bog Drain), which is currently exacerbated by the limited storage capacity of Moor Lane pumping station. The technical work completed to date has confirmed the hydrological relationship between the site and Askham Bog. This has in turn led to the design of an outline drainage strategy and control system incorporating a series of new and upgraded pumps and attenuation features that would not only ensure there are no adverse effects resulting from the development, but would also provide increased control over water levels within and around Askham Bog to address the existing hydrological risks and benefit the wetland system.

4.3 Despite the above, the Council's assessment of the site states that "*One of the key points is the uncertainty around the effectiveness of the proposed mitigation – there are no proposals to demonstrate how the level of the buffer 'lake' would be maintained or how issues such as sustaining acceptable nutrient concentrations in this water would be addressed. Concerns that any lowering of the water levels in Holgate Beck would lead to increased drainage from the Bog and so lowering of the water table there have not been addressed in any detail, only stating that the flow regime could be controlled. There is no detail to the water management strategy*."

4.4 Again, the Council overstates the level of certainty surrounding hydrological impacts and their avoidance or mitigation. Contrary to the Council's assertions, PBA has produced a Water Management Strategy, including hydraulic modelling, drainage strategy and modelling of ponds, at a level of detail beyond that even required for an outline planning application. As specified by Natural England during consultation, water levels within Holgate Beck and within the buffer ponds would be under total control using a combination of the pumping station and weir outfalls. Furthermore, in accordance with CIRIA's SuDS Manual, the surface water drainage network will incorporate a series of features to provide a treatment train to maintain (or likely improve) water quality, including:

- Trapped gullies;
- Linear conveyance features (swales/ditches);
- Reed beds/vegetative systems for treatment; and
- Sediment forebays on attenuation facilities.

4.5 During consultation between PBA and Natural England, there was a difference in interpretation of the data relating to the degree of hydraulic connectivity between the site and Askham Bog; however, the principles of mitigation were agreed. In a letter dated June 2016, Natural England state "*despite this difference of opinion there are technical/engineering solutions available to mitigate potential hydrological impacts resulting from a development in this location*". The full correspondence is attached to this report as **Appendix EDP 1**.

5. Fragmentation Effects

5.1 Whilst development in proximity to Askham Bog could potentially result in its isolation and/or fragmentation from the surrounding ecological network, in this case the reverse is true. Under the development proposals, an area of approximately 12.5 hectares lying directly adjacent to the Bog would be transformed from intensive farmland to a mosaic of native wetland, grassland, scrub and trees. Rather than just providing a zone of indistinct greenspace to separate the housing development from the Askham Bog, the proposed buffer zone would enrich and enhance the ecological network surrounding the nationally important bog habitats. This is a clear and unambiguous environmental benefit associated with the proposals.

6. Conclusion

6.1 In conclusion, the Council has overstated the level of uncertainty regarding the site's potential ecological impact and the effectiveness of the proposed mitigation measures. In doing so, the Council has unfairly dismissed the site as an appropriate location for new housing.

Appendix EDP 1
Correspondence between Peter Brett Associates and Natural England

Your ref: DAS/8558/177185

Our ref: 29426-4001-Response to NE-160503

3rd May 2016

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E: skirby@peterbrett.com

Natural England
Yorkshire & Northern Lincolnshire Team
Natural England
Lateral
8 City Walk
Leeds
LS11 9AT

Attn: James Walsh

Dear James

RE: FURTHER INFORMATION IN RESPONSE TO NATURAL ENGLAND DAS COMMENTS

Many thanks for your response (ref DAS/8558/177185 dated 22nd April 2016) in relation to Natural England's review of the Hydrological Review and Baseline Summary, Environmental Impacts Technical Note and Flood Risk Assessment and comments following the meeting held on 7th April 2016. We note your request for further information/clarification and address each point below:

1. Further clarification of the relationship between surface water levels in Holgate Beck and the northern part of the SSSI.

Plans previously provided (and confirmed by the IDB) show that the Askham Bog Drain flows along the southern site boundary and the Holgate Beck starts downstream of the IDB pumping station. We assume for the purposes of this letter that when NE are referring to Holgate Beck they are referring to the reach of Askham Bog Drain (see Figure 1 below).

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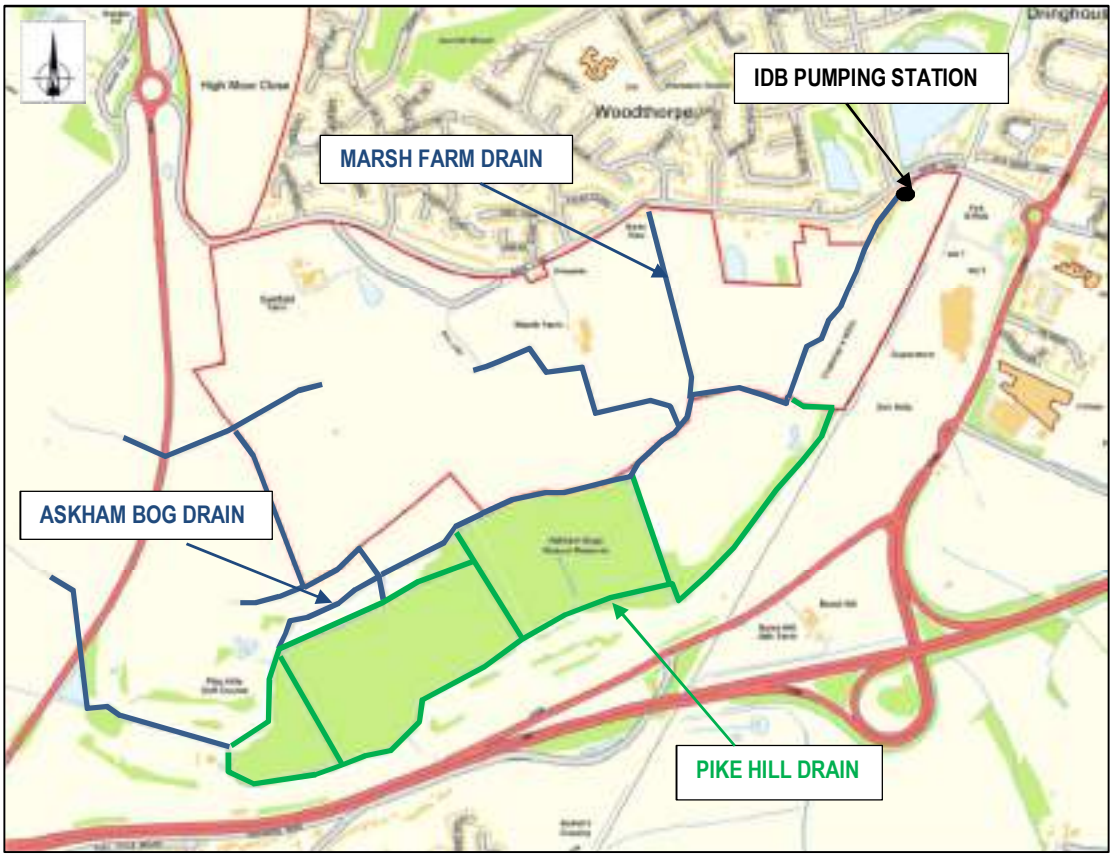


Figure 1 Watercourse Schematic (Figure 4.1 in FRA dated January 2016)

Groundwater and surface water levels across the site, the Askham Bog Drain and the Askham Bogs, have been monitored monthly, covering the period for July 2014 to September 2015 and the results are presented and discussed in the Hydrogeological Review (dated August 2014) and Baseline Summary note (dated 29th October 2015). These reports concluded that the wetland system in the Askham Bog is fed, supported and maintained predominantly by direct precipitation, and not from groundwater and surface waters across the wider Moor Lane site. The degree of hydraulic continuity between groundwater and surface water features is low or very low, and there is also normally limited hydraulic connectivity between the Askham Bog Drain and the Askham Bog (unless active water level management takes place via the sluices present in the Bogs). Therefore under 'normal' flow conditions there is no continuity between groundwater and surface water flows at the site/Askham Bog Drain and the Askham Bogs.

NE has responded that Figures 11 and 12 in the Baseline Summary of Groundwater and Surface Monitoring note indicate that there is a relationship between Holgate Beck water levels and the Askham Bog. Figure 11 is reproduced below. Figure 11 shows recorded water levels at two locations within the Askham Bog (GB 10 and 15) and four locations along Holgate Beck/Askham Bog Drain.

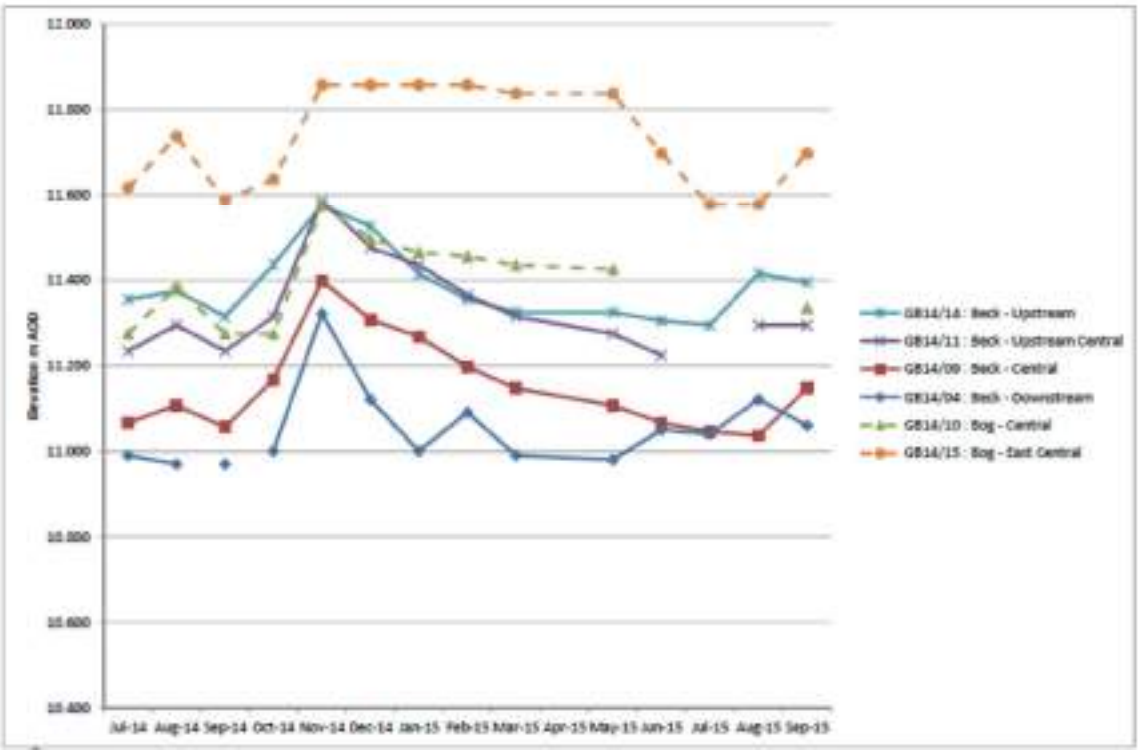
Water levels in the ditches within Askham Bog are controlled by the weirs and stoplogs/in channel control structures as shown by the GB15 recording being consistently higher than levels recorded along the reach of the Askham Bog Drain (11.6mAOD to 11.85mAOD compared to a water level of 11.2mAOD to 11.6mAOD within the Askham Bog Drain adjacent to the Bog). Water levels are reasonably consistent at GB15 from November 2014 to May 2015 with water levels then falling. This reflects a different seasonal pattern of water levels when compared to gauge levels along the Drain. Results for GB10 are also generally higher than the peak water levels along the Drain. GB11 is the nearest gauge along the Drain in relation to GB10 within the Bog and although water levels are similar during October to December 2014, the water levels remain higher within the Bog than in the Drain for the majority of the year.

A review of the weir levels within the Bog confirm that the minimum weir level is 11.83mAOD and therefore when water levels are lower than this within the Askham Bog Drain (Figure 1 shows all gauged levels within

the Drain for the year are lower than this level), there will be no surface water connectivity between the Drain and the Bogs.

We believe that the data shows that there is only limited hydraulic continuity between the site, Askham Bog Drain and Askham Bog at 'normal' flow conditions. During flood events i.e. 1 in 100 year event, water levels in the Askham Bog Drain will overtop the weir levels and spill into the Bogs. The development proposals will improve the drainage regime in high order events by moderating and controlling discharge rates into the Askham Bog Drain (and therefore the Bog when water levels overtop) as required.

MOOR LANE, YORK -
FIGURE 11: SURFACE WATER LEVELS IN HOLGATE BECK AND ASKHAM BOG



<u>2. Measures to mitigate the potential impacts on the SSSI resulting from potential drawdown during low flow events. It is noted that the Internal Drainage Board are requesting that lower than greenfield runoff rates be associated with any proposed development.</u>

As stated in Point 1 above, monitoring has demonstrated that there is only limited hydraulic connectivity between groundwater and surface waters between the site, Askham Bog Drain and the Askham Bogs (SSSI) under normal flow conditions. The key events when water is most likely to flow freely between the Bog and the wider area is under flood conditions. Therefore during low flow events there is negligible connectivity between the site and Bog and any change in the surface water runoff regime for the site as a result of the development will not have an impact on the SSSI.

At any rate, the existing greenfield runoff rate has been estimated as 1.1l/s/ha for the 1 in 1 year event. Therefore the IDB requirement for the development to restrict the allowable discharge rates to 1.4l/s/ha would result in no discernible change at low flow events.

Furthermore, the surface water regime from the site will be controlled by a pumped regime, due to levels across the site and the levels of the existing discharge points. As noted in the meeting it is the intention to maintain the existing discharge points to the Askham Bog drain, and the amount and timing of water can be adjusted to suit, particularly in times of low flow. It is the intention that the pumping regime will be agreed with NE as part of the implementation of the surface water features.

3. The mechanism for managing drainage from the site during flood events to ensure that input into the SSSI remains at the current rate. This would include an update of discussions with the IDB regarding flood storage capacity and pumping at the north-east corner of the site, and the management of the proposed SuDS system.

The proposed surface water drainage strategy has currently been shown to discharge at a restricted rate into the Askham Bog Drain. There is no existing direct connection for surface water runoff from the site to the Bog and, therefore, no current proposal to develop such a connection.

The rate of discharge from the site is proposed to be the rate set by the IDB, although with an option to provide further attenuation and potentially reduce the downstream flooding potential. This approach would result in no net increase in flooding, and may, in fact, provide some alleviation of flooding in certain events. Accordingly the quantity of water flowing between the Bog and surrounding areas is likely to remain the same or potentially be slightly lower at high order events with the drainage strategy in place.

The IDB has been consulted at the concept stage for the surface water strategy and liaison will be ongoing with NE and the IDB to confirm a strategy that is acceptable to both stakeholders.

As noted above the surface water regime will be controlled by pumps and as such the amount and timing of discharge in to the Askham Bog drain can be varied to suit particular conditions such that they operate if water levels in the Askham Bog Drain and Bog drop below a certain level, or conversely cut out if water rises to a certain level. There can also be an override to operate the pumps whenever needed therefore achieving a balance in low, normal and high conditions.

4. Details of how run-off from the site will be controlled during the construction phase and how disturbance to sub-surface water bodies will be avoided.

During the construction phase, activities across the site will include earthworks and excavation, construction of below and above ground structures and temporary works that could include diversion of watercourses, dewatering of areas and storage of materials across site.

The monitoring data confirms that there is not a continuous groundwater body and gradient across the site. Data indicates that groundwater is present as discrete pockets of water in discontinuous lenses and layers across the site with little connectivity to the Askham Bog Drain and Bogs.

All construction activities will be mitigated against by the provision and implementation of a robust Construction Environmental Management Plan (CEMP) which will be a requirement under planning conditions and mitigation measures included in the CEMP will ensure the prevention of creating pathways to sub-surface water bodies.

Examples of mitigation measures that could be employed at the site are for the siting of concrete, cement and other hazardous material distant from on site ditches and drains and plant cleaning within designated washing areas with an impermeable membrane or similar, locating activities likely to give rise to sediment away from watercourses, silt fencing, settlement tanks or lagoons to treat water containing suspended particles prior to its release to watercourses.

It is envisaged that NE will be consulted on the CEMP, and provide input as required. We would also envisage that NE become part of the 'site monitoring team' to ensure as far as practical activities on site are controlled during construction.

5. Any potential water quality impacts caused by pollutants from the development, including cumulative impacts with diffuse pollution from upstream sources, and how they may be mitigated.

The land use at the site and upstream is currently agricultural and therefore water quality within the watercourses in the vicinity of the site and the SSSI may be at risk from pollution sources with high levels of nitrogen and phosphorus. The development of the site will result in a reduction in these potential pollutants but a potential for an increase in pollutants from urban runoff such as increased sediment loads and hydro carbons.

The SuDS measures included within the surface water drainage strategy will be designed in accordance with The SuDS Manual - CIRIA C753 and will adhere to the SuDS treatment train with appropriate levels of

treatment provided for each type of runoff (i.e. roof, roads, car parking areas) to ensure that surface water runoff is sufficiently treated to ensure no detrimental impact on water quality within the receiving systems. It is anticipated that water quality within the Askham Bog Drain will improve due to the implementation of these measures.

Such measures would include:

- Trapped gullies at the point of interception of surface water run off from roads and footway
- Trapped catchpits at the outfall to swales and the like
- Provision of sediment forebays at the entrance to swales and attenuation facilities
- Provision of reeds/planting in swales and attenuation facilities to provide further pollutant removal

I hope that the above information provides the further clarification required. As discussed we consider that Natural England can now formally agree that the hydrological issues have been addressed and agree to the development in principle with regards to hydrology and flood risk.

Yours sincerely

[redacted]

Michael Parkinson
Partner
For and on behalf of
PETER BRETT ASSOCIATES LLP

Date: 23 June 2016
Our ref: DAS/8558/185561

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BY EMAIL ONLY

Dear Sarah

Discretionary Advice Service (Charged Advice): DAS2178
Development proposal and location: Residential-led development at Moor Lane, York

This advice is being provided as part of Natural England's Discretionary Advice Service. Barwood Strategic Land II has asked Natural England to provide advice upon further information submitted following our meeting of 7th April and written response of 22nd April.

This advice is provided in accordance with the Quotation and Agreement dated 18th May 2016.

We would like to make the following comments.

Further clarification of the relationship between surface water levels in Holgate Beck and the northern part of the SSSI

The water level data from monitoring points GB10, GB11, GB14 and GB09 indicate that there is a lateral zone of influence via a hydraulic gradient from the marginal bog area to Askham Bog Drain / Holgate Beck. The water level monitoring points within the bog indicate a hydrological function typical of an ombrogenous domed bog, with the central area maintaining higher water levels for longer during spring, and the marginal areas being more affected by the hydraulic gradient created by the beck, causing water levels to reduce gradually. This hydraulic relationship has implications for higher or lower flows in the beck affecting the bog, with the potential opportunity to restore the bog's lagg areas through beck restoration. We therefore do not agree that there is 'limited hydraulic continuity' between the site, Askham Bog drain and Askham Bog drain, and we advise that it should be clarified that there is important hydrological connectivity between the marginal area of the Bog and Askham Bog Drain in particular.

Measures to mitigate the potential impacts on the SSSI resulting from potential drawdown during low flows and flood events during high flows

We welcome the proposed inclusion of SuDS measures in the surface water drainage strategy. We advise that measures are based on vulnerable source areas and pathways in the development, and that consideration is given to how SuDS measures can contribute to biodiversity enhancements, particularly with regard to Biodiversity 2020 outcomes and principles under the Lawton Review.

However, as explained above, there remains a difference of opinion in relation to the connectivity

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between Askham Bog SSSI and the Askham Bog Drain along the northern boundary of the SSSI and we do not agree that there is negligible connectivity between the site and the Bog during low flow events. If low flows are exacerbated by the development, they may have an impact on the habitat function of the Bog. Consequently it is not possible to state that hydrological issues have been fully addressed. That said, as stated in our previous letter of 22 April Natural England do consider that despite this difference of opinion there are technicall/ engineering solutions available to mitigate potential hydrological impacts resulting from a development in this location. Such measures are likely to include a detailed surface water drainage strategy which is enforceable and sustainable in perpetuity. We may well request that such provisions are put in place prior to commencement of the construction of the main development. It is also likely that if the development site were to be included in the local plan that we would request a bespoke policy.

We welcome the intention to agree a surface water pumping regime with Natural England should a development proceed and the fact that discharge into the Askham Bog Drain would be varied to suit particular conditions. We advise that the regime considers the hydrological relationship between the Bog and Askham Bog Drain, and potential restoration opportunities during low flow conditions. The details of any operating protocol would also need to be agreed.

Water quality in any attenuating water bodies/SUDS will also need to be monitored. In addition to potential agricultural and urban pollutants, eutrophication resulting from use by waterfowl should also be taken into account.

Construction Environmental Management Plan

We note, and welcome that a Construction Environmental Management Plan (CEMP) will be produced to ensure the prevention of creating pathways to sub-surface water bodies. We advise that the location of sub-surface water pockets in lenses is included in the CEMP to ensure that their function and recharge is not affected by the development. Natural England would welcome being part of any site monitoring team.

The advice provided in this letter has been through Natural England's Quality Assurance process.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

James Walsh
Yorkshire & Northern Lincolnshire Team

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Your ref: DAS/8558/185561

Our ref: 29426-4001-Response to NE-160707

7th July 2016

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Attn: James Walsh

Dear James

RE: FURTHER INFORMATION IN RESPONSE TO NATURAL ENGLAND DAS COMMENTS

Many thanks for your response (ref DAS/8558/185561 dated 23rd June 2016) in relation to Natural England's review of the additional information submitted following the meeting of 7th April and written response of 22nd April and we provide further comments on the points raised in the response:

1. Further clarification of the relationship between surface water levels in Holgate Beck and the northern part of the SSSI.

We note that NE state that there is hydrological connectivity between the Askham Bog Drain and the Askham Bogs and that the hydraulic relationship has implications for higher or lower flows in the watercourse affecting water levels in the Bog.

The development proposals therefore have the potential to provide opportunities to maintain water levels within the Bog at low flows by influencing the flow regime within the Beck. The development proposals will also improve the drainage regime in high order events by moderating and controlling discharge rates into the Askham Bog Drain (and therefore the Bog when water levels overtop) as required.

We therefore consider the development has the potential to offer positive benefits for the Askham Bog.

2. Measures to mitigate the potential impacts on the SSSI resulting from potential drawdown during low flow events. It is noted that the Internal Drainage Board are requesting that lower than greenfield runoff rates be associated with any proposed development.

NE response states that *'if low flows are exacerbated by the development, they may have an impact on the habitat function of the Bog*'. As previously stated, the existing greenfield runoff rate has been estimated as 1.1l/s/ha for the 1 in 1 year event. Therefore the IDB requirement for the development to restrict the allowable discharge rates to 1.4l/s/ha would result in no discernible change at low flow events. However, the development provides an opportunity to put in place a surface water strategy that can be designed to maintain the existing discharge points to the Askham Bog drain, and the amount and timing of water can be adjusted to suit, particularly in times of low flow and consideration will be given to potential restoration opportunities during low flow conditions. As the development proposals progress, the surface water drainage strategy will be worked up in more detail with a consideration of phasing of the development.

We can confirm that the proposed surface water drainage strategy will include SuDS measures such as swales and attenuation basins that will provide biodiversity benefits as well as water quality benefits as well

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as source control features. It is anticipated that water quality within the Askham Bog Drain will improve due to the implementation of these measures.

Again, it is considered the development proposals can have a positive benefit to the Askham Bog in this regard.

3. Construction Environmental Plan

We note that NE recommend that the location of sub-surface water pockets in lenses is included as part of the CEMP to ensure that their function and recharge is not affected by the development and that NE welcome being part of the 'site monitoring team' to ensure as far as practical activities on site are controlled during construction.

In conclusion, we understand that NE agree that the development can come forward and not impact adversely on the Bog from a hydrological perspective as there are technical/engineering solutions available to mitigate any potential hydrological impacts which will include a detailed surface water drainage strategy.

Yours sincerely

[redacted]

Michael Parkinson
Partner
For and on behalf of
PETER BRETT ASSOCIATES LLP

TECHNICAL NOTE

Job Name: Moor Lane, York

Job No: 29426

Note No: 17/001

Date: October 2017

Prepared By: Kate Riley

Subject: **Supporting Statement – Ground and Groundwater Conditions**

Introduction

This note has been prepared in support of the land at Moor Lane site (ST10/SF12) being included in the emerging Local Plan. The Strategic Housing Land Availability Assessment (SHLAA) in the Pre-Publication draft Local Plan indicates that the boundary changes proposed have not been accepted following officer assessment, due in part, to concerns regarding the potential impact of development on surface and groundwater flows and elevations. The concern is that such changes could impact the aquatic environment of the Askham Bog SSSI. This note describes the work that has been undertaken to determine the interactions and likely impacts between the groundwater and surface water at the site on the water levels in the Askham Bog.

Ground Conditions

The ground conditions at the Site have been investigated by intrusive ground investigation comprising fifteen boreholes, fourteen trial pits, soil infiltration and variable head permeability testing, groundwater and surface water sampling and geochemical laboratory testing, together with post field work monitoring of surface water and groundwater levels and quality.

It has been identified that the ground conditions at the site generally are in accordance with those anticipated from published information and comprise superficial deposits, predominantly gravelly glacial clay in the west (Vale of York Formation) and glacial lake deposits in the east (Alne Glaciolacustrine Formation). The entire site is underlain by solid geology comprising the Sherwood Sandstone Group. There are Made Ground deposits present within the area of the site known as Chaloner's Whin, to the east and down hydraulic gradient of the Askham Bog.

Groundwater Conditions

The ground investigation data indicates that the shallow strata across the site are predominantly clayey and there is not a significant or continuous presence of potentially water bearing granular strata in the superficial deposits. The investigations show that groundwater is present in the superficial deposits at the site as discrete pockets of water, rather than as a single continuous body, and there is no evidence to suggest any hydraulic continuity between these discrete 'perched' groundwater bodies. The variable head permeability testing carried out indicates permeability's predominantly at 10^{-6} m/s, indicative of relatively low permeability soils.

Groundwater monitoring undertaken across the site over a 15-month period recorded groundwater levels of between 10.8m AOD and 13.5m AOD with clearly apparent seasonal fluctuations. However, the apparent seasonal fluctuations seen in the groundwater levels across the site do not appear to be consistent with rainfall data and the delay between rainfall and groundwater level response is indicative of the relatively low permeability of the ground and the discrete and discontinuous nature of the groundwater bodies at the site.

Surface Water

The site is located to the north of Askham Bogs SSSI. Along the northern edge of the bog there is the Askham Bog Drain which flows east past the bog and into the Holgate Beck system. A further drain flows along the southern edge of Askham Bog, known as Pike Hills Drain, and this is fed by and feeds back into the Askham Bog Drain at the eastern end of the bog.

Surface water levels across the site, recorded over the same 15-month period as the groundwater levels, indicate levels of between 11m AOD and 11.8m AOD. The surface water levels were observed to fluctuate, although not necessarily following the rainfall pattern. In winter and spring the surface water levels were generally relatively consistent before starting to fall in the early summer and recovering quickly in the autumn.

Hydraulic Connectivity

The fluctuations in the surface water levels, recorded during the extended monitoring period, are not as great as the fluctuations in the boreholes recorded over the same period, and surface water levels recover quicker than the groundwater levels in the boreholes. Where boreholes have been placed adjacent to surface water features (to allow direct comparison of water level data), the pattern of the data does not indicate that there is direct hydraulic connectivity between the surface water and groundwater across the site.

Surface water data from the Holgate Beck and within the Askham Bog ditches, does show a similar pattern of rainfall response with time. However, it was observed (and shown on Figure 11 in the attached Hydrogeological Baseline Summary report) that generally, surface water levels in the bog are higher than water levels in the drainage ditches and Holgate Beck nearby, suggesting there is little hydraulic continuity between the different waters. There are sluices along the water courses that can be opened or closed to allow a hydraulic connection between the watercourses and the bog.

Water Chemistry

Between June 2014 and September 2015, samples of groundwater, surface water and ‘bog’ water were obtained at quarterly intervals and submitted to a laboratory for testing for a range of chemical constituents including major and minor cations, metals, inorganics and organics.

An assessment of the major cation and anion composition of the groundwater and surface water samples was presented on a series of Trilinear plots (Figures 15 to 20 of the attached Hydrogeological Baseline Summary report). The plots show that the surface waters are all very similar to each other in terms of major ion composition, however the groundwater samples are different in major ion composition, both from the surface waters and from each other. Generally, the surface waters are richer in chloride, sodium and potassium ions than the surface water, and the groundwaters are richer in calcium and bicarbonate/carbonate anions than the surface waters.

The major ion chemistry shows that the groundwaters and surface waters in the area of the site are sufficiently different to indicate that they are unlikely to be in hydraulic continuity. The differences in major ion composition between the boreholes is, again, reflective of the discontinuous nature of the groundwater across the site.

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The major ion composition of samples of 'bog' water, taken from within Askham Bogs, indicates that generally the ionic composition of the 'bog' water is different to both the surface water and groundwaters.

Conclusions

The water levels in the Askham Bogs have been recorded generally at higher elevations than the surrounding surface water ditches. In addition, it has been identified that the chemical composition of 'bog' water, surface water and groundwater is different.

It is concluded that the water level within the Askham Bogs is not controlled by the groundwater or the surface waters present at the wider Moor Lane site, and that water levels in the bog are directly fed and maintained by precipitation. Water level in the bog can be augmented by surface water from the adjacent watercourses.

The data suggests that the degree of hydraulic continuity between the Holgate Beck and the Askham Bogs is generally limited unless the sluices are in operation.

It is considered that the proposed development should not have a detrimental effect on the water levels at the Askham Bogs, and that there are sufficient control measures available to allow appropriate and total management of the water levels in the bog. These include the sluices that are already present, and the existing drainage ditches, which in combination could be used to manage water levels within the Askham Bogs. It is not considered that the proposed development will have any significant impact on groundwater levels at the site. It is considered that run-off from the Moor Lane site once developed, can be effectively controlled as part of a Sustainable Drainage System to maintain water levels at the Askham Bogs.

Sources of Information

This technical note should be read in conjunction with and within the context of the following documents that provide the evidence base.

- Hydrogeological Review. Land at Moor Lane, Woodthorpe, York. (PBA, 2014)
- Hydrogeological Baseline Summary Report. Technical Note TN013 – Baseline Summary on Groundwater and Surface Water Summary. Moor Lane, York. (PBA, 2015)

Peer Review

The Wildfowl & Wetlands Trust (Consulting) Ltd has been appointed to provide a review of documents related to the proposed Moor Lane, York development site, with particular reference to hydrological aspects. This document details the review comments.

Reports reviewed:
Technical note: 29426/5503/TN02 (Revision A) – Representations to the City of York Local Plan Preferred Sites Consultation (July 2016) on behalf of Barwood Strategic Land II LLP: Water Management – August 2016, Peter Brett Associates.

Delivery Statement: Development @ Moor Lane – September 2016, Barwood Land

Technical note: 29426/5503/TN02 (Revision A)

The objective of the Technical Note was to provide the Council with an understanding of the technical hydrological work undertaken to inform proposals for the development of land at Moor Lane, York. It provides a summary and is intended to be read in conjunction with other documentation. The intention of the note is to review the hydrological aspects of the site and to demonstrate the benefits that a residential development at Moor Lane could bring to York.

A review is provided of the stakeholder engagement undertaken with Natural England which included the submission of the following reports:

- Environmental Impacts: Water (29426-3002-TN01 dated January 2016);
- Hydrological Review (29426/01 dated August 2014);
- Baseline Summary on Groundwater and Surface Water monitoring (29426-TN013 dated October 2015); and
- Flood Risk Assessment (29426-4004 dated January 2016).

It was also reported that consultation with Environment Agency, Ainsty Internal Drainage Board, Yorkshire Water and City of York Council had occurred.

A review was provided of the current understanding regarding the hydrological regime of Askham Bog and particularly the risks to the Bog such as:

- inundation of surface water flooding events downstream or over topping of the Askham Bog Drain;
- increase in rainfall (intensity and volume) as a result of climate change;
- drought conditions becoming prevalent in summer months as a result of climate change;
- encroachment of vegetation which would alter the groundwater regime; and
- continuation of unauthorised access from the north leading to human intrusion effects.

These risks and the conclusion that the threats posed to the Bog from the continuing regime and natural changes, such as climate change, can be managed and reduced through careful design, management and operation of the surrounding land and surface water regime are consistent with the information provided and our understanding of the site.

Information related to flood risk of Askham Bog is provided and it is proposed that a development at Moor Lane could help form part of a flood mitigation strategy for the area, particularly to reduce lower order flood events. Modelling of this system is not provided for review, as it would form part of later design and through

agreement with the Internal Drainage Board, but with careful surface water attenuation and routing design there is no reason to think this could not be achieved.

It was reported that groundwater and surface water monitoring data was collected between July 2014 and September 2015 and analysis of these data has resulted in the conclusion that the wetland system at Askham Bog is fed, supported and maintained predominately by precipitation, and not from groundwater and surface waters across the wider Moor Lane site. However, it is reported that during flood events water levels in the Askham Bog Drain have the potential to overtop the weir levels and spill into the Bog. Without reviewing the raw data it is impossible to determine the validity of these conclusions but the data was collected for a period longer than a hydraulic year so seasonal variation within that period of monitoring should have been identified. It should be noted that the Technical Note reports that Natural England believe that there is some limited hydrological connectivity between the Askham Bog Drain and Askham Bog and that the hydraulic relationship has implications for higher or lower flows in the watercourse affecting water levels in the Bog. Ongoing monitoring, during flood conditions and drought conditions, would help determine this relationship further.

It is stated, however, that regardless of the relationship between the hydrology of Askham Bog and surrounding watercourses the proposed development provides opportunities for management of low flows by influencing the flow regime within the Beck and in high order events by moderating discharge to the Askham Bog Drain. It is concluded that the development has the potential to offer positive benefits for Askham Bog by enhancing the hydrological conditions for the Bog in the long term. This conclusion is reasonable as hydrological management opportunities would become available which currently are not present but careful design and management would be required to achieve this.

The Technical Note provides a summary of the use of SuDS to deliver a surface water drainage strategy for the proposed development. It is stated that the scheme would consist of attenuation basins and linear conveyance/attenuation features to reduce peak discharge into the receiving system with a pumped discharge into the Askham Bog Drain. It is reported that agreement has been reached with Natural England to maintain the existing discharge points to the Askham Bog Drain but that these can be varied to suit particular conditions. It is also noted that the SuDS can be used to ensure that water quality from the development is of a suitable quality. With careful SuDS design there is no reason to think that the water management and water quality goals stated could not be achieved. As has been reported previously, it is important that along with the management of high flows the current low flow inputs that occur from Moor Lane are continued so the SuDS flow modelling and design need to achieve this.

The Technical Note concludes by providing a summary of the benefits of the proposed surface water drainage strategy for the site including:

- reduction in flood risk to the Bog and land on the eastern part of the site through additional flood storage;
- active management of water levels in the watercourses and the Bog to improve conditions overall and reduce risks;
- provision of SuDS measures to manage water quality and improve conditions overall; and
- active management and design of surface water measures to accommodate predicted climate change effects.

It is reasonable to conclude that these benefits would result from active water level management which is not currently available for water inputs to the system.

WWT CONSULTING

Delivery Statement: Development @ Moor Lane

The Delivery Statement was prepared to illustrate how the land to the south of Moor Lane, Woodthorpe represents a suitable and deliverable site for residential development. The purpose of this review is to comment on the hydrological aspects discussed within the statement.

Pages 6 and 7 provide technical summaries of information regarding ecology, hydrology and flood risk, and the drainage strategy. The Delivery Statement states the same conclusions as the Technical Note in that:

- There is no direct hydrological connectivity between the site and Askham Bog; the Bog is not fed, supported or maintained by groundwater or surface water from the Moor Lane site.
- The field drains within the site flow into the Holgate Beck which flows along the northern edge of the Askham Bog and further downstream into York itself, with the flows controlled by a foul pumping station at Moor Lane. This pumped system means that the area around the Bog and close to Moor Lane can be prone to localised flooding and risk of pollution.

As discussed in the Technical Note section, these statements are reasonable from the evidence presented previously but it should be noted that Natural England believe that there is some limited hydrological connectivity between the Askham Bog Drain and the Askham Bog and that the hydraulic relationship has implications for higher or lower flows in the watercourse affecting water levels in the Bog. The hydrological monitoring has not identified this relationship, except at potentially high flows when Askham Bog Drain weir can overtop, but a longer period of monitoring during flood and drought conditions would establish the relationship further.

The Delivery Statement presents the following principles of the proposed flood risk management and surface water drainage strategy:

- Maintenance of flow rates;
- Enhancement of runoff water quality;
- Flood alleviation;
- Extreme event protection; and
- Enhancement of biodiversity and recreation.

It is stated that these would be achieved through:

- Attenuation basins in the north western and along the northern areas of the overall development site;
- Drainage channels running through the main development area feeding an attenuation feature within the southern buffer;
- Outfalls into the Holgate Beck controlled by a new pumping station; and
- Upgrades to the existing pumping station.

As stated previously, with careful design and robust management processes there is no reason to think that the principles presented could not be achieved by the SuDS and hydrological management features discussed.

Detail has been provided for how the boundary conditions between the proposed development site and Askham Bog would be developed. These state that the Southern Buffer would incorporate surface water ponds and associated flow management measures that will maintain current greenfield flow rates and improve the quality of surface water draining from the site. It is proposed that the buffer would be separated into three zones: Zone A – publically accessible open space; Zone B – barrier of open water, wetland habitats, earth mounding and security fence to prevent public access to the Bog; and Zone C – no public access, minimum

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management area as the final buffer to Askham Bog. It is stated that the SuDS features would be incorporated throughout these zones to manage surface water. There is the potential to create effective surface drainage features that maintain the current inputs to the system, attenuate storm events and provide enhancements in biodiversity through wetland features, as stated, but the hydrology in terms of volume and quality treatment would need to be carefully modelled, the design would need to understand how different wetland habitats function and effective ongoing management would need to be put in place. The Delivery Statement indicates that a detailed Management Plan would be developed and management secured through a Section 106 agreement which is crucial to ensuring effective water level and biodiversity management into the future.

Summary

This document has provided a review of both the Technical Note and Delivery Statement related to the proposed development site at Moor Lane, York. It has paid particular attention to the hydrological investigation and conclusions reached regarding the relationship between the proposed development and Askham Bog and the proposed surface water drainage strategy of the development.

TECHNICAL NOTE

Job Name: Moor Lane, York

Job No: 29426

Note No: 29426/5503/TN02 (Revision A)

Date: August 2016

Prepared By: Sarah Kirby

Subject: **Representations to the City of York Local Plan Preferred Sites Consultation (July 2016) on behalf of Barwood Strategic Land II LLP: Water Management**

1 Introduction

1.1 This technical note has been prepared in order to provide the Council with a clear understanding of the comprehensive technical work undertaken to inform proposals for the development of land at Moor Lane. York. This note provides a concise summary of this work and further detail can be made available if required. The note should be read in conjunction with those others appended to the representation, which collectively consider ecology, landscape, heritage, hydrology and transport matters and demonstrate the suitability of the site for development.

1.2 Peter Brett Associates LLP (PBA) has been appointed by Barwood Developments Limited to prepare transport and hydrological evidence to support the City of York's Local Plan Representations for residential development at Land at Moor Lane, Woodthorpe in York to deliver up to 1,250 residential dwellings. This Technical Note, as part of the representations, responds to the recently published 'City of York Local Plan Preferred Sites Consultation July 2016' document which does not allocate the Moor Lane site for housing development. A copy of the Preferred Sites Consultation Map is provided in **Appendix A**.

1.3 The main objective of this Local Plan Representations note is to provide a review of the hydrological aspects of the site and demonstrate the benefits that a residential development at Moor Lane could bring to York. It provides an update on flood risk, and a summary of discussions and conclusions reached with Natural England.

2 Stakeholder Engagement

2.1 Extensive liaison has been undertaken with Natural England with regard to the hydrological aspects of the development. The following reports were submitted early in 2016 and subsequently reviewed by Natural England:

- Environmental Impacts: Water (29426-3002-TN01 dated January 2016). This report follows the same principles as an EIA and presents a summary of the baseline condition and the potential impacts of the proposed development on various receptors. The control

DOCUMENT ISSUE RECORD

Technical Note No	Rev	Date	Prepared	Checked	Reviewed (Discipline Lead)	Approved (Project Director)
29426/5503/TN02	-	16.08.16	SK	DG	DG	MP
29426/5503/TN02	A	09.09.16	SK	DG	DG	MP

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measures that are already part of the development strategy are outlined.

- Hydrogeological Review (29426/01 dated August 2014)
- Baseline Summary on Groundwater and Surface Water monitoring (29426-TN013 dated October 2015), and
- Flood Risk Assessment (29426-4004 dated January 2016).

2.2 Stakeholder consultation is also ongoing with the Environment Agency (EA), Ainsty Internal Drainage Board (IDB), Yorkshire Water and City of York Council. The key hydrological issues that have been discussed with Natural England in relation to the development of the site are outlined below.

3 Askham Bog – current regime

3.1 The Askham Bog exists because of a balance between hydrological and ecological factors which create the particular conditions experienced at the site. The site has been actively managed for many years to try to maintain the conditions, but both Yorkshire Wildlife Trust and Natural England have acknowledged that irrespective of development proposals in the area, the Bog is at risk from a number of factors.

3.2 The risks to the current regime in the Bog can be summarised as follows:

- inundation of surface water from flooding events down stream or over topping of the Askham Bog Drain. This could occur because of an increase in frequency of flooding events or lack of maintenance of the existing surface water regime
- increase in rainfall (intensity and volume) as a result of climate change. Recent EA guidance suggests an increase of between 20% and 40% in future years
- drought conditions becoming more prevalent in summer months, again as a result of climate change
- encroachment of vegetation which would alter the groundwater regime, and
- continuation of unauthorised access from the north leading to human intrusion effects.

3.3 The threats posed to the bog from the continuing regime and natural changes (such as climate change) can be managed and reduced as a result of careful design, management and operation of the surrounding land and surface water regime. This is further discussed in the context of development proposals below.

4 Flood Risk

4.1 There are numerous hydrological receptors within the vicinity of the site. The Askham Bog SSSI is located to the south of the site and is managed by the Yorkshire Wildlife Trust. Along the northern edge of the Bog is the Askham Bog Drain which is pumped into the Holgate Beck system to the north east of Moor Lane. Pike Hills Drain flows around the southern edge of Askham Bog fed by Askham Bog Drain and flowing back into it at the eastern end of the Bog. There are also a number of other IDB watercourses within the development site.

4.2 The local catchment and IDB watercourse system is controlled by the pumping regime at the Moor Lane pumping station at the north eastern corner of the site. Due to the restrictive pumping rate, there is a potential for fluvial flooding along the southern boundary and within parts of the eastern area of the main site. This flooding can directly impact on Askham Bog with obvious negative impacts on the Bog as a result.

4.3 The flood mitigation strategy for the proposed development has been agreed in principle with the EA and outlined to Natural England in the reports stated above. Opportunities to provide improvements to the current situation by providing additional storage at the pumping station or storage of water from the Askham Bog Drain within the surface water attenuation features for the new development have been agreed in principle and will be investigated further in consultation with the IDB/Natural England. This would provide a reduction in the flood extents or frequency of flooding particularly in lower order flood events, bringing about a direct improvement in the regime for the Bog as a result. The development strategy is to implement a sequential approach within the site to locate all residential or commercial development in areas of Flood Zone 1, with public open space or recreational uses in the eastern part of the site and a substantial buffer zone, with no built development, along the southern boundary.

4.4 The strategy for retaining, removing, diverting or otherwise modifying the existing IDB watercourses and field drains within the site will be agreed with the IDB through the design process and as part of the Flood Defence Consent process.

5 Hydrological Connectivity

5.1 PBA's baseline groundwater and surface water monitoring data collected between July 2014 and September 2015 supports the conclusions that the wetland system in the Askham Bog is fed, supported and maintained predominantly by direct precipitation, and not from groundwater and surface waters across the wider Moor Lane site. The degree of hydraulic continuity between groundwater and surface water features is low and there is also normally limited hydraulic connectivity between the Askham Bog Drain and the Askham Bog (unless active water level management takes place via the sluices present in the Bogs, or the Askham Bog Drain 'over tops' in extreme events). Therefore under 'normal' flow conditions there is no continuity between groundwater and surface water flows at the site/Askham Bog Drain and the Askham Bogs. During flood events i.e. 1 in 100 year event, water levels in the Askham Bog Drain will overtop the weir levels and spill into the Bogs.

5.2 However, in subsequent meetings and written correspondence with Natural England, they have stated that they believe that there is some limited hydrological connectivity between the Askham Bog Drain and the Askham Bog and that the hydraulic relationship has implications for higher or lower flows in the watercourse affecting water levels in the Bog.

5.3 Whether there is this limited hydraulic connectivity is a moot point. Irrespective, the development proposals have the potential to provide opportunities to maintain water levels within the Bog at low flows by influencing the flow regime within the Beck. The development proposals will also improve the drainage regime in high order events by moderating and controlling discharge rates into the Askham Bog Drain (and therefore the Bog when water levels overtop) as required. Therefore, the development has the potential to offer positive direct benefits for the Askham Bog and enhance hydrological conditions for the Bog in the long term.

6 Surface Water Drainage Strategy

6.1 The surface water management strategy for the new development will comprise a SuDS based scheme with attenuation basins and linear conveyance/attenuation features to reduce the peak discharge into the receiving system with a pumped discharge into the Askham Bog Drain.

6.2 It has been agreed with NE that the development provides an opportunity to put in place a surface water strategy that can be designed to maintain the existing discharge points to the Askham Bog drain. As noted above the surface water regime will be controlled by pumps other discharge controls (orifice plates, or weirs) and as such the amount and timing of discharge in to the Askham Bog drain can be varied to suit particular conditions such that they operate if water levels in the Askham Bog Drain and Bog drop below a certain level, or

conversely cut out if water rises to a certain level. There can also be an override to operate the pumps whenever needed therefore achieving a balance in low, normal and high conditions through active management. As the development proposals progress, the surface water drainage strategy will be worked up in more detail with a consideration of phasing of the development.

6.3 As noted above more recent guidance from the Environment Agency on climate change has the potential to directly affect the Bog, through an increase in flooding events and rainfall intensity, as well as an increase in drought conditions in times of low rainfall. Through the design of the surface water infrastructure, and the active management indicated above, this direct threat to the Bog regime can be restricted.

6.4 Natural England was concerned about the impact on water quality within the Bog as a result of the development. The proposed surface water drainage strategy will include SuDS measures such as swales and attenuation basins that will provide biodiversity benefits as well as water quality benefits as well as source control features. As a result, it is anticipated that water quality within the Askham Bog Drain will improve due to the implementation of these measures. The existing water quality regime is influenced by the current land operations, and as this is farming contains chemicals and pesticides associated with this use. This would not be the case with residential development.

7 Summary

7.1 It is considered the development proposals can have positive direct benefits to the Askham Bog in terms of regulating flood risk, water levels and improving water quality, which would enhance the long term prospects for the Bog. The impacts of climate change can also be managed through this approach.

7.2 It has been agreed with Natural England that there are technical/engineering solutions to mitigate any potential hydrological issues associated with the development which will include a detailed surface water drainage strategy.

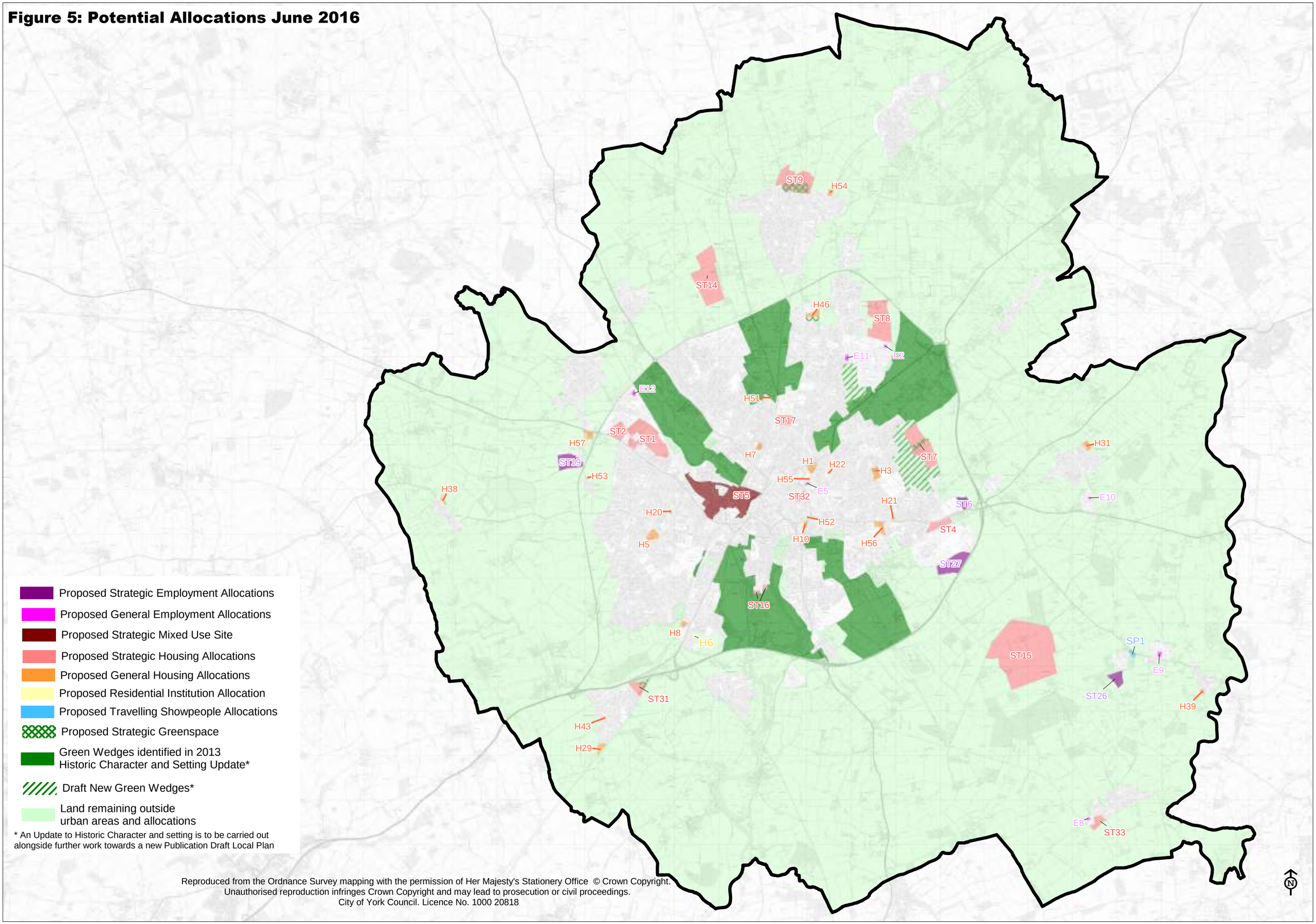
7.3 Summary of benefits:

- reduction in flood risk to the Bog and land on the eastern part of the site through additional flood storage
- active management of water levels in the watercourses and the Bog to improve conditions overall and reduce risks
- provision of SuDS measures to manage water quality and improve conditions overall, and
- active management and design of surface water measures to accommodate predicted climate change effects.

7.4 Without the development it is unlikely that these direct positive benefits would be able to be implemented, and the risks to the regime of the Bog would still prevail.

Appendix A Preferred Sites Consultation Map (June 2016)

Figure 5: Potential Allocations June 2016



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TECHNICAL NOTE

Job Name: Moor Lane, York

Job No: 29426

Note No: 29426/5503/TN01 (Revision A)

Date: August 2016

Prepared By: Amrit Mudhar

Subject: **Representations to the City of York Local Plan Preferred Sites Consultation (July 2016) on behalf of Barwood Strategic Land II LLP: Transport Considerations of Moor Lane, York**

1 Introduction

1.1 This technical note has been prepared in order to provide the Council with a clear understanding of the comprehensive technical work undertaken to inform proposals for the development of land at Moor Lane. York. This note provides a concise summary of this work and further detail can be made available if required. The note should be read in conjunction with those others appended to the representation, which collectively consider ecology, landscape, heritage, hydrology and transport matters and demonstrate the suitability of the site for development.

1.2 Peter Brett Associates LLP (PBA) has been appointed by Barwood Developments Limited to prepare transport and hydrological evidence to support the City of York's Local Plan Representations for residential development at Land at Moor Lane, Woodthorpe in York to deliver up to 1,250 residential dwellings. This Technical Note, as part of the representations, responds to the recently published 'City of York Local Plan Preferred Sites Consultation July 2016' document which does not allocate the Moor Lane site for housing development. A copy of the Preferred Sites Consultation Map is provided in **Appendix A**.

1.3 The main objective of this Local Plan Representations note is to demonstrate the transport benefits that a residential development at Moor Lane could bring to York. It provides a review of existing site accessibility by walking, cycling, public transport and vehicles, to and from the site to local destinations and amenities such as education, employment, leisure and retail, and also considers the benefits of delivering a mixed use site.

2 Proposed Development at Moor Lane

2.1 The proposed location of the site spatially provides a logical extension to the existing residential areas in south-east York and also benefits from existing transport infrastructure which increases the deliverability of the site and allows the site to be developed without the need to put additional infrastructure in place before building can commence.

DOCUMENT ISSUE RECORD

Technical Note No	Rev	Date	Prepared	Checked	Reviewed (Discipline Lead)	Approved (Project Director)
29426/5503/TN01	-	16.08.16	AM	DG	DG	MP
29426/5503/TN01	A	05.09.16	AM	DG	DG	MP

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2.2 Further details of the accessibility and opportunities to travel by sustainable transport to and from the site are provided in the following sub-sections with supporting plans provided in **Appendix B**.

3 Amenities (On-site and in the Vicinity)

3.1 As the site is intended to be a mixed use development with the provision of an on-site primary school, local convenience stores and possibly a doctors surgery and some employment uses, the need to travel off-site would be minimised as far as possible. There are also a number of facilities and amenities within reasonable walking and cycling distances which would further limit the need to travel by private car including, Woodthorpe Primary School which is 500m from Moor Lane via Grassholme and York College located 600m from the end of Moor Lane. York High School is also located 2.2km via Chaloners Road and Gale Lane. There are also other amenities such as places of worship, health care, retail and leisure also located in proximity to the site. The amenities plan in **Appendix B** provides further details of the location of these amenities/ facilities in proximity to the site; the plan also identifies a 1km (crow-fly) cordon from the site boundary.

3.2 York city centre is the main employment destination in the city and is located approximately 3.5 km from the east of Moor Lane. The city centre is easily accessible by bus from Moor Lane via the number 12 bus service which has a travel time of between 19 and 25 minutes from Moor Lane (bus stop adjacent to Moorcroft Road) and York city centre (Micklegate)[2].

3.3 Whilst it is noted that the Tesco supermarket is located close to the site and would generate some car trips, the provision of a local convenience store on site would limit the number of car trips to those required for the weekly shop and would also only affect the road network in the immediate vicinity of the site thereby not generating additional trips towards the city centre. The supermarket is located approximately 2.2km from the western edge of the proposed site with the most easterly point only 350m away (via Moor Lane); this proximity of the site to the supermarket would also offer residents the choice to walk, cycle or use public transport to travel by active modes to the supermarket. There would also be more attractive routes encouraging travel by active modes, where required, throughout the internal street network, providing access to amenities on-site and within the vicinity of the site. The provision of a foot/cycle bridge over the railway would make the Park and Ride and supermarket directly accessible.

3.4 A Travel Plan will be produced which would aim to inform residents of the choices available to them to travel more sustainably and also offer incentives to encourage a change in travel behaviour away from private car. This in turn would also contribute towards the health and well-being of future residents of York. Further engagement with residents and employees would be undertaken through personalised travel planning which would allow routes and modes of travel to be tailored to individual needs; this differs to the site wide Travel Plan which provides more generic travel information from the site. This will be supported by financial incentives and promotions (towards bus passes or cycle purchase) to initiate sustainable travel behaviour for future residents of Moor Lane.

3.5 Given the proximity to adjacent residential area of Woodthorpe, there is the opportunity to extend Travel Planning measures to existing residents thereby bringing additional benefits to the local community.

[2] Source: traveline website (http://www.traveline.info/), bus route 12 detailed timetable accessed on 15/08/2016

4 Walking and Cycling

4.1 Moor Lane has a number of existing pedestrian and cycling facilities including crossings and sections of advisory cycle lane. Street lighting is present along Moor Lane with road name signs provided on the lighting columns at the location of any side roads.

4.2 Advisory cycle lanes are present on the section of Moor Lane between the mini-roundabout with Chaloners Road and the A1036 and also extend along the A1036 to the north, providing connectivity to York city centre. A local traffic free cycle route is provided at the Moor Lane junction with the A1036 which to the south provides connectivity with NCN Route 665 (NCN Route 665 connects Leeds to York via Wetherby and Tadcaster and provides a traffic free cycle route alongside the A64). Both the local cycle route and NCN Route 665 also provide connectivity to NCN Route 65 (which forms part of the Trans Pennine Trail (east)).

4.3 There is also a signed and lit shared foot/ cycleway along Lomond Ginnel located opposite the track leading to Bog Lane, west of Eden Close. Lomond Ginnel is also identified as a local traffic free cycle route which provides connectivity to York city centre (a section of the route is on-road) and is located next to a bus stop (with a layby and shelter).

4.4 There is an on-road local traffic free route on part of Moor Lane to the west which connects to Askham Lane via a section of the cycle route which is on-road on Askham Bryan Lane.

4.5 There is a signed shared foot/ cycleway on the eastern/ northern-side of Moor Lane from south of the roundabout with the A1237 to the western edge of the Woodthorpe residential area after which (to the east) it is a footpath, generally with verge. There is no footpath along the western/ southern-side of Moor Lane between the A1237 and Moorcroft Road except for a section of footpath on the track leading to Bog Lane, to the west of Alness Drive accommodating a bus stop (which is not currently in use). It should be noted that while there is no formal footpath, pedestrians were observed walking along the verges which are wide in some areas. A new footway along this edge, or along a comparable route, could be delivered by the development.

4.6 A signalised staggered Toucan crossing is provided on Moor Lane on the approach to the A1036 roundabout (with guard railing and tactile paving) with signalised or dropped kerb crossings also provided on the other arms of the roundabout. There are also a number of dropped kerb crossings provided along Moor Lane and the side roads in addition to the dropped kerb crossing with tactile paving just north-west of the site providing continuation of the cycle route to Askham Bryan; a staggered gate west of the carriageway is also provided.

4.7 As discussed in the amenities section, there are a number of local facilities which are accessible by active modes from the site including education, retail and leisure, health care and places of worship. This demonstrates that the site is well connected and provides the choice to travel more sustainably. The walking and cycling accessibility plans provided in **Appendix B** also demonstrate walk and cycle times from the site to the surrounding areas.

4.8 The availability of safe, suitable walking and cycling routes encourages sustainable travel behaviours to be adopted which contribute to a more active lifestyle and associated health benefits. Having links to existing residential areas and community facilities also encourages social integration. The design of the development will also facilitate walking and cycling throughout the site.

5 Public Transport

5.1 The number 12 bus route (First Pink Line) currently serves Moor Lane and provides connectivity to Foxwood, York city centre and Monks Cross. There are two buses an hour during the day and one bus an hour in the evening, the evening service is provided by the number 14. There are a number of bus stops provided on Moor Lane with eastbound stops

towards York generally comprising a bus shelter as well as flag and schedule. All bus stops are online apart from one which provides a layby eastbound, adjacent to Lomond Ginnel.

5.2 There are also a number of bus routes operating within the vicinity of the site providing access to York city centre and to other locations in York such as Leeds and the East Coast (Coastliner numbers 840, 843 and 845), Haxby (West Nooks) and Copmanthorpe (C/TY Brown Line) and Acomb (First number 4)[3]. A bus route map for York and timetable information for First Pink Line is provided in **Appendix C**.

5.3 Therefore, the site is extremely well served by public transport and, there is potential to enhance these as the development is built-out. Further details of accessibility from the site is illustrated on the public transport accessibility plan provided in **Appendix B**.

6 Pedestrian Bridge to Park and Ride from the Site

6.1 The site is well located for access to the Askham Bar Park and Ride which provides 1,100 car parking spaces and 10 spaces for larger vehicles such as coaches and camper vans. There is a 10 minute frequency bus service (White Line Service 3) which operates to York city centre throughout the day, and also stops at York Rail Station. The service operates seven days per week, until 8.30pm Mondays to Saturdays and 6.30pm on Sundays and provides an attractive alternative to the private car, avoiding the cost and difficulty of parking in the city centre. The daily return fare is £2.80 or £11.20 for an unlimited travel weekly ticket.[4]

6.2 An initial estimate of public transport revenue has been completed. The development would potentially consist of 1,250 dwellings which, with an assumed average occupancy of 2.0, means there would be a resident population of 2,500. Assuming that the existing bus mode share for the local area (11.1 per cent for York middle super output area 022) is maintained for the new development and that trip making is consistent with the national average (972 per person per year according to the National Travel Survey), this would mean additional annual bus trip making of circa 270,000. This is considered conservative, and for a new development planned properly, up to 15 per cent of the population could be expected to use the bus. This could mean an additional annual bus trips of circa 365,,000.

6.3 Data from the National Travel Survey suggests that 35 per cent of bus trips are made in the peak period; these will largely consist of commuters making regular trips and as such would be likely to pay the £11.20 weekly ticket price. The remainder would largely be less regular travellers who would be likely to pay the daily return fare of £2.80. Taking account of a proportion of trips being made by children who travel free on this service (when accompanied) and another proportion being made by concession card holders, for whom the bus company receives discounted compensation, annual income could be between £210,000 and £280,000 once the site is fully occupied depending on bus take up. This additional revenue could be used to sustain existing services, and to further enhance public transport connectivity for the site.

6.4 A pedestrian bridge over the railway on the eastern boundary of the site would ideally be located towards the south-east corner of the site, thereby providing a viable route to the Park and Ride from the east. Pedestrian access to the Park and Ride is currently via the A1036. There is a bus only route to the rear of Tesco however this route *'is a single track route with no footways and is not safe for pedestrians, cyclists or private cars*. There may be the potential, subject to land ownership to increase the width of this route and also provide a footpath so that it could be used by pedestrians to better access the supermarket.

6.5 The location of the Park and Ride also provides a more cost effective alternative to driving into the city centre as the charges are significantly less than car parking charges in the city centre.

[3] Source: i Travel York website (http://www.itravelyork.info/uploads/York_Bus_Route_Map.pdf)
[4] Source: i Travel York website (http://www.itravelyork.info/park-and-ride/)

7 Vehicular Access and Local Highway Capacity

7.1 Moor Lane is generally a 30 mph single lane two-way carriageway; the speed limit increases to 40 mph between the western edge of the Woodthorpe residential area and the roundabout with the A1237/ Askham Lane/ Askham Byran Lane. Therefore, the development can be accessed from the existing highway infrastructure for both residents and servicing purposes.

7.2 The location of the site provides good access to the outer ring road and the strategic road network via Moor Lane to both the east and west. Both the A1036 and A1237 provide connectivity to the A64 which provides connectivity to Tadcaster and Leeds to the south-west, and Malton and Scarborough to the north-east. This provides vehicular access for local and strategic trips.

7.3 Apart from the relocation of the access to Askham Park and Ride (off the A64), there is limited information on future improvements to the local highway in York; however the Local Transport Plan does recognise the need for improved walking, cycling and public transport access within York to increase capacity and reduce congestion, especially during the peak hours. Therefore, the focus is on providing sustainable means of transport which aligns with the approach for Moor Lane.

7.4 The City of York Council draft 'Local Plan Transport Infrastructure Investments Requirements Study' (September 2014) provides an assessment of the local and strategic transport investment on the highway network within and in proximity to York in 2031 and identifies potential mitigation measures to accommodate planned growth for York. It also provides a review of existing network congestion (based on 2012 Traffic Master data) which identified the outer ring road in the vicinity of Moor Lane generally operated well in comparison to the rest of the outer ring road, radial routes into York and the inner ring road which experienced speeds of less than 10mph in the peak periods. There were however some congestion issues on Moor Lane between its junction with the A1036 and Chaloners Road with speeds of 10mph recorded; some sections of Moor Lane observed average speeds below 20mph however this is not considered unusual given that Moor Lane serves a number of side roads with the Woodthorpe residential area.

7.5 Link capacity in 2031 for was found to be over 85 per cent on the outer ring road to the south of Moor Lane with some sections to the north and south of the Moor Lane/ A1036 roundabout over 100 per cent capacity. Mitigation scheme options to alleviate congestion on the outer ring road included at-grade junction improvements at selected junctions along the outer ring road and sections of dualling along the A1237; it was not found to be beneficial to dual the entire length of the A1237.

7.6 Notwithstanding this, the study does make reference to some limitations of the modelling approach which does not for example take into consideration driver behaviour to congestion and the likelihood of re-routeing to avoid congested links. Therefore it is likely that improvements to the outer ring road would attract trips from within the city centre and unlock some capacity on the road network.

7.7 A package of highway improvements to the outer ring road and sustainable transport improvements, notably providing access to York city centre, would allow the proposed Moor Lane development to be delivered in a phased approach.

7.8 Given the existing conditions on the network, it is envisaged that some development on Moor Lane could be brought forward without significant infrastructure improvements, meaning early delivery of housing.

7.9 Further assessment would be required especially of the Moor Lane roundabout junctions with Chaloners Road and the A1036 to establish the full impact of the proposed development and how much development could be delivered without requiring significant infrastructure improvements, should they be required,

7.10

7.11 Highway mitigation measures, where required, will be explored at the appropriate stage. This is consistent with the other sites that have been allocated in the Local Plan.

8 Summary

8.1 Following the review of site accessibility and the benefits which can be delivered as part of the Moor Lane site, the transport related benefits and opportunities for the Moor Lane site can be summarised as follows:

- the site is located close to existing retail, leisure, employment and education uses
- the site will also bring forward its own local centre retail, and employment links
- the site is adjacent to an existing Park and Ride, and a direct link over the railway to the Park and Ride and supermarket will be provided
- there are existing bus services that run along Moor Lane meaning that access to public transport is excellent; the public transport services will be enhanced as part of bringing the site forward
- the site is adjacent an existing network of footpaths and cycle routes; the development will bring forward additional footpaths and cycleways
- all of the above mean that the site maximises opportunities to travel by alternate modes, making this a very sustainable location, complying with national policy and local policy extremely well,
- the opportunities to connect to public transport and in particular the Park and Ride mean that additional revenue of up to £280,000 could be generated by this site. This is a significant sum to contribute to ongoing viability of public transport and the Park and Ride, and
- the proposed development could be delivered in a phased manner with an early phase of development to come forward without any need to upgrade highway infrastructure;.

Appendix A Preferred Sites Consultation Map (June 2016)

Appendix B Moor Lane Accessibility Plans

Appendix C Bus Routes Map and Timetable Information for First Pink Line

Moor Lane, Woodthorpe, York

Representations to the City of York Local Plan Preferred Sites Consultation (July 2016) on behalf of Barwood Strategic Land II LLP Representor ID: 9254

Ecology Technical Note

Prepared by:
The Environmental Dimension Partnership Ltd (EDP)

September 2016
Report Ref:
EDP2165_14b

ENVIRONMENTAL PLANNING, DESIGN AND MANAGEMENT SERVICES
FOR ALL INVOLVED IN PROPERTY AND DEVELOPMENT

THE ENVIRONMENTAL DIMENSION PARTNERSHIP

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3 The Case for Allocation of the Moor Lane Site in Ecology Terms 3

4 Conclusions and Recommendations 8

Plans

Plan EDP 1 Phase 1 Habitat Features Plan
(EDP2165/04b 18 August 2016 JTF/KG/TB)

For EDP use	C_EDP2165_14b
Author	Rob Rowlands
Formatted	Claire Millington
Proofed	Michelle Jones
Proof Date	06 September 2016

1. Introduction

1.1 This technical note has been prepared in order to provide the Council with a clear understanding of the comprehensive technical work undertaken to inform proposals for the development of land at Moor Lane, York. It also outlines the holistic strategy which is proposed to not only protect the bog but deliver significant direct and indirect opportunities to Askham Bog SSSI; some of which will help counter the risks the bog faces in the absence of development (as documented in PBA's Technical Note on Water Management).

1.2 This note provides a concise summary of this work and further detail can be made available if required. The note should be read in conjunction with those others appended to the representation, which collectively consider ecology, landscape, heritage, hydrology and transport matters and demonstrate the suitability of the site for development.

2. The Site's Ecological Context

Evidence Base

2.1 The ecological value of the site has been assessed through a comprehensive range of desk based studies and field surveys over the past 3 years, undertaken in consultation with key stakeholders including Natural England, the City Council and the Yorkshire Wildlife Trust.

2.2 The desk study (completed during May 2013) comprised the collation of records of protected species and statutory and non-statutory designations within the site's potential zone of influence. An Extended Phase 1 survey of the site's habitats, and potential protected species interests, was completed in February 2014. The following detailed habitat and protected species surveys were subsequently undertaken throughout the course of 2014:

- Hedgerow survey with reference to the Hedgerows Regulations 1997;
- BS:5837 standard tree survey;
- Breeding bird survey;
- Bat activity surveys and bat roosting assessment of buildings and trees;
- Badger survey;
- Great crested newt survey;
- Reptile survey; and
- Specialist aquatic invertebrate survey.

2.3 All surveys have been undertaken by appropriately qualified ecologists using relevant best practice methodologies wherever possible.

2.4 In addition to the survey work outlined above, the ecological context of the site has been informed by key hydrological studies, specifically of the relationship between the site and Askham Bog Site of Special Scientific Interest (SSSI), which is located adjacent to the site's southern boundary. An eco-hydrological assessment was undertaken by the Wildfowl and Wetlands Trust (WWT) in 2013. Peter Brett Associates (PBA) has since collected an extensive suite of water level and water quality data from both the site and the SSSI over a period of 15 months (July 2014 to September 2015) which, together with other technical work (hydraulic modelling, drainage designs), has provided a detailed evidence base and clear understanding of the hydrology of the area. The findings are summarised within PBA's Water Management Technical Note submitted in parallel to this document.

2.5 The surveys for great crested newts and aquatic invertebrates also sampled the water bodies present with both the site and the SSSI, to establish what the relationship is between the populations of these species within the SSSI and those within the site.

2.6 The detail of the evidence base that has been collated is well in excess of that typically required to inform the strategic allocation of a development site. It is more akin to the level of detail typically required at a planning application stage and provides certainty with regard to: a) the absence of any in principle constraints; and b) the scope to accommodate lower level constraints through the later planning and design processes in the event of allocation.

Summary of Findings

2.7 There are no statutory designations within the proposed development site itself, however Askham Bog SSSI lies immediately to the south of the site, abutting much of the southern boundary. Askham Bog SSSI is designated for its bog/fen and comprising a mosaic of fen, woodland and meadow.

2.8 Askham Bog is an artificially maintained and modified fragment of its original state which reflects centuries of human use of the bog; including its current management and promoted accessibility. The site is entirely distinct from the SSSI in ecological terms, it comprising an intensively managed and ecologically impoverished landscape and separated from the SSSI by the Holgate Beck. As documented in PBA's Water Management Technical Note, the ability of the SSSI to maintain its ecological interest faces a number of significant risks even in the absence of development.

2.9 There are no non-statutory designations within the site, however two Local Nature Reserves (LNRs) are located within 2km. Acomb Wood and Meadow LNR is located c.450m to the north of the site and potentially at risk of indirect impacts resulting from increased recreational pressure. Such impacts would be minor, however, and could be reduced to insignificant levels by the proposed provision of a range of recreational opportunities (formal and informal) within the development. Hob Moor LNR is located over 1km to the north and is considered to be outside of the zone of influence of the site and very unlikely to be affected by the proposals.

2.10 The large majority of the site is intensively cultivated arable land of negligible intrinsic value. The more valuable habitats are located on the field boundaries, namely mature trees, ditches and species-rich hedgerows, along with several ponds and numerous ditches. The distribution of habitats within the site is illustrated on **Plan EDP 1**.

2.11 Given the scale of this greenfield site, the site supports relatively few protected species constraints. Surveys have confirmed the presence of a great crested newt breeding pond off-site (within Askham Bog) and a very limited presence of this species within a pond on site. Low-moderate populations of breeding birds and foraging/commuting bats (with potential roosting in trees) were also recorded within the site.

2.12 Water voles are known to occur within Askham Bog but the ditches on site are currently sub-optimal owing to their agricultural management and no evidence of this species was recorded. Other potential species constraints which have been scoped out following the detailed survey work are otter, badger, reptiles and aquatic invertebrates.

2.13 The assessment of aquatic invertebrates included the waterbodies present both within the site and Askham Bog SSSI. No scarce/notable species of invertebrates were found on the site. A small number of scarce/notable species were recorded in the SSSI, however there is no indication that any of these species have significant populations which extend beyond the habitats of the SSSI into and across the aquatic habitats within the site.

3. The Case for Allocation of the Moor Lane Site in Ecology Terms

3.1 There are no 'in principal' ecological constraints which would preclude the site from coming forward for development. It has been established that the site is not subject to any form of statutory or non-statutory designation, and the habitats and species present are of limited ecological importance. There are significant opportunities to deliver net gains for biodiversity in accordance with national planning policy; which include the ability of the development to deliver a holistic strategy capable of delivering direct and indirect benefits to a nationally important Site of Special Scientific Interest (SSSI). These benefits potentially include being able to ameliorate some of the risks which the SSSI faces even in the absence of development.

Key Drivers of a Development Proposal for the Moor Lane Site

3.2 With the benefits of EDP's ecological inputs throughout the design process, Barwood's design team have evolved a masterplan, described and illustrated in the 'Development Strategy' document September 2016. The masterplan is based on a number of fundamental design principles which reflect not only the findings of EDP's appraisals, but address matters raised by consultees to date. The principles, discussed below are as follows:

- Delivering a holistic strategy with respect to Askham Bog SSSI, which includes avoiding impacts on the SSSI, the delivery of significant and complimentary areas of habitat

within the masterplan and the ability of the development to assist in directly benefitting the bog in terms of its hydrological, vegetation and access management; including ameliorating some of the current but significant risks the SSSI faces even in the absence of development;

- Ensuring no net loss of habitats of ecological value; in particularly the replacement of ecologically poor arable habitat with purposely designed and delivered new habitats; habitats which will be complimentary to those of the adjacent SSSI;

- Maintaining existing populations of protected or notable species; and

- Delivering net gains for biodiversity; including provision of habitat for protected or notable species not currently present or widespread within the site.

Delivering a Holistic Strategy for Askham Bog SSSI

3.3 The development provides an opportunity to deliver a comprehensive and holistic strategy which will benefit Askham Bog SSSI directly and indirectly. The holistic strategy involves:

i. Avoiding the impacts of development;
ii. The delivery of significant areas of habitat, complimentary and beneficial to the SSSI, within the development; and
iii. The potential to deliver direct benefits to the SSSI; which include the ability to ameliorate some of the existing risks to the SSSI's interests.

3.4 The holistic strategy is detailed further below:

<u>Avoiding Impacts</u>

3.5 The likelihood of direct adverse effects on the SSSI resulting from development is minimal and could be readily avoided through standard protective measures during construction. The main focus of EDP's assessment with regard to Askham Bog SSSI has therefore been on potential indirect adverse effects of the proposed development, namely:

- Hydrological effects – potentially harmful changes to the local hydrological regime which are detrimental to the SSSI's wetland habitats; and

- Recreational effects – increased public access to the SSSI potentially causing damage to sensitive habitats and species.

<u>Hydrological Effects</u>

3.6 The comprehensive suite of hydrological investigations undertaken by WWT Consulting and PBA confirm that there are minimal hydrological linkages between the site and the hydrological functioning of the SSSI. Askham Bog is not principally fed, supported or maintained by groundwater or surface water from the site. The field drains within the site

flow into the Holgate Beck which flows along the northern edge of the Askham Bog and further downstream into York itself, with the flows controlled by a surface water pumping station at Moor Lane. This pumped system means that the area around the Bog and close to Moor Lane is prone to localised flooding with an associated risk of pollution.

3.7 The technical work completed to date confirms that the current baseline conditions themselves present a risk to the long-term health of the SSSI. Rather than threatening to exacerbate these existing risks, the development proposals provide an opportunity to improve the current situation. Accordingly, the Moor Lane masterplan illustrated in the Delivery Document, and expanded upon in PBA's Water Management Technical Note, incorporates a drainage strategy which has been designed to:

- Ensure that the flow rates in the existing watercourses and current greenfield rates of surface water runoff from the site are maintained through the use of attenuation features and control on the discharge. Essentially, the drainage of the development will be capable of controlling how much water flow there will be in watercourses at all times and this can be tailored to the requirements of the SSSI. This level of control does not currently exist and therefore will be one of the benefits that the proposals will deliver; particularly significant given that the control and management of water within the bog is one of the key drivers for maintaining its interest; and

- Enhance runoff water quality (at present the arable farming practices risk pollution by pesticides and nitrates) into the surrounding watercourses through the use of SuDS and other water treatment measures.

3.8 Based on the hydrological studies and resulting drainage strategy, Natural England has confirmed in a letter to PBA dated April 2016 that:

"*There are technical/engineering solutions available to mitigate potential hydrological impacts resulting from a development in this location. Such measures are likely to include a detailed surface water drainage strategy which is enforceable and sustainable in perpetuity. We may well request that such provisions are put in place prior to commencement of the construction of the main development*.''

<u>Recreational Effects</u>

3.9 New housing expected to come forward around the City of York over the next local plan period will inevitably result in additional visitors to Askham Bog SSSI and this is not something unique to the Moor Lane site. Consultation with Natural England and the Yorkshire Wildlife Trust confirmed that public access to the SSSI via the existing car park to the south can be suitably controlled and managed though the existing footpaths and boardwalks and the sensitive habitats within the wider Bog are not at high risk.

3.10 It is understood that it is not the intention of Natural England or the Yorkshire Wildlife Trust to prohibit access to the bog. On the contrary, access to the bog is actively encouraged. The principal of access to the Askham Bog for the enjoyment by, and

education of, the public is well established and is not in question. However, uncontrolled direct access across the northern boundary of the Bog from the proposed development site was identified by Natural England as potentially detrimental to the SSSI's designated interest features.

3.11 Existing evidence of unauthorised access into the Bog from the northern boundary includes dens, evidence of camp fires and littering within the northern part of the site. It is clear that there is currently no meaningful barrier to people entering the Bog from the farmland currently within the Moor Lane site, and the distance from the existing settlement edge prevents any natural surveillance of this edge of the Bog by local residents which might deter antisocial behaviour.

3.12 Accordingly, the emerging masterplan has incorporated a range of design measures to discourage and prevent unauthorised access across the northern boundary of the Bog. As set out within the Delivery Document, a substantial development buffer is incorporated into the masterplan which separates development from Askham Bog SSSI by at least 175m. Considerable thought and attention has been given to the design of this buffer zone, so that it can provide a range of benefits whilst also forming an impermeable barrier preventing access into the SSSI. The buffer will contain a zone of permanent water within the wider attenuation basins, which act as a natural barrier to movement. The permanent water zone will be bounded to the south by a bund planted with dense thorny scrub and containing a security fence which together provide further deterrents to access further south.

3.13 The area to the south of this barrier will only be accessible to authorised personnel for management and maintenance of the new and existing habitats. This zone will therefore form a true buffer to the SSSI with minimal access and managed exclusively for ecological purposes in contrast to the intensive agricultural management currently in operation. Thus, in providing these measures to avoid potentially damaging recreational effects, the proposed development will in fact provide significant enhancement to Askham Bog SSSI compared to the existing situation whereby access to the SSSI from the site is unregulated.

3.14 In addition to the deterrents described above, the northern portion of the southern buffer will be accessible to the public and provide an attractive alternative to visiting Askham Bog. The detailed design of this public open space will also provide opportunities to incorporate educational materials which designed to promote a greater understanding and appreciation of Askham Bog among the wider public.

Delivery of Significant Areas of New Habitat

3.15 As detailed above and illustrated in the masterplan, the development will deliver a significant area of new, purposely designed habitat within the currently arable land immediately adjacent to the SSSI. It is not the intention of this habitat creation to recreate the habitats of the SSSI but to provide new habitat which is complimentary to the bog. The habitat creation will include significant areas of new aquatic habitat and associate

dryland habitats of grassland and scrub; which will be purposely managed to create, maintain and enhance its ecological interest in the long-term.

Opportunities to Deliver Direct Benefits to the SSSI

3.16 As part of the holistic strategy, there is potential for the development, in collaboration with the Yorkshire Wildlife Trust and Natural England, to deliver direct benefits to the SSSI; particularly with respect to the hydrological/vegetation management and ongoing recreational management of the SSSI. These are in addition to the direct hydrological benefits to the SSSI which the development will deliver as part of its drainage strategy as documented in PBA's Water Management Technical Note. These direct benefits will also help to ameliorate the existing risks the SSSI faces even in the absence of development.

Ensuring no net loss of Habitats of Ecological Value

3.17 The illustrative masterplan demonstrates that it is possible to accommodate a large proportion of the existing important habitats such as hedgerows and mature trees within the development, and that any habitat losses could be offset by new habitat creation within the generous green open spaces provided. Furthermore, the extent of green open spaces in the masterplan, in particular within the southern development buffer (ecological park) would provide the opportunity to deliver a substantial net increase in ecologically valuable habitats that goes far beyond what is currently on the site.

3.18 The primary purpose of the southern buffer is to protect Askham Bog SSSI from potential adverse effects of development and to deliver new, complimentary habitat immediately adjacent to the SSSI. However, the creation of this wide buffer directly adjacent to the SSSI, much of which will be inaccessible to the public, provides a rare opportunity to contribute positively to the long-term resilience of the Bog and its associated wildlife species, through the creation of a mosaic of complimentary habitats. Habitats within the SSSI which will be mirrored within the southern buffer include:

- Birch, alder and willow scrub/woodland;
- Flower-rich tussocky grassland/hay meadow; and
- Ponds and wet ditches, with associated permanent water, marginal vegetation and areas of seasonal inundation.

3.19 As discussed further below, this significant improvement in on-site habitats will benefit a range of wildlife species occurring both within the site and in the adjacent SSSI. It will also provide opportunities for a new assemblage of species within the site; including rare or notable species which are not currently widespread or present within the site.

Maintaining Existing Populations of Protected or Notable Species

3.20 The protected species that have been recorded within the site are capable of being readily accommodated through the emerging development design. Given the conversion from predominantly intensively farmed arable land to significant areas of purposely-designed greenspace, including a significant new habitat mosaic along the southern boundary, it will be possible to not only avoid or minimise impacts and but also deliver significantly enhanced opportunities for these populations.

3.21 New habitat provision with the proposed southern buffer (ecological park) beside Askham Bog SSSI could also particularly benefit the following species present within the SSSI:

- Water voles;
- Great crested newts;
- Birds including kingfisher, willow and marsh tit, grasshopper and reed warblers; and
- Invertebrates including dragonflies, butterflies and moths.

Delivering net gains for Biodiversity

3.22 In seeking to protect existing important ecological features and respond to a range of other environmental constraints, the resulting masterplan provides a generous overprovision of open space. Some of these spaces require access to be specifically restricted, enabling the design and future management of these areas to focus entirely on ecological objectives. Therefore, as summarised above, there are numerous opportunities to incorporate ecological enhancement into these open spaces at the detailed design stage.

3.23 Similarly, in providing the new drainage infrastructure required to manage the surface water run-off from the development, existing problems of agricultural pollution and localised flooding which pose a risk to the sensitive habitats of the Askham Bog SSSI can be addressed. This in itself is a biodiversity benefit.

3.24 It is clear that, if implemented in line with the principals set out in the Delivery Document, a development at the Moor Lane would provide net gains for biodiversity that are far reaching and go well beyond that required to simply meet planning policy and legislative requirements. These net gains represent a significant benefit weighing in favour of the allocation and future development of the site.

4. Conclusions and Recommendations

4.1 In ecological terms, the Moor Lane site is an entirely appropriate location for a sustainable urban extension to the City. The existing ecological features on site do not materially

constrain its development potential and the site's proximity to Askham Bog SSSI provides the opportunity to deliver a holistic strategy for the SSSI; a strategy capable of ameliorating some of the existing risks which the SSSI faces even in the absence of development.

4.2 The Moor Lane proposals have emerged over a two year period and reflect extensive ecological inputs delivered by Barwood's ecology consultants EDP, working in collaboration with Barwood's highly qualified and experienced consultant team including eco-hydrologists, drainage engineers, landscape architects and masterplanners.

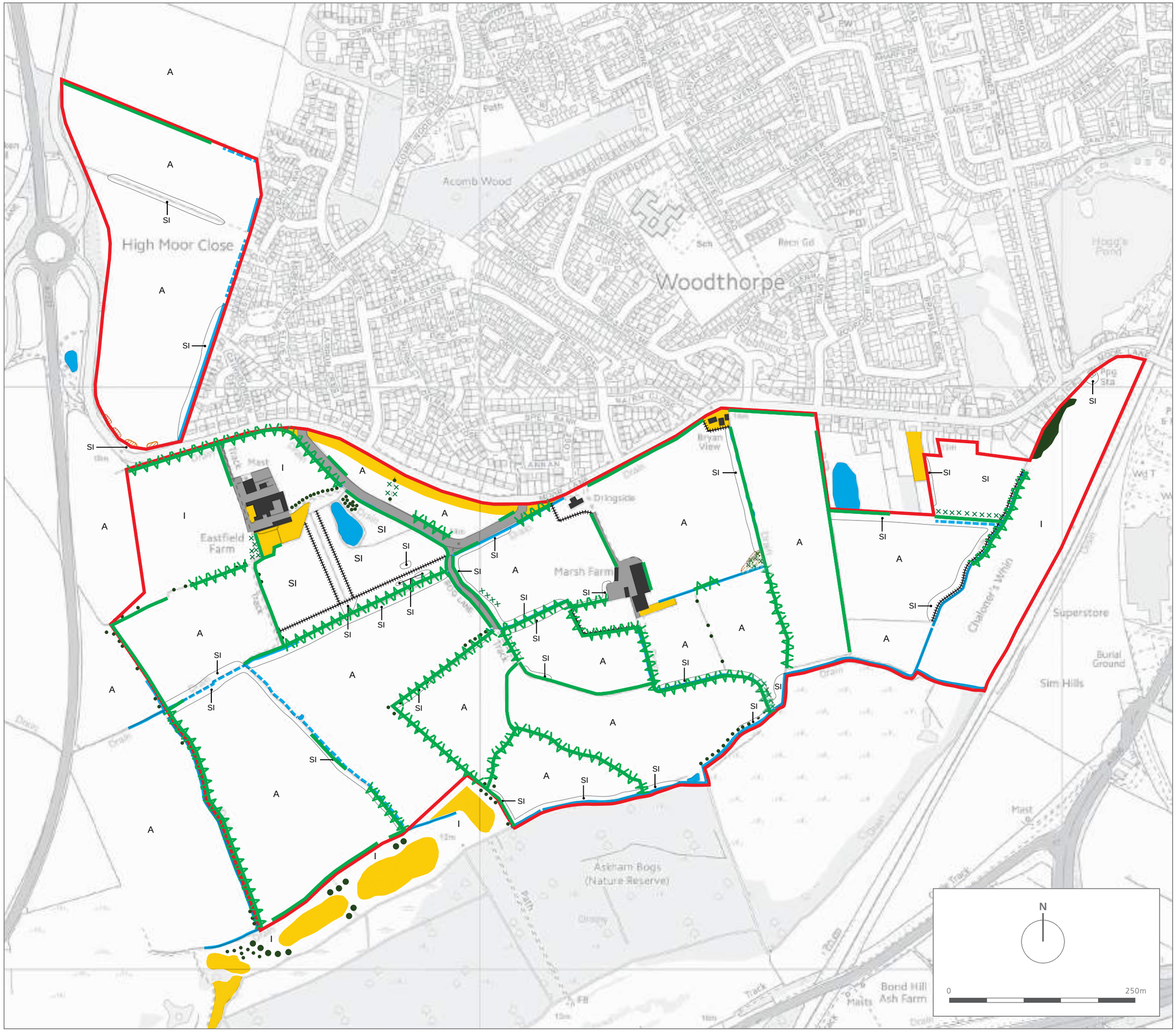
4.3 The sensitivities of Askham Bog SSSI were central to the design of the masterplan from an early stage. EDP has helped to produced a masterplan which not only provides an appropriate offset distance between development and the Bog, but makes use of this development buffer to provide sustainable drainage features to ensure surface water draining from the site into the water course nearest to the SSSI is of higher quality than is currently the case. These drainage features, together with landform, planting and fencing, also serve to protect the SSSI from unauthorised access along the shared boundary. By retaining all of the land within this generous green buffer within the masterplan, full control over its design and long-term management is also retained which provides greater certainty that the considerable ecological benefits offered by this design concept can be realised.

4.4 The Moor Lane site is therefore commended to the Inspector as an appropriate location for development of the scale and form illustrated in the Barwood Delivery Document.

Dr Rob Rowlands *PhD, Bsc (Hons), MCIEEM, CEnv*
EDP
August 2016

Plans

Plan EDP 1 Phase 1 Habitat Features Plan
(EDP2165/04b 18 August 2016 JTF/KG/TB)



Site Boundary

Species-poor Hedgerow (native woody species mean count from the 30m samples <5)

Species-rich Hedgerow (native woody species mean count from the 30m samples ≥ 5)

Scattered Trees/Parkland (Broad-leaved)

Broad-leaved Woodland

Amenity Grassland

Tall Ruderal

Scattered Scrub

A Arable Grassland

SI Poor Semi-improved Grassland

I Improved Grassland

Standing Water

Wet Ditch

Dry Ditch

Building

Hardstanding

Fence

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client

Barwood Strategic Land II LLP

project title

Moor Lane, York

drawing title

Plan EDP 1: Phase 1 Habitat Features Plan

date	18 AUGUST 2016	drawn by	JTF
drawing number	EDP2165/04b	checked	KG
scale	Refer to scale bar	QA	TB

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Moor Lane, Woodthorpe, York

Representations to the City of York Local Plan Preferred Sites Consultation (July 2016) on behalf of Barwood Strategic Land II LLP Representor ID: 9254

Heritage Technical Note

Prepared by:
The Environmental Dimension Partnership Ltd (EDP)

September 2016
Report Ref:
EDP2165_16a

ENVIRONMENTAL PLANNING, DESIGN AND MANAGEMENT SERVICES
FOR ALL INVOLVED IN PROPERTY AND DEVELOPMENT

THE ENVIRONMENTAL DIMENSION PARTNERSHIP

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(EDP2165/01c 17 August 2016 GC/AC)

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(EDP2165/02b 17 August 2016 GC/AC)

This version is intended for electronic viewing only

For EDP use	L_EDP2165_16a
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Proof Date	06 September 2016

1. Introduction

1.1 This technical note has been prepared in order to provide the Council with a clear understanding of the comprehensive technical work undertaken to inform proposals for the development of land at Moor Lane, York. This note provides a concise summary of this work, and further detail can be made available if required. The note should be read in conjunction with those others appended to the representation, which collectively consider ecology, landscape, heritage, hydrology and transport matters and demonstrate the suitability of the site for development.

1.2 This technical note has been prepared by The Environmental Dimension Partnership Ltd (EDP), acting on behalf of Barwood Strategic Land II LLP.

1.3 It draws together and summarises the results of an extensive programme of investigation and assessment in respect of the site's archaeological interest and/or potential, as well as detailed consideration and evaluation of the potential for indirect effects to occur, through changes to the setting of designated heritage assets located in its wider zone of influence.

1.4 In doing so, it presents information taken from the following documents, which were either prepared by EDP or commissioned by EDP:

1. EDP (February 2014) *Moor Lane, York: Historic Environment and Landscape Assessment* Unpublished Report Ref EDP2165_04c;

2. EDP (June 2014) *Moor Lane, York: Archaeological Evaluation Strategy* Unpublished Report Ref EDP 2165_05a;

3. Archaeological Services WYAS (October 2014) *Moor Lane, York: Geophysical Survey* Unpublished Report;

4. Wardell Armstrong (November 2014) *Archaeological Deposit Modelling at Moor Lane, York Unpublished* Report; and

5. Headland Archaeology (February 2015) *Moor Lane, York, North Yorkshire: Archaeological Evaluation* Unpublished Report.

1.5 In each case these documents have been provided to the Council during the course of the site's promotion for residential development through the emerging *City of York Local Plan*, being used to demonstrate and underline its suitability and capacity for development, due to the absence of significant archaeological or heritage related constraints.

1.6 This situation will be clearly highlighted in the following sections, which set out the position in respect of both designated and non-designated heritage assets.

2. Designated Heritage Assets

2.1 The Moor Lane site is not located within the boundary of a designated heritage asset; as defined in Annex 2 of the National Planning Policy Framework (NPPF); and neither does it include any such assets within its redline boundary. On that basis, it is concluded that the site's allocation for development would not have a direct, physical effect upon a designated heritage asset, and neither would its deliverability or capacity for development be constrained because of a requirement to either retain or preserve them *in situ*.

2.2 Careful consideration has been given to the potential for the site's proposed residential development to impact upon, or be constrained by, any designated heritage assets situated within its wider zone of influence, because of the protection afforded to their setting.

2.3 In that regard, it has been established that the nearest scheduled monument to the site is located 3.0 kilometres to the north, whilst the nearest registered park and garden to the site is situated 2.5 kilometres to the north east. The nearest Historic England registered battlefield is located approximately 6.0 kilometres to the north west.

2.4 It has been determined that none of these heritage assets is capable of being affected by the residential development proposed at the Moor Lane site.

2.5 The following designated heritage assets were assessed in the *Historic Environment Assessment* (EDP2165_04c), to determine whether and to what extent to which their setting extends to include land within the site, whether it contributes to their heritage significance and whether as a consequence they would be affected by its development:

- Aldersyde and attached conservatory Grade II listed building;
  - Ref. 1245577
- Four Grade II listed milestones;
  - Ref. 1166679
  - Ref. 1132478
  - Ref. 1132497
  - Ref. 1256467
- Bishopthorpe Conservation Area;
- Copmanthorpe Conservation Area;

- Askham Bryan Conservation Area; and
- York Central Historic Core Conservation Area

2.6 The locations/extents of these heritage assets are illustrated on **Plan EDP 1**. The exercise showed that none of the designated heritage assets located within the site's wider zone of influence would be adversely affected by its proposed development; in large part because the only one which includes land within the site's boundary as part of its setting, is the York Central Historic Core Conservation Area.

2.7 The land within the site boundary forms part of the '*surroundings within which the asset is experienced*' only insofar as there is a long range view of York Minster from the Askham Bryan roundabout, heading north on the A1237 away from the A64 main road junction.

2.8 This is not only a fleeting view of the historic city, but also one that, by its nature, is transient and time limited because of the height and growth of the vegetation flanking the edges of the carriageway. In time, (and as recognised in the Council's appraisal document), without robust ongoing management, the hedgerows will screen out views of the minster from the north side of the roundabout. In any event, modelling has demonstrated that the site could accommodate residential development without restricting this brief and distant view.

2.9 Indeed, it is concluded that the site could be developed without adversely impacting upon the City of York's heritage interest or value, either directly or indirectly.

2.10 It is recognised that the site comprises agricultural farmland on the southern edge of York, where it is situated within the City's Green Belt and is deemed by the City of York Council to form part of the historic city's 'rural setting'.

2.11 Nonetheless, in heritage terms its contribution is concluded to be limited because of, (1) the intervening distance from the historic city, (2) the nondescript and characterless residential suburbs adjoining it, (3) the pervasive nature of urban edge influences and (4) the paucity of visual or aesthetic connections between it and the well-known and characteristic landmarks which define York as an historic place and renowned visitor destination.

2.12 Therefore, in reality, the identification of the Moor Lane site and its surroundings as forming part of the '*rural setting*' of York should not in itself be equated with heritage 'value' having been ascribed to the agricultural farmland it comprises, or necessarily be seen as a potential source of 'heritage harm', as per Paragraphs 132 to 135 of the NPPF.

3. Non-designated Heritage Assets

3.1 In light of the conclusion set out at Paragraph 8.21 of the baseline Historic Environment Assessment (EDP2165_04c) that *"…there is very limited evidence for the presence of significant archaeological features or deposits within the site; based on the…City of York HER"*; caveated by Paragraph 8.24 which observes that *"…not only is this a comparatively large area of land, but also one that is located in an area where there is previously recorded evidence for both prehistoric and Romano-British archaeological activity"*; the site was subject to a multi-phase programme of archaeological investigation and recording undertaken through consultation with John Oxley, in his role as specialist advisor to the City of York Council, in autumn 2014.

3.2 The programme of work was outlined, in advance, in an *Archaeological Evaluation Strategy* document prepared and issued by EDP (June 2014).

Stage 1: Palaeo-environmental Modelling

3.3 Following preliminary consultation with John Oxley, the first phase of archaeological investigation comprised a desk-based exercise to identify and elucidate the site's potential, to contain important waterlogged archaeological or palaeo-environmental deposits, in view of its proximity to Askham Bog Sites of Specific Scientific Interest (SSSI).

3.4 Wardell Armstrong (WA) was commissioned to complete the exercise, with the principal aim being to *"…identify whether deposits of archaeological or palaeoenvironmental significance are located within the site and, if they are identified, to map their extent and comment on their likely significance"*.

3.5 Having examined previously published data sets, the WA report (November 2014) concluded with the clear observation that "*…the majority of the deposits encountered are superficial deposits of late Devensian date. These consist of laminated clays with interbedded silts and fine-grained sands of the Alne Glaciolacustrine Formation and glacial till (mixed sands, clays and gravels) of the Vale of York Formation".*

3.6 Paragraph 5.1.12 of WA (2014) therefore concludes that:

"…there are relatively large areas which have not been investigated, but depending upon the form and impact depth of development, there is no reason to believe that trial trenching would be inadequate at identifying any archaeological and/or palaeoenvironmental remains which will be adversely impacted upon".

3.7 Accordingly, it was determined that the application of more 'typical' techniques of field evaluation; for instance comprising geophysical (magnetic) survey and trial trenching, would be sufficient to provide information on the site's archaeological interest, as well as to elucidate the potential impact of the proposed development.

Stage 2: Geophysical (Magnetometer) Survey

3.8 In the summer and early autumn of 2014, the Moor Lane site was subject to a 100% detailed geophysical (magnetometer) survey, completed by AS WYAS to a Project Design which was submitted to, and agreed in advance with, John Oxley acting in his role as the archaeological advisor to the City of York Council (dated May 2014).

3.9 For the most part the survey confirmed the conclusions of the Historic Environment Assessment (EDP2165_04c), finding few magnetic anomalies of archaeological interest or potential. Indeed, in view of the site's location and extent, only three areas deemed to be of archaeological interest or potential were identified by the geophysical survey:

1. A complex of presumed rectilinear enclosures in the north of the site, north of Moor Lane, and expected to be of Romano-British date (Site 1);

2. A further possible enclosure in the south west of the site, located near to the boundary, and also possibly also of Romano-British date (Site 2); and

3. A number of palaeo-channels along the southern boundary of the site, close to Askham Bog and suggesting the potential for prehistoric activity (Site 3).

3.10 Overall, the geophysical survey report (prepared by AS WYAS in October 2014) concluded with the observation that *"…the results indicate that 90% of the site has a low potential for significant archaeology being situated on low lying ground adjacent to an area of wetland. However, one area of obvious and high archaeological potential has been identified on the higher ground to the north-west"*.

Stage 3: Trial Trench Evaluation

3.11 In light of the desktop results (EDP2165_04c, WA 2014) and geophysical survey data, Headland Archaeology was appointed to undertake a trial trench evaluation during the autumn and winter of 2014. This comprised the excavation, sampling and recording of 94 fifty metre long trenches on land throughout the Moor Lane site, in line with a Written Scheme of Investigation (WSI) agreed in advance with John Oxley in his role as the council's specialist archaeological advisor (see **Plan EDP 2**).

Site 1

3.12 Trenches 6 to 12 (in the far north of the site), confirmed that the area of presumed rectilinear enclosures on the east-facing slope of the hill represents a settlement site of pre-Roman Iron Age origin, with uncontextualised pottery fragments found in the evaluation trenches, also indicating earlier (i.e. Late Bronze Age or Early Iron Age), and later (i.e. Roman) phases of archaeological activity on this elevated position.

3.13 There was substantive evidence for plough damage of the remains, with few shallow or ephemeral features (i.e. post-holes) found in the trenches, and signs in the geophysical

survey data for enclosure ditches having been extensively truncated or destroyed altogether.

Site 2

3.14 In the south west of the site, Trenches 36 and 37 confirmed the presence of a likely Roman enclosure, which may have been intended for stock management because of the low quantity of artefactual finds, and the less organised nature of the features in comparison with the settlement site situated on the hilltop further north.

3.15 The seemingly 'marginal' nature of the enclosure's location, on low lying land not far from Askham Bog, further suggests that it does not represent a settlement site, which would surely have adopted a drier and more elevated situation.

Site 3

3.16 In the south, the trenches on the periphery of the site (Fields 18, 19, 21 and 25) each identified a clean white sand in association with blue alluvial clay. More detailed work in Trench 68 identified that the sand was interwoven with alternating bands of greyer sand, beneath which was an undisturbed peat deposit located circa 1.2 metres below the agricultural ground surface.

3.17 Analysis of the sand and peat deposits showed that the latter relates to a late glacial warm period where conditions around a glacial lake (Askham Bog) were suitable for limited vegetation growth, whereas the wind-blown sands are thought to have then subsequently accumulated during a cold glacial period.

3.18 Radiocarbon dating of the deposits demonstrates that they were laid down during the Windermere Interstadial (i.e. 13,000 to 11,000 BP). These palaeo-environmental remains are considered of 'interest', but they are nonetheless very localised and peripheral.

3.19 Further consultation following the completion of the off-site analysis of the data recovered from the evaluation concluded with the following remarks from John Oxley:

"I can also confirm that there are no archaeological features and deposits identified by the evaluation exercise that will preclude development of the site from an archaeological perspective. The geomorphological significance of the late pre- and early Holocene deposits do not preclude development, although they merit further mitigation work."

3.20 In overall terms, the report on the trial trench evaluation (HA 2015) concludes with the following observations regarding the results of the exercise and their correlation with EDP's Historic Environment Assessment (EDP2165_04c):

"The desk-based assessment predicted that remains dating to the later prehistoric and Romano-British periods were the most likely type of feature to occur within the area, and that these were unlikely to be associated with areas close to Askham Bog. The

geophysical survey predicted the presence of two well defined clusters of archaeological remains, in Field 1 and Field 14. On the basis of the evaluation, the targeted trenches have supported these conclusions, indicating that any potentially significant archaeological remains within the development area have been identified and evaluated"

3.21 In other words, multiple phases of field-based investigation have confirmed the robustness of EDP's Historic Environment Assessment in terms of the absence of significant constraints to the site's deliverability and capacity for development.

4. Conclusions

4.1 The Moor Lane site has been subject to an extensive programme of desk and field-based investigation to demonstrate its suitability to accommodate development; demonstrably more than would typically be required for proposed allocation and more in line with the scope of investigation warranted for an outline planning application.

4.2 In terms of archaeological and heritage issues, the programme of work has identified no significant constraints to either its deliverability or its capacity.

4.3 This assessment of the archaeological and heritage position should therefore clearly be compared and contrasted with the Council's decision to exclude it from the *City of York Local Plan Preferred Sites Consultation Document* (2016).

4.4 Despite being categorised as forming part of the '*rural setting of York'* by the City of York Council, the Moor Lane site is separated by some three kilometres of nondescript suburban development from the characteristic and recognisable landmarks of the historic city. It is also closely associated with the extensive modern housing estates of Woodthorpe to the north, and the mixed educational and retail facilities focused around Askham Bar on the main road to the east.

4.5 Together these areas of recent development both contain and constrain its wider contribution to the setting of York, in terms of its significance as an historic place.

4.6 Therefore, in conclusion, the preparation and submission of an extensive evidence base demonstrates that archaeological and heritage issues should not preclude the inclusion of the Moor Lane site (ST10) in the *City of York Local Plan Preferred Sites Consultation Document* for residential development.

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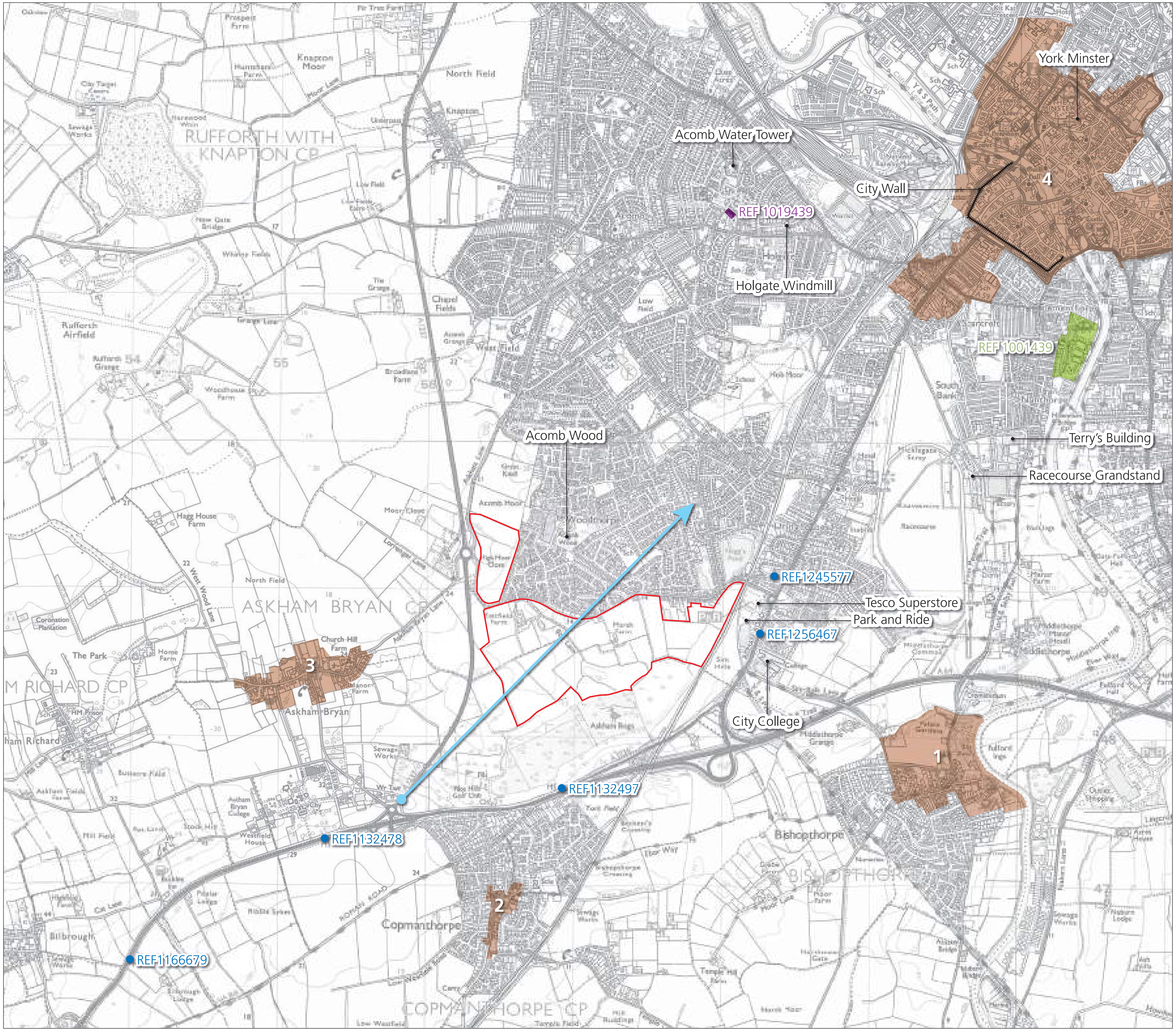
EDP
August 2016

Plans

Plan EDP 1 Designated Heritage Assets Relevant to the Site
(EDP2165/01c 17 August 2016 GC/AC)

Plan EDP 2 Non-Designated Heritage Assets within and around the site
(EDP2165/02b 17 August 2016 GC/AC)



Site Boundary

Scheduled Monument

Registered Park and Garden

Listed Building

Conservation Area
1 Bishopthorpe
2 Copmanthorpe
3 Askham Bryan
4 York Central Historic Core

City-wide Key View 7 (ABA 2011)

N

0 1Km

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client

Barwood Strategic Land II LLP

project title

Moor Lane, York

drawing title

Plan EDP 1: Designated Heritage Assets Relevant to the Site

date	17 AUGUST 2016	drawn by	GC
drawing number	EDP 2165/01c	checked	AC
scale	NTS		

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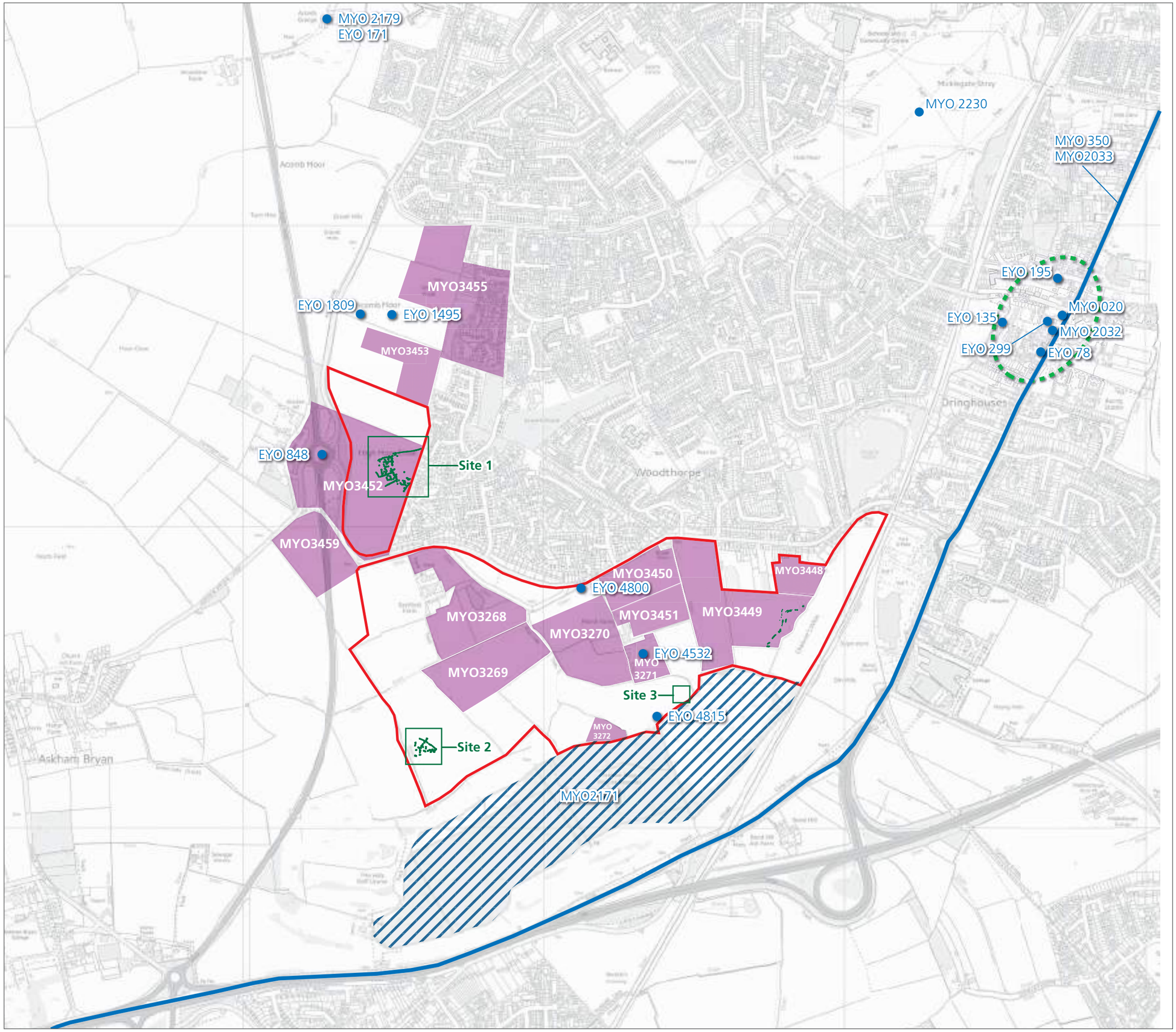

Site Boundary

HER Entry

HER Ridge and Furrow

Dringhouses Roman Cemetery (Approx)

Archaeological Features Identified by the Geophysical Survey

N

0 250m

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Barwood Strategic Land II LLP

project title

Moor Lane, York

drawing title

Plan EDP 2: Non-Designated Heritage Assets within and around the Site

date	17 AUGUST 2016	drawn by	GC
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scale	Refer to scale bar		

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Moor Lane, Woodthorpe, York

Representations to the City of York Local Plan Preferred Sites Consultation (July 2016) on behalf of Barwood Strategic Land II LLP Representor ID: 9254

Landscape Technical Note

Prepared by:
The Environmental Dimension Partnership (EDP)

September 2016
Report Ref:
EDP2165_13a

ENVIRONMENTAL PLANNING, DESIGN AND MANAGEMENT SERVICES
FOR ALL INVOLVED IN PROPERTY AND DEVELOPMENT

THE ENVIRONMENTAL DIMENSION PARTNERSHIP

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(ED2165/74a 01 September 2016 TB/DM)

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For EDP use	L_EDP2165_13a
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Proof Date	06 September 2016

1. Introduction

1.1 This technical note has been prepared in order to provide the Council with a clear understanding of the comprehensive technical work undertaken to inform proposals for the development of land at Moor Lane, York. This note provides a concise summary of this work and further detail can be made available if required. The note should be read in conjunction with those others appended to the representation, which collectively consider ecology, landscape, heritage, hydrology and transport matters and demonstrate the suitability of the site for development.

1.2 Barwood's landscape consultants, EDP – a Registered Practice of the Landscape Institute and Corporate Members of IEMA – specialise in the assessment of the landscape and visual effects of proposed developments. The practice works for private and public sector clients throughout the UK and has been involved in over 1000 projects since its formation in 2005. This landscape technical note has been prepared by Duncan McInerney the founding Director of EDP and a chartered landscape architect with almost 30 years' experience in the design and assessment of development proposals.

1.3 EDP was initially appointed in 2013 to comment on the appropriateness (in landscape terms) of the site, prior to the commencement of the design process. The conclusions of EDP's site assessments, (which are the most detailed undertaken by any party to date), was unequivocally that the site represented a logical and appropriate location to deliver a sustainable urban extension to the City. The assessment work was undertaken over a period of 2 years and fed into evolving mixed use development proposals for the site.

1.4 EDP's landscape work, described in this technical note, has focussed on determining limits of built development with the objective of conserving the setting of the City while making efficient use of land in a highly sustainable location.

2. The Site's Landscape Context

Environmental Planning Context

2.1 EDP's assessment commenced with an extensive data trawl of published landscape character assessments and other relevant policy and guidance documents related to landscape matters. The findings, summarised on **Plan EDP 1** confirm that:

- The Moor Lane site is not currently, nor ever has been, protected by any landscape designation relating to its landscape quality or scenic value;

- Nor is the site constrained by any national heritage designations. Whilst a formal bid was made in 2010 by the City of York Council to gain World Heritage site status, this was not successful. Moreover the nearest Scheduled Monument (Cold War Bunker at Howe Hill) is located 3 kilometres north of the site boundary. The nearest registered park and garden of special historic interest is at Rowntree Park, this is a Grade 2 registered asset 2.5 kilometres north-east of the site;

- The site does not contain any statutorily protected listed buildings and there are none along the immediate boundaries of the site;

- The three Conservation Areas at Askham Bryan, Copmanthorpe and Bishopthorpe are each situated 650m, 1 kilometre and 1.2 kilometres respectively south-east of the site. In no case can it be concluded that the land within the site area makes a contribution to the significance of these heritage assets;

- Only one single public right of way crosses the western part of the site; and

- The Askham Bog SSSI lies to the south of the site. Its proximity and ecological significance has been a key driver of the proposals for the site as described in detail in the separate Ecology Technical Paper produced by EDP.

2.2 As can be seen from **Plan EDP 1**, the site is part of a tract of land, which includes the Askham Bog SSSI and Pike Hills Golf Club which is severed from the main body of the York Green Belt and surrounded by main road and rail corridors. These features not only provide very robust physical boundaries for the site but influence its character and function, described next.

On Site Landscape Character

2.3 EDP's landscape work has also reviewed the baseline condition in terms of landscape character. The site boundaries, locational context and land use character are illustrated on the aerial photograph contained as **Plan EDP 2**.

2.4 The predominant host landscape type, as defined in the 'York Landscape Appraisal'[1] is the 'rolling diverse arable farmland' landscape type (LT), which extends south of Moor Lane and Woodthorpe to include the bulk of the site as well as the neighbouring Askham Bog SSSI and Pike Hills Golf Course; and west to include the village of Askham Bryan and land to the west of the A1237. A portion of the site north of Moor Lane also lies within the 'flat open arable farmland' LT.

2.5 While the site exhibits some of the physical and land use characteristics of these LTs – gently undulating topography, medium to large rectilinear fields and predominantly arable cropping – many of the noted features are not present – parkland influences for example. Moreover, the visual and sensory character of the site is impaired by being adjacent Woodthorpe and surrounded by main transport corridors (which isolate it from the bulk of the rolling diverse arable farmland west of the A1237). Indeed, the York Landscape Assessment acknowledges the urbanising influence of the edge of York, the A64 and the A1237, which bring visually intrusive and urbanising features into the landscape, disrupting the 'classic rural feel' attributed to much of the rest of the rolling diverse arable farmland.

2.6 In terms of the on site features themselves, for the most part, the landscape fabric is relatively impoverished as a result of several decades of intensive arable farming. Whilst there are a number of mature and locally prominent hedgerow trees, neither the condition of the site, nor it intrinsic qualities, are considered unique locally or to contain features that preclude its development. Indeed, suffering from the consequences of agricultural intensification, EDP considers that development offers significant opportunities to enhance the condition and quality of the on-site landscape fabric through habitat diversification, new tree planting, long-term management and other benefits.

Findings of Visual Assessment

A very limited area of visual intervisibility

2.7 Following the usual comprehensive data trawl and review of the local area's environmental planning context, a broad 'study area' was defined for more detailed review of the site's visual context based on the 'primary area of visibility' [2] towards the site; this was found to extend (theoretically) up to 2 kilometres from the site's boundaries.

[1] The 'York Landscape Appraisal' is a landscape character assessment which covers the area within the district outside the built up area. It was produced in 1996 by ECUS with the objectives of identifying the landscape characteristics which contribute to the settlement setting and landscape quality. Although the document is now somewhat dated, with landscape assessment guidance having progressed in the interim period, it remains the most up to date published assessment. A more recent historic landscape appraisal, undertaken as part of the former English Heritage-led 'Historic Landscape Characterisation' project, has been produced and is referenced in the separate Heritage topic paper.

[2] The area of primary visibility is that area which is predicted to experience significant visual change as a result of the development proposals.

2.8 A GIS computer based programme was then used to predict the Zone of Theoretical Visibility (ZTV) of the site based on topography only. This was used as a basis for a detailed field assessment and mapping of the roads, footpaths, private residencies and other receptors potentially capable of viewing the site. The findings of this assessment are illustrated on **Plan EDP 3.**

2.9 EDP's visual assessment demonstrates emphatically the consequences of the site's strong physical boundaries – note on **Plan EDP 3** that the area of 'primary visibility' (coloured yellow) extends barely beyond the site boundaries. Certainly, for the most part it is contained to the land between the A1237 by-pass and the metropolitan area, extending west of the by-pass only across a few open fields and not as far as the village of Askham Bryan. This exercise confirms that visual change will be limited to the following receptors:

- Users of the A1237 along an approximately 1 kilometre length passing the site;
- Users of the single footpath bisecting the site;
- Users of Moor Lane; and
- Residents in dwellings overlooking the site.

2.10 This is a remarkably small zone of primary visibility for a site of this size on the edge of a metropolitan area and serves to illustrate the very contained nature of the site, derived from its strong physical boundaries.

Effect on City-wide 'Key Views'

2.11 The York Central Historic Core Conservation Area appraisal identifies a series of City-wide 'Key Views' considered central to the appreciation of the setting of York. Unlike some other candidate/objector sites the Moor Lane site is affected by only one such key view; Key View 7, illustrated on **Plan EDP 4** is from the A1237/A64 roundabout. It provides a fleeting view of the Minster silhouetted on the horizon before the road user drops down onto the A1237 ring road past the site. For the few seconds that the view of the Minster is seen (when weather conditions permit), no part of the site would affect the primacy of the Minster as the focal point on the horizon, as illustrated on **Plan EDP 4**.

2.12 As such, unlike other candidate/objector sites, allocation of the Moor Lane site would not materially affect ANY of the Key Views identified in the Conservation Area appraisal.

Interim Conclusions in Respect of Moor Lane's Landscape Context and Character

1. The site has never been identified or designated as a landscape with elevated scenic qualities or landscape value;

2. The site is part of a tract of land which is separated from the main body of the Green Belt and open countryside by very strong physical features which surround it on all sides;

3. These physical features have an urbanising effect on parts of the site and mean that development effects would be very well contained;

4. The site itself does not contain any features which are especially rare; the on-site landscape fabric is capable of being absorbed into a development framework of which it would form the structural basis; and

5. Development on the site would not impinge on any of the key views identified in the York Central Historic Conservation Area Appraisal.

3. The Case for Allocation of the Moor Lane Site in Landscape Terms

3.1 Given the City's pressing need to review its Green Belt boundaries to accommodate its future housing needs, the Moor Lane site has much to commend it in landscape terms from a landscape perspective.

3.2 Two primary factors underpin the case, in landscape terms, for the site's suitability to help meet the City's future housing needs.

3.3 First, the site's location and spatial context. Being bounded on all sides by strong existing natural features, the site has a degree of visual and geographic separation from the wider landscape. These natural boundaries mean that **the site can come forward as a planned whole without fear of breaching any existing natural boundaries or setting a precedent for future urban sprawl**.

3.4 Second, **no part of the site has ever been designated at any level for its landscape or scenic qualities, nor is proposed to be**. In a statutory sense therefore, the site is no more, or no less valuable than any other open countryside beyond the City's current built up area boundary. A substantial part of the site has in the past been allocated for residential development (draft allocation ST10), indicating that notwithstanding its present agricultural character, the scenic qualities of the landscape here are not a bar to its identification by the Council as land suitable for development.

3.5 The Moor Lane site is thus a logical 'infill' site. Subject to the careful and sensitive evolution of a proposal that respects a number of on-site landscape considerations (discussed below), the site represents a logical and appropriate location to deliver a sustainable urban extension to the City.

Key Drivers of a Development Proposal for the Moor Lane Site

3.6 With the benefits of EDP's landscape inputs throughout the design process, Barwood's design team have evolved a masterplan, described and illustrated in the 'Development Strategy' document. The masterplan is based on a number of fundamental design principles which reflect not only the findings of EDP's appraisals, but address matters raised by officers of CYC to date. The principles, discussed below are as follows:

- Conserving existing landscape features and enhancing biodiversity;
- Respecting the setting of the City and the A1237 Ring Road; and
- Respecting Key Views across the City.

Conserving existing landscape features and enhancing biodiversity

3.7 The site is dominated by arable land use with a small area of improved pasture. The regularly-shaped fields are bounded by a network of ditches and hedgerows with intermittent mature standard trees.

- Baseline ecological surveys [3] have revealed that the majority of habitat features are widespread within the local landscape and of comparatively low ecological value;

- Exhaustive studies of the nearby Askham Bog SSSI (described elsewhere) demonstrate conclusively that the Bog will not suffer harm if the Moor Lane site is developed in the manner proposed by Barwood; indeed, opportunities exist to better manage public access, to control the Bog's hydrological regime and to invest in improved management and interpretation; and

- A detailed Arboricultural Assessment [4] has shown that there are no protected trees (e.g. designated with a Tree Preservation Order) or individuals with sufficient age to be classified as veterans.

3.8 The Barwood proposals, described in the Development Strategy Document:

- Use the existing field pattern as a framework for the masterplan;
- Retain all the site's main tree groups and specimen trees;
- Incorporate and strengthen existing habitats such as field ponds; and
- Deliver a broad range of new habitats which, in conjunction with improved long-term management proposed by Barwood, can confidently be predicted to deliver net biodiversity enhancement across the site.

Respecting the setting of the City and the A1237 Ring Road

3.9 As noted in the visual appraisal, the A1237 road user passes around the west of the City on the A1237, filtered views are available towards the existing urban edge. The Local Plan notes that land between the outer ring road and the urban area "*forms an important part of York's character and setting*" and highlighted "*the importance of the*

[3] Described in a separate ecological technical note

4 Barwood has commissioned a BS 5837 compliant tree survey across the site. This was undertaken in late 2014 by a suitably qualified arborist. Although it is not necessary, or indeed commonplace, to commission such detailed survey at this early stage of the site's promotional process, Barwood considered it important to collect detailed information about the character and quality of the tree stock on site, to feed into the masterplanning process. 246 individual trees, 47 groups of trees, 74 hedgerows and one woodland area (a total of 368 items) were recorded in the survey

- The tree survey found that none of the trees within the site are subject to a Tree Preservation Order.
- A total of 35 woody species are represented throughout the site with Ash, Hawthorn and Oak being most numerous and together representing 45% of the trees surveyed;
- Only 9% of the trees surveyed were considered to be of 'high quality and value' (BS 5837 Category A); almost half (49% were considered to be of 'low quality and value' (BS 5837 Category C). The bias towards moderate to low quality in arboricultural terms reflects the lack of investment and management that has taken place in the tree stock in recent decades

views from the outer ring road and the need to protect them". The purported harm to the open setting of the City has been a consistent thread in the Council's resistance to the Moor Lane proposals.

3.10 In considering the weight to be attached to the Council's aspirations, the following are material considerations:

- First, the 'open views' from the road are only really available in winter, being much filtered by the roadside hedge in summer; indeed, as illustrated on **Plan EDP 5** for car users, they are only available so long as the hedge remains tightly trimmed as the views into the adjacent fields towards the edge of Woodthorpe are at grade with the road. If left untrimmed, or allowed to grow higher, the Council's much valued views from the A1237 towards the City would be extinguished in any event;

- Second, much of the experience of the City's rural setting is gained by looking west of the road, not east. The open views across the surrounding countryside to the west of the A1237 would be retained irrespective of whether the Moor Lane site is developed; and

- Third, the A1237 road user is already aware of the proximity of the City; the City's outer edge is already visible along extended stretches of the A1237 west of the City and the road corridor itself is punctuated by main intersections and road lighting.

3.11 That said, the objective to conserve the open and green surroundings to the City is a laudable one. The route of the A1237 is made more attractive by passing *through* the 'countryside' rather than adjacent the built edge of the City; moreover, the consequence of this is that the perception of York is made more positive. As noted in the visual appraisal, there are few public rights of way with views into the site and no views from surrounding villages. Almost exclusively, the setting of the City along this part of the City's perimeter is experienced from the A1237 by its road users. As a trunk road with no footway, its users are almost exclusively vehicle users. Their experience as road users becomes the primary consideration in determining whether the Moor Lane site, if developed, would harm the setting of the City. In short, if the setting of the road is respected, then so would be the setting of the City.

3.12 The effects of development at Moor Lane on the visual setting of the City as seen from the A1237 have been carefully considered and modelled in a series of verified views commissioned along lengths of the A1237 between the A64 and Askham Bryan roundabouts. Three different development scenarios with an assumed built form of 8 metres were tested from the six viewpoints along the A1237 to ascertain whether development would materially affect the setting of the City seen from the road. Key conclusions from this exercise were as follows:

- The importance of at least a 'two field set-back' from the A1237 south of the Askham Bryan roundabout. This was considered necessary to preserve the agricultural setting of the A1237 on both sides of the road and to maintain

consistency of the metropolitan area's 'building line' with the bypass. **Plan EDP 6** illustrates that the western edge of the Moor Lane site would, as a result, encroach no further towards the A1237 than is already the case along much of its length around the western arc of the City; and

- A soft and filtered western edge to the proposed development. The current urban edge of Woodthorpe is presently very 'raw' and presents an abrupt interface with the current open countryside. This could be improved. The Moor Lane proposals deliver a softer and more appropriate long-term interface between the built area and the retained Green Belt.

3.13 These core principles have been interpreted in the Moor Lane masterplan illustrated in the Delivery Document and the following strategic landscape measures have been incorporated into the proposals:

- A physical setback between the road and the main body of the proposals which is entirely consistent with the road's existing relationship with the existing urban area elsewhere along its western length (**Plan EDP 6**);

- The masterplan utilises existing field boundaries as the framework for the masterplan and as the limit of built development;

- The physical and visual setting of Eastfield Farm has been respected. The masterplan leaves the farmstead retained within an open agricultural setting with clear visual and physical connections to its surrounding farmland and visible from the A1237;

- The two field setback between the road and the proposed new built edge will be retained in agricultural use; and

- The western edge of the proposed development is softened with new woodland planting of a scale and form appropriate to the 'Rolling Diverse Arable Farmlands' landscape type of which the wider area forms part.

3.14 These measures ensure that the A1237 would continue to pass through 'open countryside', farmed both sides. The proposals reflect the existing relationship that the road has with the City edge elsewhere.

Effect on City-wide 'Key Views'

3.15 As noted earlier, the York Central Historic Core Conservation Area appraisal identifies a series of City-wide 'Key Views' considered central to the appreciation of the setting of York. Unlike some other candidate/objector sites the Moor Lane site is affected by only one such key view; Key View 7. It provides a fleeting view of the Minster silhouetted on the horizon before the road user drops down onto the A1237 ring road past the site. For the few seconds that the view of the Minster is seen no part of the site would affect the primacy of the Minster as the focal point on the horizon.

4. Conclusions and Recommendation

4.1 In landscape terms, the Moor Lane site is unquestionably a spatially logical and well contained location for a sustainable urban extension to the City. Its fabric of fields and hedges provide a strong framework for a future development scheme but are not in themselves so special or rare that development capacity or layout is materially constrained.

4.2 The site forms part of a tract of land that is severed from the main body of the York Green Belt and surrounded on all sides by strong physical features that will ensure that the visual and physical effects of development on the site are contained. The strong boundaries will also ensure that development of the Moor Lane site sets no precedent for further creep into the City's surrounding countryside.

4.3 The site has never been identified or designated as a landscape with enhanced scenic qualities. Development on the site will not affect any of the 'key views' identified in the City of York's Conservation Area Appraisal for the Historic Core. Its landscape value derives only from its spatial role in delivering an attractive green setting to the City, especially as experienced by users of the A1237.

4.4 Recognising this, the Moor Lane proposals have emerged over a two year period and reflect extensive landscape analysis and masterplan inputs delivered by Barwood's landscape consultants EDP. At the heart of the landscape exercise has been establishment of appropriate limits of development which conserve the setting of the City and A1237 while enabling the delivery of a significant urban extension on land which is spatially appropriate and sustainably located. In this respect, the proposals illustrated in the Delivery Statement are genuinely landscape-led. They respect the existing 'building line' which has been long established around the western arc of the City; they retain the A1237 within a broad corridor of agricultural land and deliver a softer wooded edge to the City than currently exists.

4.5 The Moor Lane site is therefore commended to the Inspector as an appropriate location for development of the scale and form illustrated in the Barwood Delivery Document.

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EDP
September 2016

Plans

Plan EDP 1
Environmental Planning Context
(ED2165/69 15 August 2016 TB/DM)

Plan EDP 2
Landscape Character Appraisal
(ED2165/70 15 August 2016 TS/WB)

Plan EDP 3
Landscape and Visual Appraisal
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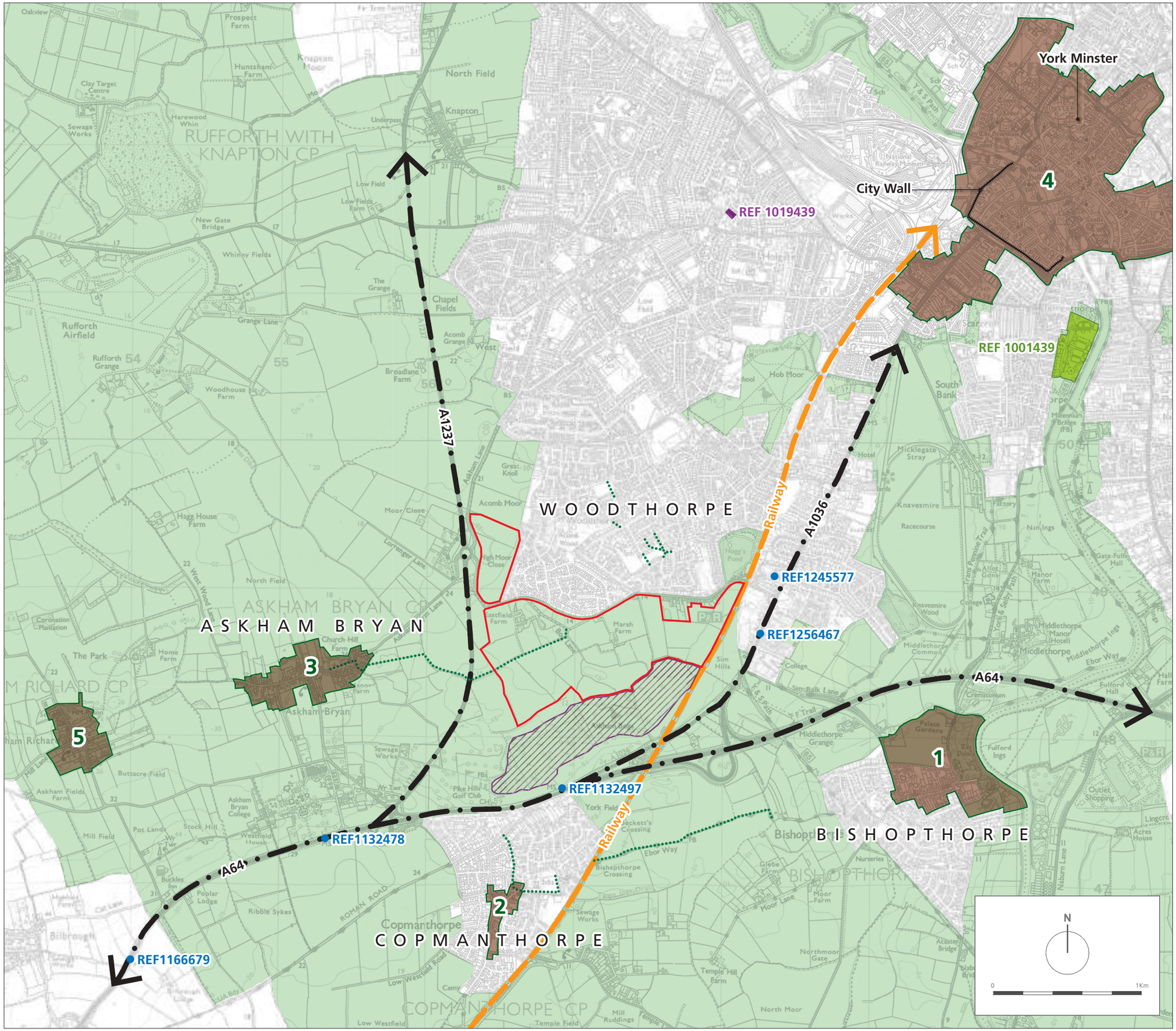
(ED2165/72a 01 September 2016 CW/DM)

Plan EDP 5
Key View 6: View from the A1237 Outer Bypass
(ED2165/73 01 September 2016 TB/DM)

Plan EDP 6
Respecting Setting of A1237
(ED2165/74a 01 September 2016 TB/DM)



Plan EDP 1

Site Boundary

Heritage Designations

Scheduled Monument

Registered Park and Garden

Listed Buildings Adjacent to Site

Conservation Area

1 Bishopthorpe
2 Copmanthorpe
3 Askham Bryan
4 York Central Historic Core
5 Askham Richard

Planning Designations

Green Belt

Ecological Designations

Askham Bog SSSI

Public Rights of Way

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client

Barwood Strategic Land II LLP

project title

Moor Lane, York

drawing title

Environmental Planning Context

date	15 AUGUST 2016	drawn by	TB
drawing number	EDP2165/69	checked	DM
scale	Refer to scale bar	QA	TB

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PLAN EDP 2

Site Boundary

Landscape character types in city of York Landscape Assessment 1996

1 Flat open arable farmland

2 Rolling diverse arable farmland

3 Low lying arable plain

N

0 250m

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client

Barwood Strategic Land II LLP

project title

Moor Lane, York

drawing title

Landscape Character Appraisal

date	15 AUGUST 2016	drawn by	TS
drawing number	EDP2165/70	checked	WB
scale	Refer to scale bar	QA	TB

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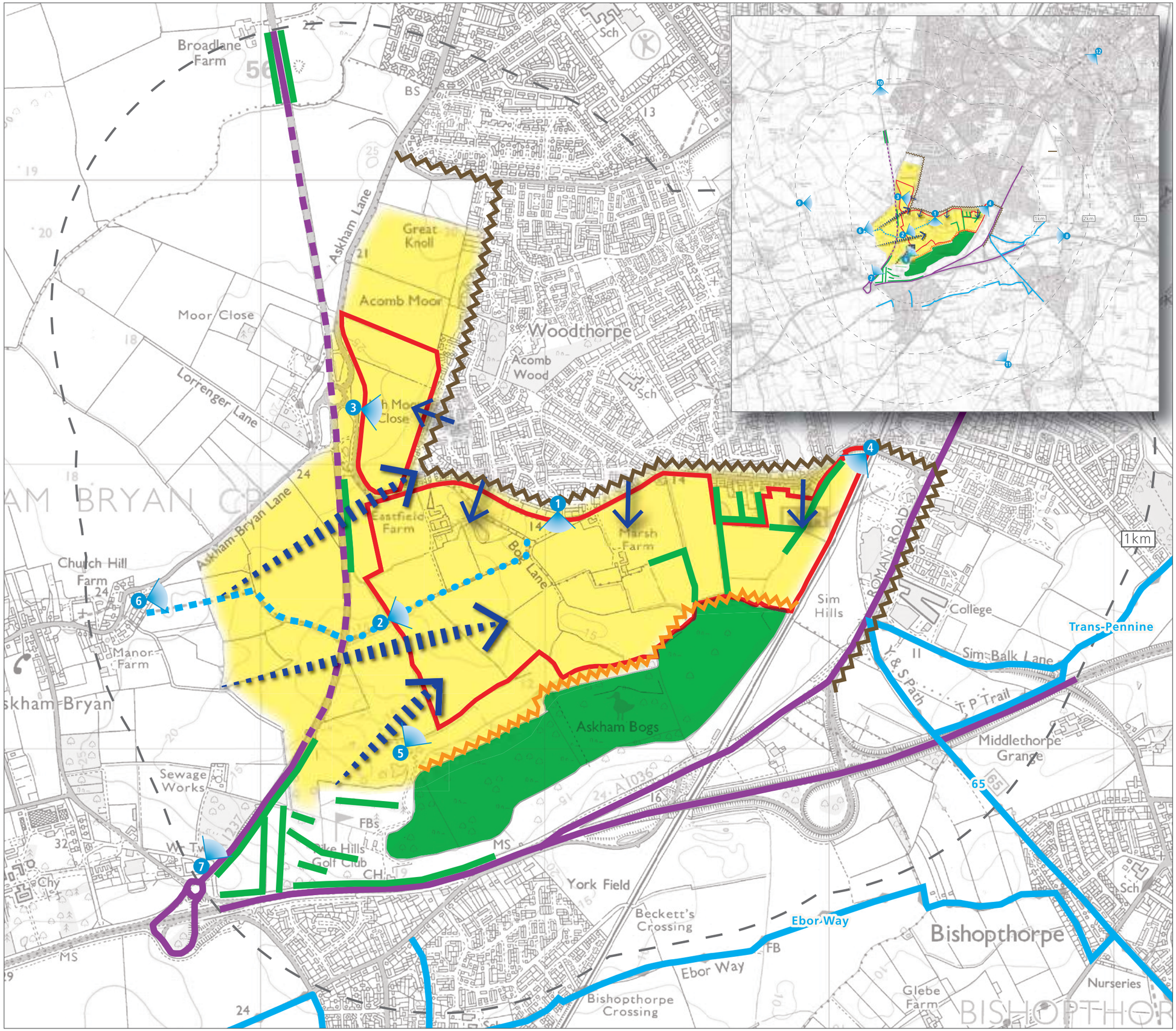

PLAN EDP 3

- Site Boundary
- 1km Range Rings
- Locations of representative photoviewpoints
- Zone of primary visibility
- Principal open views into site
- Filtered views into site
- Existing urban edge screens views of site
- Soft landscaped edge screens views of site
- Vegetation which strongly screens/filters views of site
- Main route with filtered view of site
- Main route with no view of site
- Public Right of Way with open view of site
- Public Right of Way with filtered/partial views of site
- Public Right of Way with no views of site

N

0 500m

edp

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Moor Lane, York

drawing title

Landscape and Visual Appraisal

date	15 AUGUST 2016	drawn by	TS
drawing number	EDP2165/71	checked	WB
scale	Refer to scale bar	QA	TB

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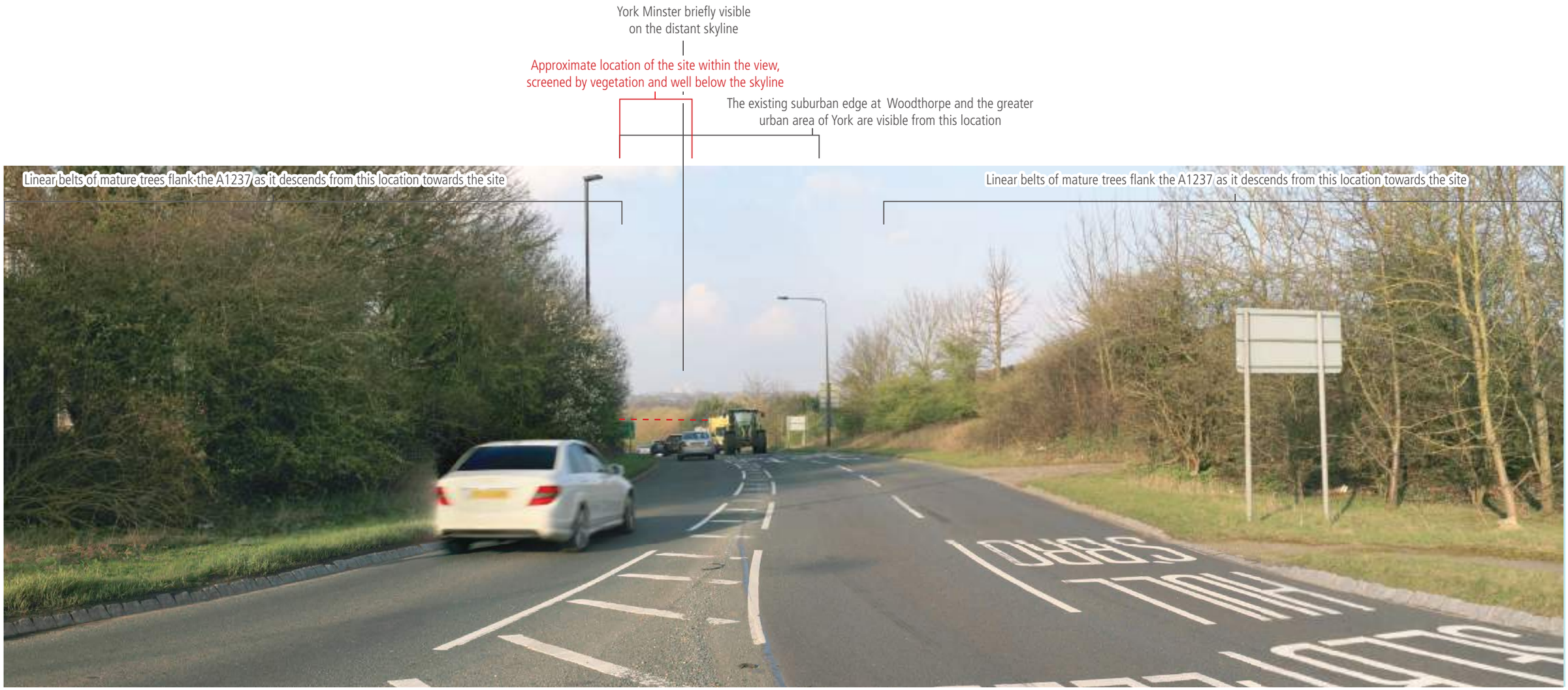

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Viewpoint Details:

VP Location	455791, 447528
VP Bearing:	41°
Distance to Site:	977m

Viewing distance: These stitched images are presented as a panorama with an inclusive angle of approximately 70° along a horizontal plane, which, when printed on an A3 sheet, has a viewing distance of approximately 300mm.

client

Barwood Strategic Land II LLP

project title

Moor Lane, York

date	01 SEPTEMBER 2016
drawing number	EDP2165/72a
drawn by	CW
checked by	DM
QA	TB

drawing title

Key View 7:
View from the A64/A1237 Roundabout

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Cropped enlargement: see below

Even a slightly raised/taller hedgerow prevents views into roadside countryside.

View from A1237 outer ring road (looking north). Note the well maintained trimmed hedge is all that permits views east towards the edge of Woodthorpe. Hedgerow enrichment or a less well maintained hedgerow would largely extinguish available views.

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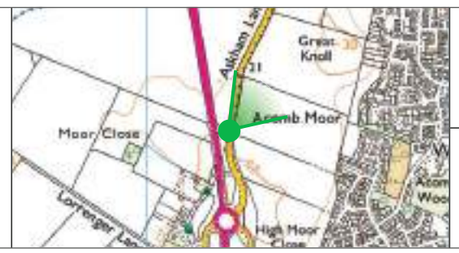

client

Barwood Strategic Land II LLP

project title

Moor Lane, York

date	01 SEPTEMBER2016
drawing number	EDP2165/73
drawn by	TB
checked by	DM
QA	

drawing title

Key View 6:
View from the A1237 Outer Bypass

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Approximate Building Line Defining York's Western Edge

Line of A1237 Outer Bypass

Open Agricultural Setback Between Metropolitan Area and A1237

Moor Lane proposal respects and continues established pattern of built setback from A1237

A1237

N

0 1Km

Plan EDP 6

Site Boundary

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Moor Lane, York

drawing title

Respecting Setting of A1237

date	01 SEPTEMBER 2016	drawn by	TB
drawing number	EDP2165/74a	checked	DM
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RE: YORK LOCAL PLAN PUBLICATION DRAFT (FEBRUARY 2018)

A D V I C E

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1. I have been asked to reduce into writing views that I expressed in conference on 9th March 2018. In that conference I stated that in my opinion the emerging York Local Plan was patently unsound. I further stated that details of the Plan's unhappy state should be brought to the attention of the Rt Hon Sajid Javid MP, Secretary of State for Housing, Communities and Local Government, with a view to seeking his urgent intervention in the Plan-making process. I have since seen a letter from the Minister to the new Leader of York City Council dated 23rd March 2018 which notes that the Minister is still monitoring the Plan's progress. However, I have not seen anything at all that leads me to believe that the Minister has, as yet, been made aware of the parlous state of the Plan itself and its evidence base. These matters must be brought to the Minister's attention as a matter of utmost urgency.

Relevant Legal and Policy Framework

2. I do not intend to comprehensively review all relevant guidance relating to Local Plan preparation. I shall confine myself to addressing those matters which are of headline concern in respect of soundness. Key reference points are as follows:

- The York Local Plan ("YLP") is required to be subject to a Strategic Environmental Assessment (see the Environmental Assessment of Plans and

Programmes Regulations 2004). This is a process designed to test the effects of a Plan upon the environment. Regulation 12(2)(b) ibid requires the assessment to take account of "reasonable alternatives". This is an iterative process. The relationship of the SEA to a Plan's evolution was reviewed helpfully in *R (on the application of Chalfont St Peter PC v. Children DC* [2013] EWHC 1877 (Admin) when it was stated:

> "29. It is abundantly clear from the Directive and the SEA Regulations that the sustainability appraisal must be carried out at every stage of the development of the Core Strategy and must also be carried out in respect of all reasonable alternatives under consideration. This has been emphasised by this court on a number of occasions. In City and District Council of St Albans v. Secretary of State for Communities and Local Government [2009] EWHC 1280 Mitting J said: *'Article 5(1) of Regulation 12(2) required that reasonable alternatives to the challenged policies be identified, described and evaluated before the choice was made.'* In Save Historic Newmarket v. Forest Health District Council [2011] EWHC 606 Collins J observed at paragraph 17 of his judgment:
>
> > '*It is clear from the terms of Article 5 of the Directive and the guidance from the Commission that the authority responsible for the adoption of the plan or programme as well as the authorities and public consulted must be presented with an accurate picture of what reasonable alternatives there are and why they are not considered to be the best option. Equally, the environmental assessment and the draft plan must operate together so that consultees can consider each in the light of the other. This was the view of Weatherup J in the Northern Irish case Re Seaport Investment Limited's Application for Judicial Review [2008] ENV LR 23. However, that does not mean that when the draft plan finally decided on by the authority and the accompanying environmental assessment are put out for consultation before the necessary examination is held that there cannot have been during the iterative process a prior ruling out of alternatives. But this is subject to the important proviso that reasons have been given for the rejection of the alternatives.'*
>
> And more recently in Heard v. Broadland District Council [2012] EWHC 344 Ouseley J said (at paragraph 69 of his

> judgment) *'alternatives have to be addressed, whether or not to the same degree as the preferred option, all for the purposes of carrying out, with public participation a reasoned evaluative process of the environmental impact of plans or proposals.'* However he made it clear that this requirement does not apply to every alternative. He said (at paragraph 66): *'no doubt there are some possible alternatives which could be regarded as obvious non-starters by anyone, which could not warrant even an outline reason for being disregarded. The same could be true of those which obviously could not provide what (the Regional Strategy) required.'*"

More recently in *R (on the application of RLT Built Environment Ltd) v. Cornwall Council* [2016] EWHC 2817 it was observed that a "reasonable alternative" would need to be environmentally preferable or otherwise environmentally equal to the Council's options to achieve the same objective. An SEA is there to shape the evolution of a Plan; it must never fall into the trap of retrofitting evidence to achieve a predetermined outcome.

- Regulation 61 of the Conservation of Habitats and Species Regulations (2010) provides, inter alia, that:

> "A competent authority before deciding to give any … permission or other authorisation for, a plan … which -
>
> (a) is likely to have a significant effect on a European site …
>
> must make an appropriate assessment of the implications for that site in view of the site's conservation objectives."

As Managing Natura 2000 states at Paragraph 4.4.2:

> "An appropriate assessment is always necessary when reasonable doubt exists as to the absence of significant effects."

An appropriate assessment requires a high degree of investigation and, as observed by the CJEU in *Waddenzee* (Case C-127/02) [2005] 2CMLR 31 at Paragraph 59, a plan or project can only be authorised:

> "only if they [the competent authority] have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects."

- NPPF policy:

  – A Local Plan should meet the full objectively assessed need for market and affordable housing in the housing market area … (para.47 ibid).

  – Green Belt boundaries, once established, shall only be altered in exceptional circumstances (para.83 ibid). Boundaries should be capable of enduring beyond the Plan period (para.83 ibid). When defining boundaries, local planning authorities should not include land which is unnecessary to keep permanently open (para.84 ibid). Where necessary, local planning authorities should identify "safeguarded land … in order to meet longer-term needs stretching <u>well beyond</u> the Plan period" (my underlining) (para.85 ibid). A local planning authority must "satisfy themselves that Green Belt boundaries will not need to be altered at the end of the Plan period " (para.85 ibid).

  – Plans must be based on "adequate, up-to-date and relevant evidence" (para.158 ibid).

  – A Plan, in order to be "sound", must be "positively prepared", ie meets objectively assessed needs; "justified", ie is the most appropriate strategy when assessed against reasonable alternatives; "effective", ie deliverable and consistent with national policy (see para.182 ibid).

<u>Background</u>

3. York does not have an adopted Plan. Efforts to set a Green Belt boundary have been ongoing since the early 1990s when a draft York Green Belt Plan underwent a lengthy Examination in Public. However, despite receipt of an Inspector's Report that Plan

was never adopted. The emerging Local Plan itself has been in preparation for many years:

- Local Development Framework Core Strategy process between 2006 and 2011;

- Local Plan Preferred Options which was consulted on during the summer of 2013;

- Publication Draft Local Plan produced by officers Autumn 2014 - process halted by Council resolution 9th October (to review the overall housing requirements included in the plan);

- Preferred Sites consultation July 2016;

- Pre-Publication (Regulation 18) consultation October 2017;

- Publication consultation February 2018 (current consultation).

4. My client has sought to promote land at Moor lane, Woodthorpe as a housing allocation in the emerging Plan. Part of the site was historically identified as a housing allocation as Site ST10 in the Preferred Options consultation in 2013 and in a further sites consultation in June 2014. The site was envisaged as capable of delivering 511 homes on 17.02 ha. In the draft Publication Local Plan the site was allocated as safeguarded land (Site Ref SF12). Thereafter it was deleted from the Plan at the Preferred Sites Consultation in July 2016. The sole reason for its deletion appears to lie with the decision in principle taken by York City Council not to identify any safeguarded land. Instead the 2016 document sought to identify sufficient land to accommodate York's needs over the period 2012 - 2032 stating that:

> "the Plan provides further development land to 2037 (including allowing for some flexibility in delivery) and establishes a green belt boundary enduring 20 years. In addition, safeguarded land is no longer designated … rather several of the Strategic Sites identified in the document have anticipated build out time beyond the fifteen

> year plan period. This ensures that we can meet long term development needs stretching well beyond the plan period and that green belt boundaries will not need to be altered at the end of the plan period."

5. MOD Sites

After the Preferred Sites Consultation concluded in 2016, the Ministry of Defence (MOD) announced the release of three sites in York: Imphal Barracks, Queen Elizabeth Barracks, Strensall and Towthorpe Lines, Strensall.

Officers carried out technical work that they considered established the sites as "reasonable alternatives" which led to these being included as proposed allocations at the subsequent Pre-Publication consultation in October 2017. The sites were tested against the Local Plan Site Selection Methodology established at the Preferred Options Stage. Following the assessment against Site Selection Criteria the sites were also considered by a technical officer group. This group included specialist officers covering areas such as ecology, archaeology, transport and landscape. Whilst they were approved by the Technical officer Group this was subject to the outcomes of Habitat Regulation Assessment at the Strensall Sites and Transport Assessment along Fulford Road for Imphal Barracks.

The inclusion of the MOD sites at that stage allowed an increase of 1,392 dwellings during the proposed Green Belt timeframe (20 years from adoption). It should be noted, however, that the Queen Elizabeth Barracks site would not be released until 2021 and Imphal Barracks until 2031. Towthorpe Lines has been identified as an employment allocation to help towards delivering the economic aspirations of the City.

Objectively Assessed Housing Need

The Pre-Publication Draft Local Plan contained a housing target of 867 dwellings per annum (dpa) between the period 2017 to 2032/33. The updated evidence base in relation to housing need is the GL Hearn Strategic Housing Market Assessment Addendum Update published in May 2017. This GL Hearn document recommends an Objectively Assessed Need ("OAN") and housing target of 953 dpa (based on a

demographic starting point of 867 dpa and a 10% market signals adjustment but no economic adjustment).

Contrary to Officer-s recommendations, the Council rejected GL Hearn's advice on the need for a market signals uplift and instead opted for an OAN of 867 dpa, stating:

> "The recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-tern unrepresentative trends and attach little or no weight to the spatial character and setting of York and other environmental considerations."

It is to be noted that there is no basis at all for characterising GL Hearn's approach as "speculative and arbitrary". The higher figure has not been tested for environmental and other impacts and the suggestion that York does not have the capacity to accept the GL Hearn figure remains as no more than a wholly unevidenced assertion.

Soundness

6. It is my firm view that the Plan is unsound in its approach to:

- Full Objectively Assessed Housing Needs;
- Safeguarded land;
- The MOD allocations and Land West of Elvington (Site ST15);
- Reasonable alternatives.

I have a further concern in respect of the quite remarkable absence of transparency in the evidence base and, in some cases, its antique nature.

Full Objectively Assessed Need

7. York are proceeding with a housing requirement figure of 867 dpa. It would appear that their position is that this is a FOAN figure. Various other potential figures exist, but for present purposes it is only necessary to note:

- GL Hearn's FOAN figure is 953. This was endorsed by Council officers expressly as the figure York City Council should adopt going forward;

- The Local Plans Expert Group (LPEG) approach (March 2016) suggests that the FOAN for housing in York is 1,320 dpa for the period 2012 to 2032, inclusive for the LPEG uplift for the delivery of affordable housing;

- Draft CLG guidance methodology states that the FOAN for housing in York over the period 2016 to 2026 is 1,070 dpa.

York City Council therefore are preparing to submit a Local Plan which has a significantly lower FOAN than advised by any professionally informed independent third party. York City Council's figure is clearly too low and is unevidenced as a correct figure. It is, in short, a political figure solely endorsed by members. The position begs an obvious question - who will speak to justify the figure at any Examination in Public ("EiP")? I cannot see that GL Hearn can speak to it any more than York City Council's own Planning Officers who have endorsed the GL Hearn approach. It is beyond any reasonable doubt, in my opinion, that the 867 dpa figure is too low. That raises two possible outcomes. Either:

(a) The Plan will be found unsound; or

(b) (more likely) the EiP Inspector will suspend the Inquiry following discussion of the FOAN issue and advise a higher FOAN.

Outcome (b), however, is fraught with problems. York City Council have never tested a higher figure via the SEA process. While such a position may well not be a problem in an urban area with modest levels of constraint upon development, York is contained

by the necessity of fixing a Green Belt around the City and by the fact that it possesses a wealth of heritage assets. The task of assessing the capacity of York to accept higher levels of development via a fresh iteration of the site selection process and a further iteration of the SEA will be daunting and extremely time consuming (experience readily suggests that a suspension of 12 – 18 months is more or less inevitable (see for example the experience of Cheshire East Council or Wiltshire DC)). In short, the very outcome that the Minister wishes to avoid, namely further delay, is now inevitable as a result of York's failure to properly address the FOAN issue. It is further clear that the longer he delays taking the Local Plan process out of the control of York City Council, the longer the inevitable delays in Local Plan adoption will be.

Safeguarded Land

8. On 16th January 2015 John Hobson QC (a highly experienced and widely respected planning Silk) provided a written Advice to York City Council. In that Advice he stated as follows:

> "12. Looking beyond the Plan period there are three potential options in respect of land which is required to meet the longer term development needs of the area: it can be left unallocated; it can remain in the Green Belt; or it can be designated as safeguarded land in accordance with NPPF paragraph 85. Of these three potential options in my opinion the first two are entirely inappropriate. If the land is simply left unallocated it may be difficult to resist proposals for development which is not in accordance with the asserted needs. If it is left within the Green Belt in the emerging Plan that would be contrary to the overriding requirement of permanence, because it [is] known that the land will be required to be released to meet future development needs, if not in this Plan's period then at least in the next.
>
> 13. The proper course, in my view, is to identify land as safeguarded land to meet the future requirements for development. As the notes in the Planning Encyclopaedia to the new superseded PPG 2 explain, safeguarded land is required in order to strike the balance between preservation of the Green Belt and the need for further expansion. Consequently if land is required to meet the longer term needs it should be excluded from the Green Belt and protected from pressure for development contrary to the

longer term needs by including it as safeguarded land. However it is important that any such land will be genuinely available and capable of development when it is needed: *Prowting Projects Ltd v. Wychavon DX &Secretary of State for the Environment, Transport and the Regions* (CO/7989/8). In the context of land included as safeguarded for employment use, paragraph 22 of the NPPF should be borne in mind, which cautions against long term protection of sites for employment use where there is no reasonable prospect of the site being used for that purpose; see also *DB Schenker Rail (UK) Ltd and another v. Leeds City Council* [2013[EWHC 2865 (Admin).

14. The 'where necessary' test adumbrated in the third bullet point of NPPF paragraph 85 therefore applies where longer term needs for development have been identified. So those needs can in due course be met, land should not be safeguarded for the purpose of that development and, by identifying such land, the Green Belt can be protected from encroachment thus ensuing its boundaries remain permanent.

15. From the information provided with my Instructions it appears to me that the situation in York is within the circumstances contemplated by this test.

16. In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries.

17. The only argument which it seems to me the Council could deploy to avoid this danger is to be able to demonstrate that there is sufficient land outside the Green Belt boundary which will be suitable for meeting the need for further development, and which is likely to be available when those needs arise. The important point is to be able to demonstrate that the Green Belt boundary will not be affected. I assume many authorities have adopted Local Plans without including safeguarded land. it would have been appropriate for them to do so in accordance with their local circumstances. However I am unaware of a situation comparable to the circumstances in York."

Once again York, having paid for independent advice, has chosen to ignore it. The advice in unequivocal, namely in the absence of identifying safeguarded land there is "a serious risk of the Plan being found unsound." The reason for this is abundantly

clear: Green Belt boundaries, as a matter of national policy, are expected to endure "well beyond" the end of a Plan period: in this case "well beyond 2032. As matters stand and even on their own case York City Council only claim to have sufficient land to meet needs to 2037 and so will have to engage in a wholesale review of the Green Belt at the end of the Local Plan period, ie about twelve years post-adoption even on its own figures. In reality, its own position is quite unrealistic being based on an indefensibly low FOAN figure.

9. Conventionally Green Belts are set to survive for 25 – 30 years before review. In York, where people have been waiting for an adopted Green Belt for several decades, such a time horizon is the least that is reasonable. Conventionally, the only way to secure this is by identifying safeguarded land - in its absence the only answer to development pressure is ad hoc decision-making and planning by appeal, i.e. the very antithesis of a Plan-led system. Safeguarded land is a sort of safety valve and clearly in York's case necessary. The figures are stark: at 867 dpa then to ensure ten years post-adoption maintenance of the Green Belt without a review circa 413 ha of safeguarded land must be identified; if a more realistic CLG figure of 1,070 dpa is used then the safeguarding requirement rises to circa 510 ha.

10. It is difficult to imagine that an EiP Inspector will accept setting Green Belt boundaries without identifying safeguarded land. If that is the case then any suspension period is likely to be significant. Again, the SEA work relied upon has not properly assessed this issue and yet a scenario in which the Plan dos identify safeguarded land is plainly a "reasonable alternative" for SEA and NPPF purposes. Again this whole approach can only fairly be described as "reckless" in squandering both time and public money. Again - is the Minister aware of any of this? I doubt it very much.

<u>The MOD allocations and Land West of Elvington -Site ST15</u>

11. As to this issue:

- Land West of Elvington has an estimated capacity of 3,900 dwellings (see January 2018 Working Group Papers). This is allocated Site ST15. Natural England's response of 30th October 2017 notes that the Sustainability

Assessment, ie SEA, and the Habitats Regulation Assessment ("HRA") leaves considerable uncertainty at large regarding this site. In fact:

> "The 2017 HRA states that 'ornithological work associated with policy SS13 suggests that significant numbers non-breeding golden plover and lapwing associated with the SPA also utilise land around this major new settlement (Land West of Elvington Lane).' In addition, the 2018 SA (Appendix I) states that 'A number of surveys and evidence has been produced on behalf of the developer/landowners to identify and understand the significance of the bird populations as well as whether this would have a consequential negative impact on the Lower Derwent Valley SP, SSSI and Ramsar site (and Heslington Tillmore SSSI).' However, I cannot locate this information on any of the local plan consultation portals for 2017 or earlier."

The HRA 2017 was unable to rule out an absence of likely significant effect on the Lower Derwent SPA and an appropriate assessment is yet to be carried out. To be moving to submission in the absence of a statutorily compliant appropriate assessment strongly suggests that it was premature to allocate this site and the spectre of seeking to retrofit the appropriate assessment to support a desired outcome rises. The significant question-mark over this site in turn raises the question as to why other "reasonable alternatives" have not been considered as potential substitutes in the light of the 2017 HRA, ie the SEA is an iterative process that should respond to events and new evidence. Natural England themselves have queries why alternative sites have not been investigated.

- Queen Elizabeth Barracks (ST35)

Sustainability Appraisals 2017 and 2018 - assess the site as likely to have a significant negative impact on biodiversity, referring to the conclusion of the HRA 2017, namely that as no meaningful mitigation had been proposed within the policy to avoid or mitigate adverse effects on Strensall Common SAC, that Likely Significant Effects could not be ruled out.

Natural England (30 October 2017) - NE state that 'without the further information identified as being required with regards to site ST35 in the HRA and further assessment, we do not consider that this site is likely to be deliverable which may affect the soundness of the plan." NE also advises, in respect of the HRA, that advise that wider urban edge effects should be considered in the appropriate assessment in addition to recreational pressures.

Yet again, therefore, the HRA (2017) could not rule out likely significant effects on Strensall Common SAC and again an appropriate assessment has not been carried out as yet. The January 2018 Working Group Papers identify the site's capacity at 500 units. Again, the same concern arises, ie allocations are meant to be evidence led, and yet in this case, once again, an allocation is persisted with in the absence of the very evidential exercise that must be carried out, as a matter of law, if the allocation is to be found sound. Taken together, the above draft allocations have a capacity of circa 4,400 dwellings, ie 5 years supply even on York City's depressed FOAN figure. If these sites are not deliverable then plainly the soundness of the Plan itself, regardless of any earlier observations, comes into clear question. To have allowed such a situation to come about reveals a chaotic approach to Plan making.

Reasonable Alternatives

12. Those instructing me have made extensive submissions on this issue and I do not propose to repeat them. For my own part, I simply note as follows:

- The SEA/SA has not considered the consequences of a higher FOAN and yet a higher FOAN outcome is plainly a reasonable alternative insofar as it is suggested by the Council's own retained consultants and officers.

- The SEA has not considered the consequences of deleting all safeguarded land or allocating safeguarded land under a series of FOAN scenarios.

- My client's site has only ever been considered in detail as a reasonable alternative at the 2018 publication stage and even then this assessment only

relates to the 17 ha parcel that was previously considered as a proposed allocation and then subsequently as a safeguarded site. My client's wider site that has been the subject of consistent representation to the City Council backed by extensive technical data relating to suitability and deliverability has not been considered in detail. Plainly the City Council are aware of the wider site and plainly it presents as a "reasonable alternative, ie it has never been suggested that it is an "obvious non-starter". Given the clear concerns relating to FOAN and the absence of any identified safeguarded land, the wider site should have been considered and yet it has not been. No explanation for this omission has ever been proffered.

13. I earlier expressed a concern relating to the nature of the evidence base. In part I have addressed this above and I note my client's representations deal with this issue extensively. I only wish to emphasise one matter in this document. The only Green Belt Appraisal document produced by the City is dated 2003 and is just 16 pages long. Clearly this document was formulated in the context of development requirements that bear no relation at all to present and forecast needs. Moreover, the document relies on pre-existing data and "field analysis", although what the latter involved is a mystery, i.e. no empirical data is in the public domain and one cannot know what criteria were used and whether they were consistently applied. Moreover, the pre-existing data largely dates from the 1990s and was generated in connection with the York Green Belt Local Plan Deposit Draft 1991. Self-evidently, there have been very significant changes to York's townscape in the last 25 years or so as anybody with any material level of local knowledge would know. Moreover, there have been significant changes in policy/guidance upon assessments of landscape and heritage issues which were key parts of the work done in the early 1990s. All of this sits very awkwardly with the need for Plans to have an up-to-date evidence base. Whether this proves of itself fatal to the Plan is too early to tell, but it is symptomatic of the alarming approach to this Plan's preparation.

I so advise.

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27th March 2018

RE:

YORK LOCAL PLAN PUBLICATION DRAFT (FEBRUARY 2018)

A D V I C E

SID582

[redacted]

From: Gen Kenington [gen@johnsonmowat.co.uk]
Sent: 04 April 2018 16:34
To: localplan@york.gov.uk
Subject: York Local Plan Publication Draft - Consultation Response - Land west of ST8 - Curry, Hudson and GM Ward Trust
Attachments: West of ST8 Monks Cross Comments Form.pdf; York Local Plan Publication Draft - West of ST8 - Curry, Hudson, GM Ward Trust 04-04-18.pdf

Dear Sir or Madam,

Please find attached a completed response form and representation document to the York Local Plan Publication Draft in relation to land immediately west of strategic site ST8 Monks Cross. The submission is made on behalf of GM Ward Trust, Curry and Hudson.

Please could you acknowledge receipt of the attachments.

Kind regards

Gen Kenington (Née Berridge)
MTP MRTPI
Associate Director

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Registered in England Nos: OC407525

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mr
First Name		Mark
Last Name		Johnson
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Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	X
Policies Map	X
Sustainability Appraisal/Strategic Environmental Assessment	☐

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☐

4.(3) Please justify your answer to question 4.(1) and 4.(2)

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No X

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	**X**	**Justified**	**X**
Effective	**X**	**Consistent with national policy**	**X**

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.	Various - See Statement	Site Ref.	Land west of ST8

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached statement and appendices

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See attached statement and appendices

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	X

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To have the opportunity to present the case in support of the land immediately west of ST8 Monks Cross, as well as engage in the debate in relation to the housing provision and other draft policies.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature	[redacted]	**Date**	**4th April 2018**

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

JohnsonMowat
Planning & Development Consultants

CITY OF YORK LOCAL PLAN - PUBLICATION DRAFT FEBRUARY 2018
(REGULATION 19 CONSULTATION)

RESPONSE ON BEHALF OF THE LANDOWNERS OF

LAND IMMEDIATELY WEST OF ST8

April 2018

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1.0 INTRODUCTION

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1.0 INTRODUCTION

1.1 Johnson Mowat have prepared this response to the City of York Local Plan Publication Draft Consultation on behalf of landowners (Curry, Hudson and GM Ward Trust) to the immediate south of North Lane, to the east of the existing Huntington urban edge, and to the immediate west of the western boundary of proposed strategic site ST8. The front cover of this statement highlights the extent of the land in orange and highlights the relationship to proposed site ST8.

1.2 The purpose of our response is to comment upon the spatial strategy of this Local Plan specifically in relation to housing. Forming part of our response, we also wish to promote a site on land at Monks Cross North to the immediate west of site ST8, which we consider should be included / part re-instated to form part of site ST8.

1.3 We object to the removal of land from strategic site ST8. Part of our clients land formed part of ST8 within the Publication Draft of the York Local Plan (October 2014) but has subsequently been removed as part of the Preferred Sites process. We consider that it is inappropriate and unjustified to exclude this land from ST8. We object to the Publication Plan identifying our clients land as 'Green Belt' as it would serve no Green Belt function.

Soundness

1.4 National planning policy sets clear expectations as to how a Local Plan must be prepared in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities. We consider that the Publication Draft Local Plan as currently drafted fails to meet these four tests of soundness.

1.5 The four tests of soundness are discussed below:-

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

1.6 Our major concerns with the document as currently drafted are summarised as follows:

1. The Publication Draft does not adequately present the correct Objective Assessment of Housing Need (OAHN) which flows from the evidence base and does not accord with guidance set out in the National Planning Policy Framework [Framework] and Planning Practice Guidance [Practice Guidance].
2. The Council delivery of sites fails to deliver the right housing in the right location across the plan period to 2038 such that an appropriate Green Belt boundary can be established.

1.7 In the context of the above, it is not possible to consider the suitability of the sites set out in the Plan as it is neither sound nor effective and has not been positively prepared. The City of York's unmet housing need has not been addressed and it is therefore not consistent with national policy which requires that Local Planning Authorities ensure that Local Plans meet the full, objectively assessed needs in the housing market area.

1.8 In producing this response, we are mindful of the housing requirement work undertaken by Lichfields in October 2017 and updated in March 2018 and are supportive of its findings that conclude the housing requirement for the plan period should be at least 1,150 dwellings per annum.

1.9 In producing this response, we are aware of the September 2017 DCLG Housing Methodology 'Planning for the right homes in the right places' paper and the Draft NPPF and Draft Planning Practice Guidance. The standard methodology in the DCLG 'Planning for the right homes in the right places' paper calculates a baseline housing need figure for York of 1,070 dwellings per annum. It is clear the housing number for York in that document (even without employment growth) informs of an annual housing requirement significantly above that within this Publication Draft Local Plan.

1.10 Notwithstanding the shortcomings of the Council's selected housing target, the land immediately west of ST8 is both a logical and sustainable residential option. Any 'landscape/ecological' buffer can be addressed through Masterplanning of the wider ST8 Allocation. This land should be included within ST8.

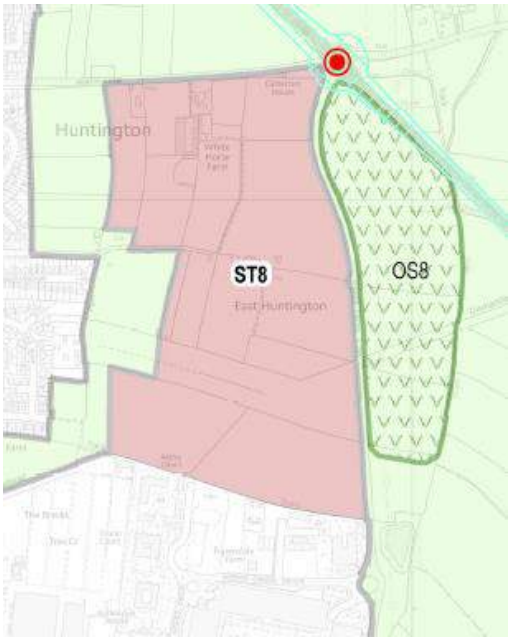
2.0 SITE SPECIFIC REMARKS

2.1 On behalf of our clients, the landowners of the land highlighted in orange on the front cover of this statement, we object to the deletion of land west of strategic site ST8 and consider it should be included as part of the ST8 allocation. The northern and western parcels of land formed part of ST8 within the Publication Draft of the York Local Plan (October 2014) but has subsequently been removed as part of the Preferred Sites process in 2016, the Pre-Publication Draft (2017) and this remains the case in the Publication version now.

2.2 The below extracts illustrate the extent of the proposed reduction and changes to ST8 since the October 2014 Publication Draft and the most current February 2018 Publication Draft. We consider that it is unjustified to exclude this land from ST8 and consider it would be appropriate and more logical to include the land within the ST8 boundary. We consider it is logical to include the parcel of land immediately west of ST8 within the ST8 allocation, even though part of that land may be required for open space / landscape buffer. Retaining the land as Green Belt is unnecessary, as it would serve no Green Belt function.

Publication Draft – October 2014

Preferred Sites Consultation – July 2016



Pre-Publication Draft - September 2017

Publication Draft - February 2018

2.3 With reference to the deletion of the land in between ST8 and Huntington urban edge, we object to the policy requirement in Policy SS10 relating to the creation of a new green wedge. This creates too big a separation from the existing settlement. This is essentially land that could be used for housing to make good the shortfall in the Plan. As currently drawn on the Proposals Plan, this wedge serves none of the functions of Green Belt. This land will be difficult to farm and over time become abused and unsafe. The manner in which the Council has sought to divorce the ST8 urban extension from the adjoining community of Huntington runs contrary to the aims of better integrating the site with the existing nearby neighbourhoods.

2.4 With respect to the ST8 dwelling numbers, we consider the target 968 dwellings is achievable on the area proposed but could be significantly increased to circa 1,400 should the ST8 2014 boundary be reinstated. The reinstatement of the land within the ST8 allocation would be more appropriate and would allow more dwellings to be delivered. This increase would:-

- Assist in the provision of a Primary School
- Provide for a more open green design with green corridors running through the development which are currently identified east and west of ST8.
- Assist in delivering more viable community facilities on ST8 by giving this new neighbourhood the critical mass required to support such facilities.
- Assist in providing further affordable homes.
- Deliver wider social and economic benefits that would flow from the additional homes.

Conclusion on OAN and ST8 'western extension'

2.5 Our overall conclusion is that the Local Plan in its current form fails to plan for the full objectively assessed need (circa 1,100 dpa) and the manner in which it seeks to distribute new housing sites fails to take advantage of the most logical and sustainable opportunities in the form of urban extensions to the main urban areas.

2.6 The land west of ST8 is a suitable candidate for selection given it sits within the York Outer Ring Road which itself forms the most logical boundary for the Green Belt. The area of land promoted in this submission has no technical constraints that cannot be overcome through design and suitable mitigation. There are obvious and substantial social and economic benefits that would flow from its allocation.

3.0 GENERAL POLICY REMARKS

Plan Period 2033 or 2038?

3.1 Under the sub-heading 'About the Plan' para i) informs the Local Plan Period runs from 2017 to 2032/33 with the exception of Green Belt boundaries which will endure to 2037/38. The text require clarification. Points to note are:-

- The Plan Period should be 1st April 2017 to 31st March 2038. This would remove any confusion.
- The housing allocations only partly extend beyond 2033, significantly tailing off after that date such that the five year period 2033 to 2038 only delivers half the housing requirement in those years - even then, delivering from no more than 3 known sites and windfall. Given there is no Safeguarded Land in the Plan, it is clear the Plan fails to justify the 2038 end date with the allocations as presented in Trajectory (Figure 5.1) demonstrating those shortcomings.

Jobs Growth

3.2 Paras 1.34 and 4.2 both make reference to the jobs growth forecast although para 4.2 makes reference to an additional forecast from Experian. It is now unclear as to which forecast has been used and how these relate to the Leeds City Region work and Northern Powerhouse. It is also unclear as to which methodology has been used to calculate the housing requirement.

Housing

3.3 While we support the reference to the 'notable affordable housing need' and increasing affordability concerns in the City in para 1.46, it is clear this recognition has not been taken forward into the housing requirement number that will be used to help resolve these problems.

Provide Good Quality Homes and Opportunities

3.4 Para 2.5 informs that 'By the end of the plan period sufficient sites will have been identified for viable and deliverable house sites …'. This needs rewording to inform these sites are to be identified now, at the start of the plan period. This para also needs to be clear over the plan period, that being up to 31 March 2038. The quantum of housing referenced in this para at 867 dwellings per annum is also at odds with that referenced in Trajectory Table 5.2 which seeks to make good the early years (2012 to 2017) shortfall and adds back a further 56 dwellings per

annum up to 31 March 2033. As such, the requirement for 1st April 2017 to 31st March 2033 is 923 per annum. For the avoidance of doubt, we don't accept that figure but if the Council are to continue with 867, it should at least be referenced correctly.

Policy DP3: Sustainable Communities

3.5 While we have no overall objection to Policy DP3, the wording in 'iv)' needs to be amended from 'highest standards' to 'high standards'. There will be cost constraints to having to seek the very highest standards of embedded sustainability which may ultimately be weighed against delivering other benefits such as affordable housing.

Policy SS1: Delivering Sustainable Growth for York

3.6 As drafted, Policy SS1 wrongly references the housing number for the Plan Period and seeks a housing number that is not supported by the evidence base or the Sustainability Appraisal (SA). SS1 contains a lower than required housing number and is therefore unsound for the following reasons:-

- Not positively prepared – housing requirement is too low, the 867 dpa will act as a brake on economic growth and harm the delivery of affordable housing.
- Not justified – the evidence base and SA supports a higher figure.
- Not effective – the housing fails to deliver the full requirement and fails to align with the Plan Period for the Green Belt boundaries up to 2038.
- Not conforming with National Policy – it fails to carry forward the guidance in NPPG (para ID 2a 002 onwards).

3.7 Furthermore, the policy seems to suggest that brownfield/PDL will be phased ahead of greenfield sites. While this approach is inconsistent with the balanced approach taken in the Framework, it is also unclear as to how this would work in reality given the allocations in this York Local Plan are all released in a single phase.

Para 3.3 Housing Growth

3.8 This para needs to aligned with Table 5.2 in the Plan and recognise the fact that the shortfall since 2012 has been rolled into the new Plan Period commencing 2017. The introduction text

in the Plan states the Plan Period commences 2017. If that is the case the housing requirement is 867+56 = 923 as per the trajectory table.

Objectively Assessed Housing Need

3.9 As stated above, we are concerned the Council has taken a political route in selecting the lowest possible housing number available. The 'Political' influence is clear from the Introduction text to the September 2017 SHMA Update. The 2017 SHMA Update is essentially the GL Hearn May 2017 update that suggests an OAN for the period 2012 to 2032 of 867 dwellings plus a 10% uplift to address affordability concerns. GL Hearn therefore advise of an OAN of 953 (excluding the shortfall 2012-17).

3.10 In advising the 953 dpa figure, the 2017 SHMA report states the 867 dpa figure "would not however address the City's affordability issues." (May 2017 SHMA Para 5.)

3.11 The Council's 2018 Sustainability Appraisal Appendix N provides for a comparison appraisal of the 867 and 953 dpa figures and the DCLG OAN Methodology figure of 1,070. While the 953 dpa figure scores no worse against the 15 SA Objectives to the Council's preferred 867 figure, it does in fact score better under objectives 1, 4 and 5. The assessment under SA Objective 1 (meeting the diverse housing needs of the population in a sustainable way) scores a negative long term score when considering the 867 dpa figure and a double positive for the 953. The DCLG 1,070 figure scores a double positive score in the medium term, which is better than both the 867 and the 953 dpa figure, with the summary stating that "the figure would be likely to drive significant positive effects in the medium term." The double positive long term score against the 1,070 figure is uncertain only due to the 10 year period of the Government's housing need figure. Not only do GL Hearn consider the 867 dpa figure to be too low and harmful, but this view is equally shared by Amec Foster Wheeler in the February 2018 SA.

The Council's own Sustainability Appraisal (February 2019) of the OAN Options at SA Appendix N informs a higher level of housing than that proposed in the current Plan would be more sustainable overall.

3.12 From all the material available, it would appear only the unqualified Elected Members are of the view the 867 dpa figure should be maintained. It is for that reason we consider Policy SS1 is unsound on the basis that the evidence base has been ignored for essentially political reasons.

3.13 Applying the 953 dpa figure from the 1st March 2012 SHMA base date would equate to the following:-

- 1st April 2012 – 31st March 2038 (26 yrs in total) = 24,778
- Requirement from 1st April 2017 = 21 years x 953 + early shortfall (896) = 20,909

or

- **996 dwellings per annum 1st April 2017 to 31st March 2038**

Alternative OAN Work and inputs

3.14 We are aware of modelling of housing need undertaken by Lichfields and others. As noted within consultation responses to previous drafts of the Local Plan, neither the 2016 SHMA, nor its 2017 addendum have considered the implications of the LEP ambitions for growth. This should be factored into the assessment.

3.15 The 2016 SHMA identifies a small increase of just 8dpa to take account of market signals, this is less than 1% of the identified OAN. Paragraph 11.34 identifies that this adjustment is made to reflect the level of suppression in household formation. We consider this uplift to be too low.

3.16 The PPG, paragraph 2a-019, identifies a series of market signals which should be considered. These include land prices, house prices, rents, affordability, rates of development and overcrowding. According to the PPG a worsening trend in ***any*** indicator requires an upward adjustment to planned housing numbers compared to ones based solely on household projections (paragraph 2a-020). The SHMA correctly considers the majority of these signals. It is notable from the analysis that York performs poorly against rates of development and affordability.

3.17 In terms of under-delivery this amounted to almost 23% of the target between 2004/5 and 2013/14 (paragraph 8.38; 2016 SHMA). If this were further updated this under-delivery would further increase. In terms of affordability this continues to deteriorate and stands significantly above the national average. These two indicators alone suggest a need for a market signals uplift.

3.18 It is recognised that the 2016 SHMA applies an uplift to HRRs which may account for some of the suppression of household formation. It is, however, notable that the PPG provides a distinction between adjustments for household formation rates from any market signals uplift. The PPG question *'What is the starting point to establish the need for housing?'* (ID 2a-015) is

clear that the household projections plus such adjustments for issues such as household formation and the effects of under-delivery on migration represent the demographic starting point. A market signals uplift is clearly made after this starting point. The PPG clearly separates the two issues and states;

> "The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals" (PPG ID 2a-019).

3.19 Given the signals described above it is considered that a market signal uplift of 20% is warranted. The need for such an uplift is also supported by the significant affordable housing need within York. As stated above, we are aware of the work on OAHN undertaken by others including the modelling work of Lichfields. We acknowledge the approach taken by Lichfields which concludes an OAHN of **at least 1,150 pa from the base date of 2012**.

Emerging NPPF and Planning Practice Guidance (incorporating DCLG Housing Methodology)

3.20 Since the Pre-Publication Draft Local Plan Consultation the DCLG 'Planning for the Right Homes in the Right Places' consultation has ended and the draft NPPF has been published, along with Draft Planning Practice Guidance. The NPPF is expected to be formally published in Summer 2018. The standard DCLG Housing Methodology approach to rectifying affordability problems identifies for York a OAN of 1,070 dpa, again significantly above that of the Local Plan 867 dpa as currently proposed.

3.21 The Draft Planning Practice Guidance states that "the need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production." In terms of an authority identifying a housing need lower than the number identified by the standard method the draft PPG states:

> "Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities."

3.22 We are aware that the Council are not obligated to apply the emerging NPPF, given the transitional arrangements which allow for an authority to apply the existing (previous) NPPF

policies for the purposes of examining plans, where they are submitted on or before 6 months of the adoption of the final Framework, which is likely to be the case, as it allows the Council to submit the Local Plan before the end of 2018. This essentially means that the Council are not required to take into account the standard OAN methodology. That said, it is strongly recommended that the housing need in the Local Plan is increased to a minimum of 1,070 dwellings per annum at this stage, in alignment with the methodology, which will require the identification of additional land, to ensure that the inevitable changes to the Green Belt in York are made now, and secured for the long term. To not increase the housing requirement now will only lead to inevitable changes at the first review of the Local Plan (5 years from adoption), whereby an increase will lead to additional Green Belt changes. Given that this Local Plan is the opportunity to actually designate Green Belt land in York, it would be more appropriate to secure the long term permanence of the Green Belt now.

3.23 Council Officers opinion to the 23rd January 2018 Local Plan Working Group papers considered that "an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process." Council officers suggested potential new housing sites to increase the housing supply however Members rejected all suggestions for increasing the housing requirement and the identification of additional sites. From the Local Plan Working Group January 2018 report, It appears that City of York Council Officers themselves do not have confidence in the Publication Draft Local Plan housing requirement.

Conclusions relating to Policy SS1

3.24 In reviewing the various OAN options, it is clear there is no sound evidential approach to adopting the 867 dpa figure. The range of alternatives are:-

- Local Plan text Policy SS1 867 dpa
- Policy SS1 corrected for early years shortfall 923 dpa
- 2017 SHMA recommendation = early years shortfall 996 dpa
- DCLG Consultation Housing Methodology 1,070 dpa
- Lichfields Alternative with higher adjustments for jobs and market signals 1,150 dpa

3.25 The figures of the 2017 SHMA (adjusted for early years shortfall) and the DCLG Methodology are broadly similar and would suggest the net annual requirement for York is at least 1,000 dwellings per annum based upon the Council's own material and more likely 1,150 dpa based upon the DCLG and Lichfield's work once economic growth is factored into both.

Approach to Housing

3.26 Having reviewed the portfolio of sites set out in Local Plan, it appears that the Council's strategy is a combination of urban expansion, the provision of isolated new settlements and restricted growth in existing settlements. The document contains no narrative as to how, or why, the Council has arrived at this approach, nor does it set out the implications of this pattern of spatial distribution or discuss the alternative options considered.

3.27 In sustainability terms, we still consider it more appropriate to focus growth in the York urban area and expand existing settlements. This approach would make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met. In particular, the failure to allocate land in existing settlements will increase affordability pressures in the City.

3.28 The proposed spatial strategy for the City, and how this will be achieved over the lifetime of the Plan (up to 2038), should be set out clearly in the Plan. Without this context it is not possible to consider the suitability of the portfolio of sites. The absence of an overarching spatial strategy is apparent as the Plan identifies two strategic housing allocations in isolated locations, significantly separated from the main urban area. Such an approach does not promote sustainable patterns of development as required by the Framework, and therefore conflicts with national guidance.

Concerns relating to ST15 - Elvington

3.29 Whilst it is accepted and welcomed that the development of Green Belt sites will be necessary to accommodate York's housing growth, we are concerned that the proposed allocation of land to the West of Elvington Lane [Allocation ref. ST15] would not create and support, sustainable patterns of development for the following reasons:

1. ST15 is situated in the open countryside in an isolated location, with no existing infrastructure capable of accommodating the proposed levels of development. This would result in a long lead in time as the provision of infrastructure is a long, complex and costly process. ST15 could therefore only provide new homes towards the end of the plan period and there is no certainty over the potential supply due to the complexities of delivery. It is also important to highlight that there is no known developer interest in this site at this time.
2. The necessity to create and maintain an appropriate landscape setting and substantial buffers would result in the loss of developable area and not make the best use of the land.

3. The vision for ST15 is to create a 'garden' village which includes shops, services and community facilities to meet the needs of future residents. In the case of ST15, the Council has failed to recognise that new settlements need to be of a sufficient size to support the required range of social and physical infrastructure. For example, in order for a new settlement to be truly sustainable, it would need to provide a secondary school. This would require a minimum of some 5,000-6,000 homes.

3.30 ST15 has been subjected to a Sustainability Appraisal but for whatever reason appears to score no differently to other Strategic Sites in terms of accessing all local services. Given its remoteness, this would suggest there is a flaw in the scoring system.

3.31 Figure 5.3 informs of the main transport corridors in relation to the main urban area. These transport corridors reflect the areas that are currently well connected to public transport. ST15 is clearly remote from such services.

Concerns relating to York Central – ST5

3.32 We have expressed concern over the over-reliance of delivery from the York Central site. York Central has a long history of non-delivery. While we envisage some residential development on the York Central site, it will not be at the amount envisaged in this Plan.

Concerns relating to ST35 (MoD Strensall) and ST36 (MoD Fulford)

3.33 Both these sites are owned by the MoD and both are currently operational. While the MoD has expressed an intention to dispose of these sites, these proposals are not immediate nor certain. As can be seen from Table 5.1, ST35 is a medium term release and ST36 is a long term release.

3.34 The text to ST35 in Policy SS19 informs the site is to be disposed of in 2021 but is not without challenges. The site lies adjacent to a SSSI and requires a sensitive approach to development. The text informs the site is remote from existing services such that the 578 dwellings will need to deliver a retail shop and a primary school. Both of these will impact upon the sites' viability.

3.35 Site ST36 in Policy SS20 is equally uncertain given it will not be released until 2031 and development unlikely to commence until 2033, the end of the Council's housing delivery period. The text in Policy SS20 and supporting paragraphs reference a raft of heritage concerns which may impact on the quantum of delivery from the site; this will be the case should many of the existing buildings need to be retained.

3.36 It is our opinion that site ST36 lacks certainty such that it should not be an allocated site. In making this suggestion to remove this site there is a recognition the site could be developed in time but that could be for a later review of the Plan.

Concerns relating to the 5 year supply

3.37 It is known and accepted by the Council that it is unable to currently demonstrate a 5 year supply of housing and that matters will only worsen should the adoption of a new Local Plan be delayed.

3.38 The extent of the current supply and recent shortfall is a matter of dispute as the OAN options referenced above vary significantly. The greater the OAN, the greater the shortfall and the greater the 5 year requirement looking forward over the next 5 years once the Framework para 47 shortfall and buffer are correctly applied.

3.39 The Council's 2017 Local Plan and SHLAA both contain a delivery trajectory but lack any real detail. From the material available, it would appear the Council is reliant on several large strategic sites making an early delivery start with high levels of delivery. It is our opinion that this approach is unrealistic, especially given known and well researched lead in times for large strategic sites such as ST14 and ST15, ST35.

3.40 When an OAN higher than that sought in the Local Plan is applied with longer lead in times from these larger more remotes sites is applied, the current Local Plan falls well short of an early years 5 years supply.

3.41 We have significant concerns with the Council's continued use of student accommodation in the completion figures, which artificially boosts the housing delivery figure. The Council's Housing Monitoring Update October 2017 reveals that in the first half of 2017/18 of the total 1,036 net housing completions, 637 were from privately managed off campus student accommodation, and only 371 were from traditional Use Class C3 housing completion sites. The CLG's household projections do not include an allowance for students, with the household projections upon which York's OAHN is based relating to C3 uses only, and not C2. Student accommodation should therefore be excluded from the completion figures.

Policy SS2 – The role of York's Green Belt

3.42 We support the Council in its acknowledgement that the current 'Draft' Green Belt boundary will need to be altered to meet the development needs of the area. This is clear from the evidence provided by the Council.

3.43 The Pre-Publication Draft and subsequent Publication Draft is an improvement on the Preferred Options Paper of 2016 in that it recognises the Plan Period needs to run to 2038 and not 2032 as was the case in the 2016 version.

3.44 However, the Pre-publication and subsequent Publication Draft fails to provide sufficient land for housing and again contains no Safeguarded Land. This is in our opinion a shortcoming of the Plan.

3.45 The identification of Safeguarded Land is considered particularly important as the Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. We consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future review. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged Flexibiity is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

3.46 The current approach adopted in the Plan conflicts with national guidance and advice sought by the Council from John Hobson QC (Landmark Chambers) in relation to Safeguarded Land which concluded that:

> *"In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries"*

3.47 The Council has also been advised by Counsel that it would be appropriate for the Green Belt to endure for a ten year period beyond the life of the Plan. We therefore request that the Plan is amended accordingly to ensure that it is effective and consistent with national policy.

Need for additional sites and Safeguarded Land

3.48 Having regard to the fact that the OAN/requirement needs to be higher and that doubts can be expressed over the selection of certain sites (ST15, ST35, ST36) where delivery may not come about as forecast, we consider this Local Plan has a shortfall of housing in terms of the following:-

- The Plan lacks sufficient housing allocations to deliver the 21,000 net dwellings for the Plan Period up to 2038
- The Plan lacks flexibility by having no Safeguarded Land to give a new Green Belt any degree of permanence.

Long Term Delivery 2033 to 2038

3.49 The threat of insufficient housing over the Plan period is evident in the Council's own trajectory at Figure 5.1. The Plan informs of a supply of housing land up to 2038 yet beyond 2033 the Plan as drafted has only limited supply, see Table 3.1 below.

Table 3.1: Long Term Delivery Trajectory Post 2033

Source	2033/34	2034/35	2035/36	2036/37	2037/38
Windfall (Para 5.8)	169	169	169	169	169
Elvington ST15	150	150	150	150	150
Clifton Moor, ST14	100	50			
ST36 Fulford	50	100	100	100	100
Total	469	469	419	419	419
OAN (minimum)	1,000	1,000	1,000	1,000	1,000
Shortfall	**-531**	**-531**	**-581**	**-581**	**-581**

3.50 As can be seen above, the Plan makes very little provision post 2033 meeting less than half the requirement. The table above demonstrates the need to identify long term sources of supply such that delivery can be maintained across the whole Plan Period.

Remedy

3.51 In order to remedy the lack of flexibility and potential longer term shortfall up to 2038, the Plan needs to Allocate and Safeguard more land.

General Policy Comments

3.52 The following table identifies a number of Policies in the Plan to which we express concern. These are listed as Table 3.2 below.

Table 3.2: General Policy Observations

Policy	Remark	Remedy
H1	**Phased Release:** Policy H1 as drafted refers to phasing but lacks timescales. Table 5.1 informs of no phased release mechanism with only the MoD Sites having a delivery delay due to disposal dates. Insufficient range of sites are identified given concerns with housing requirement, and lack of identification of safeguarded sites. We question the validity of the use of historic windfalls going forward when such windfalls have come forward at a time of no adopted plan being in place. It is not certain that the average windfall rate will continue at this rate going forward	Re-draft to; • Insert Plan Period Dates • Identify additional sites to meet the increased recommended housing requirement, and in addition provide a buffer of sites provide choice and flexibility in the market, and not place an over reliance on windfall delivery. • Remove reference to phasing • Remove text on 5 year supply assuming there is no release mechanism, thus no need for 5 year supply text.
H2	**Density:** Reference to 'net' density is welcomed as this is often overlooked in policy of this type. Further clarification is required in supporting text.	Supporting text needs to reference those elements that relate to gross and net. Eg Water Attenuation Areas, public open space requirements. In addition, this text

	We welcome the reference that on strategic sites specific master planning agreements that provide density targets for that site may override the density policy, and welcome that the policy should be used as a 'general guide.' That said, it is not clear where the net density requirements in Policy H2 are derived, which are considered to be too high, too prescriptive and unachievable. Whilst the explanatory text refers to density testing having been carried out through viability and deliverability work, there is no information to justify the density ranges.	needs to have regard to garden size requirements in any design guide. The densities proposed need to be tested on recently approved schemes as we question the achievability of the 100 and 50 dph within the City Centre and York urban area, which will undoubtedly require multi-storey development, which is likely to impact on heritage issues. Given that the Council refer to the Policy as a 'general guide' we recommend further flexibility in the policy with density ranges e.g. • 80-100 units/ha within the city centre • 40-50 units/ha within the York urban area • 30 – 40 units/ha within the suburban area and Haxby/Wigginton • 20-30 units/ha in the rural area and villages
H3	**Housing Mix:** We object to this policy. The policy needs maintain a degree of flexibility given the SHMA considers only need as opposed to 'demand' and the SHMA represents a certain snapshot in time. It is questionable how the SHMA can estimate the size of market and affordable homes required over the plan period to 2038. It is important that a mix policy is workable, to ensure that housing	Insert additional wording allowing greater flexibility of the housing mix to reflect housing demand, and differences in demand across the City, as well as an acknowledgement that the demand will also vary over the course of the plan period. Insert a site size threshold at which evidence of need and demand is required. Further information is

	delivery is not stalled due to inflexible and overly prescriptive requirements. The requirement to consider mix and evidence of need appears to have no site size threshold e.g, sites of 100 dwellings or more.	needed on the evidence required, along with reference to the mix needing to be assessed at the time of an application.
H4	**Custom Build Housing:** We object to the need to insert Custom Build Housing on larger allocations. Those traditionally seeking to build their own home are not normally seeking to build on a housing estate. Sites of up to 10 dwellings with affordable housing commuted off site are the best vehicle for this approach.	Remove text referring to Strategic Sites delivering Self Build.
H5	**Gypsy and Travellers:** We object to Policy H5 as drafted. Gypsy and Traveller pitches are not suitable for large strategic housing sites, they have particular needs that traditionally require their own site. While we have no objection to the second part of the policy that seeks a contribution, this appears to lack any justification. Excessive requests may adversely impact upon on the delivery of affordable housing. Why don't the Gypsy and Traveller community fund the delivery of their own plots?	Remove part B of the policy with reference to on-site provision on large sites over 5ha. Provide clarity on the level of contribution being sought.
H7	**Student Housing:** The Plan needs to make clear that Student Housing sits outside the OAN and Housing Supply.	Clarification text required.
H9	**Older Persons Specialist Housing:**	

	Policy H9 requires further clarification on what is required in terms of numbers and types. While house builders can provide elderly persons housing under C3, the provision of extra care housing as a C2 class is more complex.	The reference to Strategic Sites providing homes for the elderly needs to reference C3 uses only. The supporting text at para 5.58 needs to more clearly inform that C2 development will not count towards the housing supply in the OAN.
H10	**Affordable Housing:** The Policy overlooks the Government's intention to deliver 'Starter Homes as part of the Affordable Housing Mix (as included in the emerging NPPF) The Policy should consider inserting an off-site contribution for Self Build Custom Sites as per the Rural Sites. While the 30% affordable housing target is currently not objected to, there are many policies in the Plan that seek 'Developer Contributions'. We are currently reviewing the cumulative effect those have on viability overall. It would be our preference to see sites over 5Ha delivering 25% affordable housing such that other infrastructure requirements can be funded. The changes to Policy H9 since the pre-publication draft in relation to urban, sub-urban and rural sites between 2 and 10 dwellings are noted.	Insert reference to Starter Homes. Change sites over 5Ha to a 25% requirement.
HW2	**New Community Facilities:** Whilst we welcome the policy wording change which deletes the 10 dwelling threshold for an audit of existing community facilities to be prepared, there remains little detail on the extent of developer contributions is required.	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts on viability of various policy requirements.

HW3	**Built Sports Facilities:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts on viability of various policy requirements.
HW4	**Childcare Provision:** We object to strategic sites being required to undertake an audit. This is work only the LEA can perform and onus should not be placed upon the developer. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
HW5	**Healthcare Services:** We object to the requirement that a developer is required to undertake an assessment of accessibility and capacity at the application stage. This is material the health service should be providing to the Local Plan and CIL if progressed. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
HW6	**Emergency Services:** Further detail on the extent of developer contributions is required. The Policy requirement for additional spoke facilities is not an absolute and should be subject to dialogue with the Ambulance Service at the application / masterplanning stage to ascertain demand.	Clarification on level of contribution is required. Flexibility is required in the wording, to allow for dialogue between the Ambulance Service at Masterplanning / Application stage.
HW7	**Healthy Places:** We object to this policy requirement. On the basis that sites are selected on the grounds of being sustainable, the need	Delete the policy.

	for such an assessment is negated by the allocation.	
ED6	**Preschool, Primary and Secondary Education:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED7	**College Development:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED8	**Community Access to sport:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
D2	**Landscape and Setting:** Policy D2 makes reference to the most up to date York Landscape Character Appraisal. We have been unable to locate this document.	CYC to provide Landscape Character Appraisal Report into Evidence Base documents.
D3	**Cultural Provision** We object to the request that strategic sites will need to demonstrate that future cultural provision has been considered and provide a Cultural Wellbeing Plan. This is a task only the Council can perform.	
GI1	**Green Infrastructure:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI2	**Biodiversity and Access to Nature:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.

GI3	**Green Infrastructure Network:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI4	**Trees and Hedgerows:** Why is a developer contribution required to protect existing trees and hedgerows as suggested in the 'Delivery' explanatory text to this policy?	Fails the test.
GI5	**Protection of Open Space and Playing Pitches:** Why is a developer contribution required to protect existing pitches from development?	Fails the test.
GI6	**New Open Space Provision:** We object to point 'iii' that requires further land beyond the allocated boundaries of strategic sites. There is no justification for this request. The request also does not sit comfortably when the land is being retained as Green Belt. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
CC1	**Renewable and Low Carbon Energy Generation and Storage:** While we welcome the addition of reference to viability in this Policy since the Pre-Publication Draft, we object to this policy being applied to strategic housing sites. The Policy and supporting text is unclear as to whether or not this applies to major residential schemes. The text in the Peter Brett Associates Local Plan and CIL Viability Assessment suggests it does not apply – Para 5.4.7 informs no costs have been allocated to	Doubt exists over the application of this policy. See Peter Brett Report para 5.4.7. The Carbon Trust Report still does not appear to be an evidence base report – it needs to be if the Council are to rely upon it.

	this requirement as the Carbon Trust noted further work is required. In alignment with HBF comments, we consider the requirements of this policy could have the potential to add costs to the delivery of housing development.	
CC2	Sustainable Design and Construction 19% reduction We object to this requirement as it goes beyond building regulations without justification to introduce the optional standards. Building Regulations are constantly being updated and improved and there is no case for York to run a parallel process. The Peter Brett Report Table 5.12 informs this policy increases the cost of building a typical 3-bed dwelling by £812 which is presumably over and above the cost of a standard home built to current Building Regulations requirements.	Delete parts i and ii in relation to all new residential buildings.
CC3	**District Heating Networks:** We object to this policy. The insertion within the Policy text since the Pre-Publication Draft now refers to all 'New Strategic Sites.' Paragraph 11.33 remains unchanged and informs this policy applies to residential schemes in excess of 300 dwellings. This would cover all proposed Strategic Housing sites. We object on the basis that energy efficiencies are already sought under Policy CC2 and as demonstrated in Table 5.12 of the viability report the cost of	Remove reference to all New Strategic Sites from this policy and supporting text.

	Policy CC3 would be an extra £3,396 to a typical 3 bed house. The Plan contains no good examples of where such a system has been successfully installed on a large housing site. The installation will impact upon the delivery of other elements of social infrastructure.	
ENV1	**Air Quality:** We object to the requirement for strategic sites to undertake a detailed emissions strategy. Each strategic site is identified, allocated and masterplanned in accordance with the policy requirements of the plan. To request an emissions strategy later down the line at application stage merely inserts an unnecessary layer of paperwork on a site that has already been examined and found to be suitably located..	
ENV4	**Flood Risk:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ENV5	**Sustainable Drainage:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T1	**Sustainable Access:** We welcome the additional flexibility added to the Policy and paragraph 14.10 since the Pre-Publication Draft, which makes reference to enhancing existing services as an alternative to the provision of new high quality public transport services, and refers to potential that such new services or enhanced existing	

	services will become commercially viable within a shorter timeframe.	
T2	**Strategic Public Transport Improvements:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T3	**York Railway Station:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T4	**Strategic Highway Network Capacity:** The timings of junction upgrades in this policy need further explanation and linked back into the delivery trajectories of each strategic site. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T5	**Strategic Cycle and Pedestrian Networks:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T6	**Development Near Transport Corridors:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T7	**Minimising Generated Trips:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T8	**Demand Management:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.

T9	**Alternative Fuel Fuelling Centres:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
C1	**Communications Infrastructure:** We note the addition to this Policy since the Pre-Publication Draft regarding Next Generation Access (NGA) broadband connection. A degree of caution is required given that the inclusion of digital infrastructure is not within the direct control of the development industry, and therefore this policy could create deliverability issues. As well as developers engaging with communication providers, it is considered the Council should also work proactively with digital infrastructure providers. Further detail on the extent of developer contributions is required.	Insert reference in the Policy regarding the Council and Developers engaging with communication providers. Clarification on level of contribution is required.
DM1	**Infrastructure and Developer Contributions:** Note, the table above identifies circa 30 policies where 'Developer Contributions' are referenced in the supporting 'delivery' text. While the text to support Policy DM1 makes an attempt to draw these together, it must be acknowledged they are all potentially making demands of development on matter that in the main would be covered by a CIL.	The viability work currently being undertaken by CYC needs to be vigorously tested working with the development industry including an assessment of the cumulative impact on viability is required. Para 173 of the Framework requires robust viability testing of Plans such that policies do not. Text from Para 173 regarding reasonable returns to landowner and developer need to be added.

		More detail needed within Table 15.2 with specific monitoring triggers and mechanisms (including timescales) where action is required should a target not be met.

3.53 We note the 'Delivery and Monitoring Tables' to the rear of the Plan contains **no** requirement to maintain a 5 year supply and what actions are to be taken in the event of a housing delivery failure. This is a failure of the Plan as drafted, and in alignment with HBF comments, we consider that specific monitoring triggers are introduced.

3.54 Given the Plan contains no Safeguarded Land and is overly tight in the provision such that it contains no flexibility in the event of a delivery failure, the Plan contains no review mechanism. In other words, it lacks any Plan B options should Plan A fail. It is therefore unsound in that the option chosen with no flexibility and overlooking key parts of the OAN evidence base are unjustified.

3.55 The manner in which politicians have ignored the evidence base and findings of the sustainability appraisal on OAN options fail the soundness test of being positively prepared.

3.56 The Plan simply needs more housing land above that currently in the Plan.

SID 583

[redacted]

From: Gen Kenington [gen@johnsonmowat.co.uk]
Sent: 04 April 2018 16:34
To: localplan@york.gov.uk
Subject: York Local Plan Publication Draft - Consultation Response - ST8 Monks Cross
Attachments: ST8 Monks Cross Comments Form.pdf; York Local Plan Publication Draft - Redrow ST8 Monks Cross Response 04-04-18.pdf

Dear Sir or Madam,

Please find attached a completed response form and representation document in response to the York Local Plan Publication Draft in particular relation to Strategic Site ST8 Monks Cross. The submission is made on behalf of Redrow Homes, GM Ward Trust, K Hudson, C Bowes, and E Crocker.

Please could you acknowledge receipt of the attachments.

Kind regards

Gen Kenington (Née Berridge)
MTP MRTPI
Associate Director

Johnson Mowat
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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mr
First Name		Mark
Last Name		Johnson
Organisation (where relevant)	Redrow Homes, GM Ward Trust, K Hudson, C Bowes and E Crocker	Johnson Mowat
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Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	X
Policies Map	☐
Sustainability Appraisal/Strategic Environmental Assessment	☐

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☐

4.(3) Please justify your answer to question 4.(1) and 4.(2)

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No X

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	**X**	**Justified**	**X**
Effective	**X**	**Consistent with national policy**	**X**

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.	Various - See Statement	Site Ref.	ST8

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached statement and appendices

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See attached statement and appendices

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	X

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To have the opportunity to present the case in support of the Site ST8 Monks Cross, as well as engage in the debate in relation to the housing provision and other draft policies.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature [redacted] **Date** **4th April 2018**

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

JohnsonMowat

Planning & Development Consultants

CITY OF YORK LOCAL PLAN

PUBLICATION DRAFT FEBRUARY 2018

ST8 LAND AT MONKS CROSS

On behalf of Redrow Homes, GM Ward Trust, Mr K Hudson, Mrs C Bowes and Mrs E Crocker

March 2018

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1.0 INTRODUCTION

1.1 Johnson Mowat has prepared this short response to the City of York Local Plan Publication Draft February 2018 (Regulation 19 Consultation) on behalf of our client Redrow Homes and landowners GM Ward Trust, Mr K Hudson, Mrs C Bowes and Mrs E Crocker (collectively referred to as Redrow in the following submission) in relation to their land interests north of Monks Cross.

1.2 The purpose of our response is to comment upon the Publication Draft document in relation to housing and other policies that impact upon housing delivery.

1.3 National planning policy sets clear expectations as to how a Local Plan must be prepared in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities. We consider that the Publication Draft as currently drafted fails to meet these four tests of soundness.

1.4 The four tests of soundness are discussed below:-

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

1.5 Our major concerns with the document as currently drafted are summarised as follows:

1. The document does not adequately present the correct Objective Assessment of Housing Need [OAHN] which flows from the evidence base and does not accord with guidance set out in the National Planning Policy Framework [Framework] and Planning Practice Guidance [Practice Guidance].

2. The Council delivery of sites fails to deliver the right housing in the right location across the plan period to 2038 such that an appropriate Green Belt boundary can be established.

1.6 In the context of the above, it is not possible to consider the suitability of the portfolio of sites set out as it is neither sound nor effective and has not been positively prepared. The City of York's unmet housing need has not been addressed and it is therefore not consistent with national policy which requires that Local Planning Authorities ensure that Local Plans meet the full, objectively assessed needs in the housing market area.

1.7 In producing this response, we are mindful of the housing requirement work undertaken by Lichfields in October 2017 and updated in March 2018 and are supportive of its findings that conclude the housing requirement for the plan period should be at least 1,150 dwellings per annum.

1.8 In producing this response, we are aware of the September 2017 DCLG Housing Methodology 'Planning for the right homes in the right places' paper and the Draft NPPF and Draft Planning Practice Guidance. The standard methodology in the DCLG 'Planning for the right homes in the right places' paper calculates a baseline housing need figure for York of 1,070 dwellings per annum. It is clear the housing number for York in that document (even without employment growth) informs of an annual housing requirement significantly above that within this Publication Draft Local Plan.

Strategic Site ST8

1.9 Redrow Homes support the inclusion of ST8 – land to the north of Monks Cross as a strategic urban extension. The site is deliverable with a national housebuilder on board to develop the site. Redrow Homes own the majority of the site and are therefore 100% committed to the delivery of this site, which is an important site required to meet the housing needs of York.

1.10 An Outline Planning Application was submitted in January 2018 (Application Ref: 18/00017/OUTM) for the residential development of circa 970 dwellings incorporating open space, primary school, associated community facilities, convenience store and a country park. The application covers the area identified at Site ST8 in the Publication Draft Local Plan. Dialogue is ongoing with the Council. Furthermore, Site ST8 is included as a housing allocation in the emerging Huntington Neighbourhood Plan (Site H1), and dialogue is ongoing with the

Neighbourhood Plan team in relation to the progress and production of the Neighbourhood Plan.

1.11 Whilst our clients are broadly supportive of the allocation of ST8, concerns remain with the reduced scale of the allocation and the wording of certain policies. The Illustrative Masterplan that forms part of the pending planning application is included at Appendix 1.

1.12 There are inconsistencies within the text in relation to references to 'strategic greenspace' and the provision of a 'new green wedge' when considering the land to the immediate west of site ST8.

1.13 At a meeting with the Council in October 2017, the Council confirmed their intention for this land to be designated as Green Belt. The wording needs clarifying to make it clear what the intended allocation of this land is and its proposed function. It is our opinion this wedge would not perform any of the functions expected of a Green Belt designation. To provide a degree of flexibility, this should be identified as Green Wedge, not Green Belt. Should the land be given Green Belt status, it will over time become under-used and unattractive to the point where it potentially becomes un-safe.

1.14 The Masterplan has been discussed with the Council and informed how the site could be developed in accordance with the planning principles outlined in the draft text, which we have summarised below:

- The masterplan incorporates open space;
- It provides a new access from Monks Cross Link Road with bus links into the site;
- It provides a new Primary School;
- Appropriate landscaping is identified east of Monks Cross Link Road;
- Significant new playing fields and sports pitches are provided.

2.0 SITE SPECIFIC COMMENTS ON POLICY SS10

2.1 The following remarks relate specifically to Policy SS10 for the strategic residential allocation site north of Monks Cross, Site Ref ST8.

2.2 With respect to dwelling numbers, we consider the target 968 dwellings is achievable subject to:-

- the Primary School being located in the western green wedge,
- community facilities being associated with the school such that they do not take land that would be used for residential development,
- the proportion of public open space being located on site is reflective of both community use of the school playing fields, and recognises the public informal recreational role provided by the nature reserve created east of the Link Road (see Policy G16 Site OS8).

2.3 The site specific policy contains 13 topic requirements. Table 2.1 below provides comment on each item.

Table 2.1: Comments on Policy SS10

Item	Topic	Remark
1	Housing Mix	We are aware of the requirements of draft Policy H3. We do not agree with Policy H3 as it has no regard to 'local demand' factors as referenced in para 50 of the Framework. We will commission a site specific housing market assessment as advised in that policy.
2	Strategic Landscape Buffer	Points 2 and 3 could be merged.
3	Landscape treatment to edge of site	As above.
4	Green Wedge	The wording needs clarifying to make it clear what the intended allocation of this land is and its proposed function. It is our opinion this wedge would not perform any of the functions expected of a Green Belt designation. To provide a degree of flexibility, this should be identified as Green

		Wedge, not Green Belt. Should the land be given Green Belt status, it will over time become under-used and unattractive to the point where it potentially becomes un-safe.
5	Increase biodiversity	While we agree with the concept of protecting and enhancing biodiversity, we feel this text could be re-written to focus on protecting existing features of ecological value on the site and enhancing biodiversity in those areas designated in the Masterplan for that purpose such as the Green Wedge to the west and the ecological area to the east of Monks Cross Link Road. It is important not to lose sight of the main purpose of this allocation; that being to deliver 968 new homes and a primary school.
6	New Open Space east of Monks Cross Link Road	We support the principle of this matter although again seek the Council to accept the element of open space provision west of the Link Road need to be partially placed into the western Green Wedge, otherwise the 968 dwellings may not be achieved.
7	New Social Infrastructure	The site lies immediately north of Monks Cross Retail and Employment Park. It is clear there is no shortage of retail shopping opportunities in this area and this needs to be reflected in the text. It may be possible to generate demand for a local store within the residential area although this would need to be market tested at a particular stage within the development. It should not become prescriptive within the policy. Any community space above and beyond the Primary School, should recognise the Primary School will become a community focus. The text should be amended to reference this as there is little merit in providing separate free standing facilities. The text should reference the need for a

		Community Use Agreement to be applied to the Primary School as this should perform a dual function without the need to construct a further separate building for a yet unknown use. Again, we seek a text alteration to reflect the expected wider community role the School will play.
8	Primary School on site and Secondary School Contribution with ST7	While there is no objection to this request, it is clear a development of this size would generate the need for only a single entry Primary School, which needs to be stated in the text. The CYC education consultation response refers to the requirement of a 210 place primary school, which is a single form entry school. Beyond the Policy, the Council needs to engage early with the Developer Team on:- • how and when this education provision is required • who designs the school • who pays for its construction • who manages the facility given all new schools are to operate as an academy remote from the LEA. There are viability issues to be addressed should the Developer be expected to build the School at their own cost. There is no information on the extent to which monies are sought to assist in delivering the secondary school. There is no such facility shown on the Proposals Map that supports this Plan. These factors need addressing to make the Plan sound.
9	No direct access to the A1237	Accepted
10	Cumulative traffic impact	The Council needs to be clearer on what is expected of this and those other named developments, certainly by way of

		highway improvements, timings and costs. Again, there is a viability point to consider. There is also currently uncertainty as to whether or not these costs are included within a possible CIL.
11	Public Transport	The site has been Masterplanned such that an internal loop will facilitate the hopper bus service to Monk Cross Park and Ride and beyond.
12	Pedestrian and Cycle Links to Monks Cross	The Masterplan will deliver these where possible. The Council needs to note this can be achieved via Monks Cross Link Road. The text needs to be amended to reflect this.
13	Pedestrian and Cycle Links to wider areas	As above, these are included on the Masterplan where the developer has control over the land. There is however a point to be made here in that the manner in which the Council has sought to divorce this urban extension from the adjoining community through the introduction of the western Green Wedge that runs contrary to the aims of better integrating the site with the existing nearby neighbourhoods.

2.4 At the Pre-Publication Draft stage, we separately wrote to the Council on the matter of viability and understanding what is expected of Strategic Sites by way on 'Infrastructure' beyond the site including road network and education.

2.5 There are multiple policies in this draft Local Plan seeking 'Developer Contributions'. It remains unclear as to how these overlap with the CIL and the suggestion that this site is viable as currently assessed by the Council. A copy of the letter outlining the cumulative impact of policies on viability is appended to this response at Appendix 2 for ease.

3.0 GENERAL POLICY REMARKS

Plan Period 2033 or 2038?

3.1 Under the sub-heading 'About the Plan' para i) confirms the Local Plan Period runs from 2017 to 2032/33 with the exception of Green Belt boundaries which will endure to 2037/38. The text requires clarification. Points to note are:-

- The Plan Period should be 1st April 2017 to 31st March 2038. This would remove any confusion and ensure that upon adoption that plan period will be more than 15 years, as preferred by the NPPF.
- The housing allocations only partly extend beyond 2033, significantly tailing off after that date such that the five year period 2033 to 2038 only delivers half the housing requirement in those years - even then, delivering from no more than 3 known sites and windfall. Given there is no Safeguarded Land in the Plan, it is clear the Plan fails to justify the 2038 end date with the allocations as presented in Trajectory (Figure 5.1) demonstrating those shortcomings.

Jobs Growth

3.2 Paras 1.34 and 4.2 both make reference to the jobs growth forecast although para 4.2 makes reference to an additional forecast from Experian. It is now unclear as to which forecast has been used and how these relate to the Leeds City Region work and Northern Powerhouse. It is also unclear as to which methodology has been used to calculate the housing requirement.

Housing

3.3 While we support the reference to the 'notable affordable housing need' and increasing affordability concerns in the City in para 1.46, it is clear this recognition has not been taken forward into the housing requirement number that will be used to help resolve these problems.

Provide Good Quality Homes and Opportunities

3.4 Para 2.5 informs that 'By the end of the plan period sufficient sites will have been identified for viable and deliverable house sites …'. This needs rewording to inform these sites are to be identified now, at the start of the plan period. This para also needs to be clear over the plan period, that being up to 31 March 2038. The quantum of housing referenced in this para at 867 dwellings per annum is also at odds with that referenced in Trajectory Table 5.2 which seeks to make good the early years (2012 to 2017) shortfall and adds back a further 56 dwellings per annum up to 31 March 2033. As such, the requirement for 1st April 2017 to 31st March 2033 is 923 per annum. For the avoidance of doubt, we don't accept that figure but if the Council are to continue with 867, it should at least be referenced correctly.

Policy DP3: Sustainable Communities

3.5 While we have no overall objection to Policy DP3, the wording in 'iv)' needs to be amended from 'highest standards' to 'high standards'. There will be cost constraints to having to seek the very highest standards of embedded sustainability which may ultimately be weighed against delivering other benefits such as affordable housing.

Policy SS1: Delivering Sustainable Growth for York

3.6 As drafted, Policy SS1 wrongly references the housing number for the Plan Period and seeks a housing number that is not supported by the evidence base or the Sustainability Appraisal (SA). SS1 contains a lower than required housing number and is therefore unsound for the following reasons:-

- Not positively prepared – housing requirement is too low, the 867 dpa will act as a brake on economic growth and harm the delivery of affordable housing.
- Not justified – the evidence base and SA supports a higher figure.
- Not effective – the housing fails to deliver the full requirement and fails to align with the Plan Period for the Green Belt boundaries up to 2038.
- Not conforming with National Policy – it fails to carry forward the guidance in NPPG (para ID 2a 002 onwards).

3.7 Furthermore, the policy seems to suggest that brownfield/PDL will be phased ahead of greenfield sites. While this approach is inconsistent with the balanced approach taken in the Framework, it is also unclear as to how this would work in reality given the allocations in this York Local Plan are all released in a single phase.

Para 3.3 Housing Growth

3.8 This para needs to aligned with Table 5.2 in the Plan and recognise the fact that the shortfall since 2012 has been rolled into the new Plan Period commencing 2017. The introduction text in the Plan states the Plan Period commences 2017. If that is the case the housing requirement is 867+56 = 923 as per the trajectory table.

Objectively Assessed Housing Need

3.9 As stated above, we are concerned the Council has taken a political route in selecting the lowest possible housing number available. The 'Political' influence is clear from the Introduction text to the September 2017 SHMA Update. The 2017 SHMA Update is essentially the GL Hearn May 2017 update that suggests an OAN for the period 2012 to 2032 of 867 dwellings plus a 10% uplift to address affordability concerns. GL Hearn therefore advise of an OAN of 953 (excluding the shortfall 2012-17).

3.10 In advising the 953 dpa figure, the 2017 SHMA report states the 867 dpa figure "would not however address the City's affordability issues." (May 2017 SHMA Para 5.)

3.11 The Council's 2018 Sustainability Appraisal Appendix N provides for a comparison appraisal of the 867 and 953 dpa figures and the DCLG OAN Methodology figure of 1,070. While the 953 dpa figure scores no worse against the 15 SA Objectives to the Council's preferred 867 figure, it does in fact score better under objectives 1, 4 and 5. The assessment under SA Objective 1 (meeting the diverse housing needs of the population in a sustainable way) scores a negative long term score when considering the 867 dpa figure and a double positive for the 953. The DCLG 1,070 figure scores a double positive score in the medium term, which is better than both the 867 and the 953 dpa figure, with the summary stating that "the figure would be likely to drive significant positive effects in the medium term." The double positive long term score against the 1,070 figure is uncertain only due to the 10 year period of the Government's housing need

figure. Not only do GL Hearn consider the 867 dpa figure to be too low and harmful, but this view is equally shared by Amec Foster Wheeler in the February 2018 SA.

The Council's own Sustainability Appraisal (February 2019) of the OAN Options at SA Appendix N informs a higher level of housing than that proposed in the current Plan would be more sustainable overall.

3.12 From all the material available, it would appear only the unqualified Elected Members are of the view the 867 dpa figure should be maintained. It is for that reason we consider Policy SS1 is unsound on the basis that the evidence base has been ignored for essentially political reasons.

3.13 Applying the 953 dpa figure from the 1st March 2012 SHMA base date would equate to the following:-

- 1st April 2012 – 31st March 2038 (26 yrs in total) = 24,778
- Requirement from 1st April 2017 = 21 years x 953 + early shortfall (896) = 20,909

or

- **996 dwellings per annum 1st April 2017 to 31st March 2038**

Alternative OAN Work and inputs

3.14 We are aware of modelling of housing need undertaken by Lichfields and others. As noted within consultation responses to previous drafts of the Local Plan, neither the 2016 SHMA, nor its 2017 addendum have considered the implications of the LEP ambitions for growth. This should be factored into the assessment.

3.15 The 2016 SHMA identifies a small increase of just 8dpa to take account of market signals, this is less than 1% of the identified OAN. Paragraph 11.34 identifies that this adjustment is made to reflect the level of suppression in household formation. We consider this uplift to be too low.

3.16 The PPG, paragraph 2a-019, identifies a series of market signals which should be considered. These include land prices, house prices, rents, affordability, rates of development and

overcrowding. According to the PPG a worsening trend in ***any*** indicator requires an upward adjustment to planned housing numbers compared to ones based solely on household projections (paragraph 2a-020). The SHMA correctly considers the majority of these signals. It is notable from the analysis that York performs poorly against rates of development and affordability.

3.17 In terms of under-delivery this amounted to almost 23% of the target between 2004/5 and 2013/14 (paragraph 8.38; 2016 SHMA). If this were further updated this under-delivery would further increase. In terms of affordability this continues to deteriorate and stands significantly above the national average. These two indicators alone suggest a need for a market signals uplift.

3.18 It is recognised that the 2016 SHMA applies an uplift to HRRs which may account for some of the suppression of household formation. It is, however, notable that the PPG provides a distinction between adjustments for household formation rates from any market signals uplift. The PPG question *'What is the starting point to establish the need for housing?*' (ID 2a-015) is clear that the household projections plus such adjustments for issues such as household formation and the effects of under-delivery on migration represent the demographic starting point. A market signals uplift is clearly made after this starting point. The PPG clearly separates the two issues and states;

> "The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals" (PPG ID 2a-019).

3.19 Given the signals described above it is considered that a market signal uplift of 20% is warranted. The need for such an uplift is also supported by the significant affordable housing need within York. As stated above, we are aware of the work on OAHN undertaken by others including the modelling work of Lichfields. We acknowledge the approach taken by Lichfields which concludes an OAHN of **at least 1,150 pa from the base date of 2012**.

Emerging NPPF and Planning Practice Guidance (incorporating DCLG Housing Methodology)

3.20 Since the Pre-Publication Draft Local Plan Consultation the DCLG 'Planning for the Right Homes in the Right Places' consultation has ended and the draft NPPF has been published,

along with Draft Planning Practice Guidance. The NPPF is expected to be formally published in Summer 2018. The standard DCLG Housing Methodology approach to rectifying affordability problems identifies for York a OAN of 1,070 dpa, again significantly above that of the Local Plan 867 dpa as currently proposed.

3.21 The Draft Planning Practice Guidance states that "the need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production." In terms of an authority identifying a housing need lower than the number identified by the standard method the draft PPG states:

> "Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities."

3.22 We are aware that the Council are not obligated to apply the emerging NPPF, given the transitional arrangements which allow for an authority to apply the existing (previous) NPPF policies for the purposes of examining plans, where they are submitted on or before 6 months of the adoption of the final Framework, which is likely to be the case, as it allows the Council to submit the Local Plan before the end of 2018. This essentially means that the Council are not required to take into account the standard OAN methodology. That said, it is strongly recommended that the housing need in the Local Plan is increased to a minimum of 1,070 dwellings per annum at this stage, in alignment with the methodology, which will require the identification of additional land, to ensure that the inevitable changes to the Green Belt in York are made now, and secured for the long term. To not increase the housing requirement now will only lead to inevitable changes at the first review of the Local Plan (5 years from adoption), whereby an increase will lead to additional Green Belt changes. Given that this Local Plan is the opportunity to actually designate Green Belt land in York, it would be more appropriate to secure the long term permanence of the Green Belt now.

3.23 Council Officers opinion to the 23rd January 2018 Local Plan Working Group papers considered that "an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process." Council officers suggested

potential new housing sites to increase the housing supply however Members rejected all suggestions for increasing the housing requirement and the identification of additional sites. From the Local Plan Working Group January 2018 report, It appears that City of York Council Officers themselves do not have confidence in the Publication Draft Local Plan housing requirement.

Conclusions relating to Policy SS1

3.24 In reviewing the various OAN options, it is clear there is no sound evidential approach to adopting the 867 dpa figure. The range of alternatives are:-

- Local Plan text Policy SS1 867 dpa
- Policy SS1 corrected for early years shortfall 923 dpa
- 2017 SHMA recommendation = early years shortfall 996 dpa
- DCLG Consultation Housing Methodology 1,070 dpa
- Lichfields Alternative with higher adjustments for jobs and market signals 1,150 dpa

3.25 The figures of the 2017 SHMA (adjusted for early years shortfall) and the DCLG Methodology are broadly similar and would suggest the net annual requirement for York is at least 1,000 dwellings per annum based upon the Council's own material and more likely 1,150 dpa based upon the DCLG and Lichfield's work once economic growth is factored into both.

Approach to Housing

3.26 Having reviewed the portfolio of sites set out in Local Plan, it appears that the Council's strategy is a combination of urban expansion, the provision of isolated new settlements and restricted growth in existing settlements. The document contains no narrative as to how, or why, the Council has arrived at this approach, nor does it set out the implications of this pattern of spatial distribution or discuss the alternative options considered.

3.27 In sustainability terms, we still consider it more appropriate to focus growth in the York urban area and expand existing settlements. This approach would make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met. In particular, the failure to allocate land in existing settlements will increase affordability pressures in the City.

3.28 The proposed spatial strategy for the City, and how this will be achieved over the lifetime of the Plan (up to 2038), should be set out clearly in the Plan. Without this context it is not possible to consider the suitability of the portfolio of sites. The absence of an overarching spatial strategy is apparent as the Plan identifies two strategic housing allocations in isolated locations, significantly separated from the main urban area. Such an approach does not promote sustainable patterns of development as required by the Framework, and therefore conflicts with national guidance.

Concerns relating to ST15 - Elvington

3.29 Whilst it is accepted and welcomed that the development of Green Belt sites will be necessary to accommodate York's housing growth, we are concerned that the proposed allocation of land to the West of Elvington Lane [Allocation ref. ST15] would not create and support, sustainable patterns of development for the following reasons:

1. ST15 is situated in the open countryside in an isolated location, with no existing infrastructure capable of accommodating the proposed levels of development. This would result in a long lead in time as the provision of infrastructure is a long, complex and costly process. ST15 could therefore only provide new homes towards the end of the plan period and there is no certainty over the potential supply due to the complexities of delivery. It is also important to highlight that there is no known developer interest in this site at this time.
2. The necessity to create and maintain an appropriate landscape setting and substantial buffers would result in the loss of developable area and not make the best use of the land.
3. The vision for ST15 is to create a 'garden' village which includes shops, services and community facilities to meet the needs of future residents. In the case of ST15, the Council has failed to recognise that new settlements need to be of a sufficient size to support the required range of social and physical infrastructure. For example, in order for a new settlement to be truly sustainable, it would need to provide a secondary school. This would require a minimum of some 5,000-6,000 homes.

3.30 ST15 has been subjected to a Sustainability Appraisal but for whatever reason appears to score no differently to other Strategic Sites in terms of accessing all local services. Given its remoteness, this would suggest there is a flaw in the scoring system.

3.31 Figure 5.3 informs of the main transport corridors in relation to the main urban area. These transport corridors reflect the areas that are currently well connected to public transport. ST15 is clearly remote from such services.

Concerns relating to York Central – ST5

3.32 We have expressed concern over the over-reliance of delivery from the York Central site. York Central has a long history of non-delivery. While we envisage some residential development on the York Central site, it will not be at the amount envisaged in this Plan.

Concerns relating to ST35 (MoD Strensall) and ST36 (MoD Fulford)

3.33 Both these sites are owned by the MoD and both are currently operational. While the MoD has expressed an intention to dispose of these sites, these proposals are not immediate nor certain. As can be seen from Table 5.1, ST35 is a medium term release and ST36 is a long term release.

3.34 The text to ST35 in Policy SS19 informs the site is to be disposed of in 2021 but is not without challenges. The site lies adjacent to a SSSI and requires a sensitive approach to development. The text informs the site is remote from existing services such that the 578 dwellings will need to deliver a retail shop and a primary school. Both of these will impact upon the sites' viability.

3.35 Site ST36 in Policy SS20 is equally uncertain given it will not be released until 2031 and development unlikely to commence until 2033, the end of the Council's housing delivery period. The text in Policy SS20 and supporting paragraphs reference a raft of heritage concerns which may impact on the quantum of delivery from the site; this will be the case should many of the existing buildings need to be retained.

3.36 It is our opinion that site ST36 lacks certainty such that it should not be an allocated site. In making this suggestion to remove this site there is a recognition the site could be developed in time but that could be for a later review of the Plan.

Concerns relating to the 5 year supply

3.37 It is known and accepted by the Council that it is unable to currently demonstrate a 5 year supply of housing and that matters will only worsen should the adoption of a new Local Plan be delayed.

3.38 The extent of the current supply and recent shortfall is a matter of dispute as the OAN options referenced above vary significantly. The greater the OAN, the greater the shortfall and the greater the 5 year requirement looking forward over the next 5 years once the Framework para 47 shortfall and buffer are correctly applied.

3.39 The Council's 2017 Local Plan and SHLAA both contain a delivery trajectory but lack any real detail. From the material available, it would appear the Council is reliant on several large strategic sites making an early delivery start with high levels of delivery. It is our opinion that this approach is unrealistic, especially given known and well researched lead in times for large strategic sites such as ST14 and ST15, ST35.

3.40 When an OAN higher than that sought in the Local Plan is applied with longer lead in times from these larger more remotes sites is applied, the current Local Plan falls well short of an early years 5 years supply.

3.41 We have significant concerns with the Council's continued use of student accommodation in the completion figures, which artificially boosts the housing delivery figure. The Council's Housing Monitoring Update October 2017 reveals that in the first half of 2017/18 of the total 1,036 net housing completions, 637 were from privately managed off campus student accommodation, and only 371 were from traditional Use Class C3 housing completion sites. The CLG's household projections do not include an allowance for students, with the household projections upon which York's OAHN is based relating to C3 uses only, and not C2. Student accommodation should therefore be excluded from the completion figures.

Policy SS2 – The role of York's Green Belt

3.42 We support the Council in its acknowledgement that the current 'Draft' Green Belt boundary will need to be altered to meet the development needs of the area. This is clear from the evidence provided by the Council.

3.43 The Pre Publication Draft and subsequent Publication Draft is an improvement on the Preferred Options Paper of 2016 in that it recognises the Plan Period needs to run to 2038 and not 2032 as was the case in the 2016 version.

3.44 However, the Pre-publication and subsequent Publication Draft fails to provide sufficient land for housing and again contains no Safeguarded Land. This is in our opinion a shortcoming of the Plan.

3.45 The identification of Safeguarded Land is considered particularly important as the Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. We consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future review. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged Flexibiity is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

3.46 The current approach adopted in the Plan conflicts with national guidance and advice sought by the Council from John Hobson QC (Landmark Chambers) in relation to Safeguarded Land which concluded that:

> *"In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries"*

3.47 The Council has also been advised by Counsel that it would be appropriate for the Green Belt to endure for a ten year period beyond the life of the Plan. We therefore request that the Plan is amended accordingly to ensure that it is effective and consistent with national policy.

Need for additional sites and Safeguarded Land

3.48 Having regard to the fact that the OAN/requirement needs to be higher and that doubts can be expressed over the selection of certain sites (ST15, ST35, ST36) where delivery may not come about as forecast, we consider this Local Plan has a shortfall of housing in terms of the following:-

- The Plan lacks sufficient housing allocations to deliver the 21,000 net dwellings for the Plan Period up to 2038
- The Plan lacks flexibility by having no Safeguarded Land to give a new Green Belt any degree of permanence.

Long Term Delivery 2033 to 2038

3.49 The threat of insufficient housing over the Plan period is evident in the Council's own trajectory at Figure 5.1. The Plan informs of a supply of housing land up to 2038 yet beyond 2033 the Plan as drafted has only limited supply, see Table 3.1 below.

Table 3.1: Long Term Delivery Trajectory Post 2033

Source	2033/34	2034/35	2035/36	2036/37	2037/38
Windfall (Para 5.8)	169	169	169	169	169
Elvington ST15	150	150	150	150	150
Clifton Moor, ST14	100	50			
ST36 Fulford	50	100	100	100	100
Total	469	469	419	419	419
OAN (minimum)	1,000	1,000	1,000	1,000	1,000
Shortfall	**-531**	**-531**	**-581**	**-581**	**-581**

3.50 As can be seen above, the Plan makes very little provision post 2033 meeting less than half the requirement. The table above demonstrates the need to identify long term sources of supply such that delivery can be maintained across the whole Plan Period.

Remedy

3.51 In order to remedy the lack of flexibility and potential longer term shortfall up to 2038, the Plan needs to Allocate and Safeguard more land.

General Policy Comments

3.52 The following table identifies a number of Policies in the Plan to which we express concern. These are listed as Table 3.2 below.

Table 3.2: General Policy Observations

Policy	Remark	Remedy
H1	**Phased Release:** Policy H1 as drafted refers to phasing but lacks timescales. Table 5.1 informs of no phased release mechanism with only the MoD Sites having a delivery delay due to disposal dates. Insufficient range of sites are identified given concerns with housing requirement, and lack of identification of safeguarded sites. We question the validity of the use of historic windfalls going forward when such windfalls have come forward at a time of no adopted plan being in place. It is not certain that the average windfall rate will continue at this rate going forward	Re-draft to; • Insert Plan Period Dates • Identify additional sites to meet the increased recommended housing requirement, and in addition provide a buffer of sites provide choice and flexibility in the market, and not place an over reliance on windfall delivery. • Remove reference to phasing • Remove text on 5 year supply assuming there is no release mechanism, thus no need for 5 year supply text.
H2	**Density:** Reference to 'net' density is welcomed as this is often overlooked in policy of this	Supporting text needs to reference those elements that relate to gross and net. Eg Water Attenuation

	type. Further clarification is required in supporting text. We welcome the reference that on strategic sites specific master planning agreements that provide density targets for that site may override the density policy, and welcome that the policy should be used as a 'general guide.' That said, it is not clear where the net density requirements in Policy H2 are derived, which are considered to be too high, too prescriptive and unachievable. Whilst the explanatory text refers to density testing having been carried out through viability and deliverability work, there is no information to justify the density ranges.	Areas, public open space requirements. In addition, this text needs to have regard to garden size requirements in any design guide. The densities proposed need to be tested on recently approved schemes as we question the achievability of the 100 and 50 dph within the City Centre and York urban area, which will undoubtedly require multi-storey development, which is likely to impact on heritage issues. Given that the Council refer to the Policy as a 'general guide' we recommend further flexibility in the policy with density ranges e.g. • 80-100 units/ha within the city centre • 40-50 units/ha within the York urban area • 30 – 40 units/ha within the suburban area and Haxby/Wigginton • 20-30 units/ha in the rural area and villages
H3	**Housing Mix:** We object to this policy. The policy needs maintain a degree of flexibility given the SHMA considers only need as opposed to 'demand' and the SHMA represents a certain snapshot in time. It is questionable how the SHMA can	Insert additional wording allowing greater flexibility of the housing mix to reflect housing demand, and differences in demand across the City, as well as an acknowledgement

	estimate the size of market and affordable homes required over the plan period to 2038. It is important that a mix policy is workable, to ensure that housing delivery is not stalled due to inflexible and overly prescriptive requirements. The requirement to consider mix and evidence of need appears to have no site size threshold e.g, sites of 100 dwellings or more.	that the demand will also vary over the course of the plan period. Insert site size threshold at which evidence of need and demand is required. Further information is needed on the evidence required, along with reference to the mix needing to be assessed at the time of an application.
H4	**Custom Build Housing:** We object to the need to insert Custom Build Housing on larger allocations. Those traditionally seeking to build their own home are not normally seeking to build on a housing estate. Sites of up to 10 dwellings with affordable housing commuted off site are the best vehicle for this approach.	Remove text referring to Strategic Sites delivering Self Build.
H5	**Gypsy and Travellers:** We object to Policy H5 as drafted. Gypsy and Traveller pitches are not suitable for large strategic housing sites, they have particular needs that traditionally require their own site. While we have no objection to the second part of the policy that seeks a contribution, this appears to lack any justification. Excessive requests may adversely impact upon on the delivery of affordable housing. Why don't the Gypsy and Traveller community fund the delivery of their own plots?	Remove part B of the policy with reference to on-site provision on large sites over 5ha. Provide clarity on the level of contribution being sought.

H7	**Student Housing:** The Plan needs to make clear that Student Housing sits outside the OAN and Housing Supply.	Clarification text required.
H9	**Older Persons Specialist Housing:** Policy H9 requires further clarification on what is required in terms of numbers and types. While house builders can provide elderly persons housing under C3, the provision of extra care housing as a C2 class is more complex.	The reference to Strategic Sites providing homes for the elderly needs to reference C3 uses only. The supporting text at para 5.58 needs to more clearly inform that C2 development will not count towards the housing supply in the OAN.
H10	**Affordable Housing:** The Policy overlooks the Government's intention to deliver 'Starter Homes as part of the Affordable Housing Mix (as included in the emerging NPPF) The Policy should consider inserting an off-site contribution for Self Build Custom Sites as per the Rural Sites. While the 30% affordable housing target is currently not objected to, there are many policies in the Plan that seek 'Developer Contributions'. We are currently reviewing the cumulative effect those have on viability overall. It would be our preference to see sites over 5Ha delivering 25% affordable housing such that other infrastructure requirements can be funded. The changes to Policy H9 since the pre-publication draft in relation to urban, sub-urban and rural sites between 2 and 10 dwellings are noted.	Insert reference to Starter Homes. Change sites over 5Ha to a 25% requirement.

HW2	**New Community Facilities:** Whilst we welcome the policy wording change which deletes the 10 dwelling threshold for an audit of existing community facilities to be prepared, there remains little detail on the extent of developer contributions is required.	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts on viability of various policy requirements.
HW3	**Built Sports Facilities:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts on viability of various policy requirements.
HW4	**Childcare Provision:** We object to strategic sites being required to undertake an audit. This is work only the LEA can perform and onus should not be placed upon the developer. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
HW5	**Healthcare Services:** We object to the requirement that a developer is required to undertake an assessment of accessibility and capacity at the application stage. This is material the health service should be providing to the Local Plan and CIL if progressed. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.

HW6	**Emergency Services:** Further detail on the extent of developer contributions is required. The Policy requirement for additional spoke facilities is not an absolute and should be subject to dialogue with the Ambulance Service at the application / masterplanning stage to ascertain demand.	Clarification on level of contribution is required. Flexibility is required in the wording, to allow for dialogue between the Ambulance Service at Masterplanning / Application stage.
HW7	**Healthy Places:** We object to this policy requirement. On the basis that sites are selected on the grounds of being sustainable, the need for such an assessment is negated by the allocation.	Delete the policy.
ED6	**Preschool, Primary and Secondary Education:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED7	**College Development:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED8	**Community Access to sport:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
D2	**Landscape and Setting:** Policy D2 makes reference to the most up to date York Landscape Character Appraisal. We have been unable to locate this document.	CYC to provide Landscape Character Appraisal Report into Evidence Base documents.

D3	**Cultural Provision** We object to the request that strategic sites will need to demonstrate that future cultural provision has been considered and provide a Cultural Wellbeing Plan. This is a task only the Council can perform.	
GI1	**Green Infrastructure:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI2	**Biodiversity and Access to Nature:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI3	**Green Infrastructure Network:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI4	**Trees and Hedgerows:** Why is a developer contribution required to protect existing trees and hedgerows as suggested in the 'Delivery' explanatory text to this policy?	Fails the test.
GI5	**Protection of Open Space and Playing Pitches:** Why is a developer contribution required to protect existing pitches from development?	Fails the test.
GI6	**New Open Space Provision:** We object to point 'iii' that requires further land beyond the allocated boundaries of strategic sites. There is no justification for this request. The request also does	Clarification on level of contribution is required.

	not sit comfortably when the land is being retained as Green Belt. Further detail on the extent of developer contributions is required.	
CC1	**Renewable and Low Carbon Energy Generation and Storage:** While we welcome the addition of reference to viability in this Policy since the Pre-Publication Draft, we object to this policy being applied to strategic housing sites. The Policy and supporting text is unclear as to whether or not this applies to major residential schemes. The text in the Peter Brett Associates Local Plan and CIL Viability Assessment suggests it does not apply – Para 5.4.7 informs no costs have been allocated to this requirement as the Carbon Trust noted further work is required. In alignment with HBF comments, we consider the requirements of this policy could have the potential to add costs to the delivery of housing development.	Doubt exists over the application of this policy. See Peter Brett Report para 5.4.7. The Carbon Trust Report still does not appear to be an evidence base report – it needs to be if the Council are to rely upon it.
CC2	Sustainable Design and Construction 19% reduction We object to this requirement as it goes beyond building regulations without justification to introduce the optional standards. Building Regulations are constantly being updated and improved and there is no case for York to run a parallel process.	Delete parts i and ii in relation to all new residential buildings.

	The Peter Brett Report Table 5.12 informs this policy increases the cost of building a typical 3-bed dwelling by £812 which is presumably over and above the cost of a standard home built to current Building Regulations requirements.	
CC3	**District Heating Networks:** We object to this policy. The insertion within the Policy text since the Pre-Publication Draft now refers to all 'New Strategic Sites.' Paragraph 11.33 remains unchanged and informs this policy applies to residential schemes in excess of 300 dwellings. This would cover all proposed Strategic Housing sites. We object on the basis that energy efficiencies are already sought under Policy CC2 and as demonstrated in Table 5.12 of the viability report the cost of Policy CC3 would be an extra £3,396 to a typical 3 bed house. The Plan contains no good examples of where such a system has been successfully installed on a large housing site. The installation will impact upon the delivery of other elements of social infrastructure.	Remove reference to all New Strategic Sites from this policy and supporting text.
ENV1	**Air Quality:** We object to the requirement for strategic sites to undertake a detailed emissions strategy. Each strategic site is identified, allocated and masterplanned in accordance with the policy requirements	

	of the plan. To request an emissions strategy later down the line at application stage merely inserts an unnecessary layer of paperwork on a site that has already been examined and found to be suitably located..	
ENV4	**Flood Risk:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ENV5	**Sustainable Drainage:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T1	**Sustainable Access:** We welcome the additional flexibility added to the Policy and paragraph 14.10 since the Pre-Publication Draft, which makes reference to enhancing existing services as an alternative to the provision of new high quality public transport services, and refers to potential that such new services or enhanced existing services will become commercially viable within a shorter timeframe.	
T2	**Strategic Public Transport Improvements:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T3	**York Railway Station:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.

T4	**Strategic Highway Network Capacity:** The timings of junction upgrades in this policy need further explanation and linked back into the delivery trajectories of each strategic site. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T5	**Strategic Cycle and Pedestrian Networks:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T6	**Development Near Transport Corridors:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T7	**Minimising Generated Trips:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T8	**Demand Management:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T9	**Alternative Fuel Fuelling Centres:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
C1	**Communications Infrastructure:** We note the addition to this Policy since the Pre-Publication Draft regarding Next Generation Access (NGA) broadband	Insert reference in the Policy regarding the Council and

	connection. A degree of caution is required given that the inclusion of digital infrastructure is not within the direct control of the development industry, and therefore this policy could create deliverability issues. As well as developers engaging with communication providers, it is considered the Council should also work proactively with digital infrastructure providers. Further detail on the extent of developer contributions is required.	Developers engaging with communication providers. Clarification on level of contribution is required.
DM1	**Infrastructure and Developer Contributions:** Note, the table above identifies circa 30 policies where 'Developer Contributions' are referenced in the supporting 'delivery' text. While the text to support Policy DM1 makes an attempt to draw these together, it must be acknowledged they are all potentially making demands of development on matter that in the main would be covered by a CIL.	The viability work currently being undertaken by CYC needs to be vigorously tested working with the development industry including an assessment of the cumulative impact on viability is required. Para 173 of the Framework requires robust viability testing of Plans such that policies do not. Text from Para 173 regarding reasonable returns to landowner and developer need to be added. More detail needed within Table 15.2 with specific monitoring triggers and mechanisms (including timescales) where action is required should a target not be met.

3.53 We note the 'Delivery and Monitoring Tables' to the rear of the Plan contains **no** requirement to maintain a 5 year supply and what actions are to be taken in the event of a housing delivery failure. This is a failure of the Plan as drafted, and in alignment with HBF comments, we consider that specific monitoring triggers are introduced.

3.54 Given the Plan contains no Safeguarded Land and is overly tight in the provision such that it contains no flexibility in the event of a delivery failure, the Plan contains no review mechanism. In other words, it lacks any Plan B options should Plan A fail. It is therefore unsound in that the option chosen with no flexibility and overlooking key parts of the OAN evidence base are unjustified.

3.55 The manner in which politicians have ignored the evidence base and findings of the sustainability appraisal on OAN options fail the soundness test of being positively prepared.

3.56 The Plan simply needs more housing land above that currently in the Plan.

APPENDIX 1

MASTERPLAN PRINCIPLES

1. Country Park
2. Vehicular access point
3. Linear Park boulevard
4. Sports Pitches
5. Play
6. View to York Minster
7. Retained Hedges
8. School
9. Green corridor
10. Footpath
11. Attenuation

Issue	Date	Status	Drawn	Apprvd.

Client Redrow Homes Ltd

Project Monks Cross

Drg Title Figure 7: Illustrative Sketch Masterplan

Created on	Created by	Approved by
14.12.2017	AC	JW

Scale	Size	Status
1:1250	A0	For Comments

Drg No.	Issue No.
PL1377-VW-016	03

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NOTE:

1. Do not scale from this drawing. Always work to noted dimensions.
2. All dimensions are in millimetres unless otherwise stated.
3. All setting out, levels and dimensions to be agreed on site.
4. The dimensions of all materials must be checked on site before being laid out.
5. This drawing must be read with the relevant specification clauses and detail drawings.
6. Order of construction and setting out to be agreed on site.

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APPENDIX 2

JohnsonMowat
Planning & Development Consultants

Forward Plans Team

Planning Services

City of York Council

West Offices

Station Rise

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30 October 2017

Dear Sir/Madam

City of York Local Plan, Pre-Publication Draft September 2017

Response in relation to Cumulative Impact of Policy and Implications for CIL

The response is provided on behalf of our client **Redrow Homes**.

This response is provided as an 'Interim' response on the topic of 'viability' insofar as it relates to the strategic residential site ST8 (with specific overlaps on site ST7) and the implications of the policy requirements of the Plan and the potential for a CIL.

The site specific policies for ST8 is SS10. In addition, there are numerous policies in the Local Plan that may have financial implications for these strategic sites but information on whether or not they apply and to what extent is not outlined in the Plan. The Council's supporting September 2017 Viability and CIL document produced by Peter Brett Associates (PBA) is helpful but equally inconclusive on many critical matters.

The PBA Report at Table 3.1 (page 14-27) provides a summary of policies where 'developer contributions' are likely to be sought via individual policies of the Plan. Our own assessment suggests there to be circa 30 such policies seeking some form of financial assistance from the private sector via the allocations or developments. The potential for a CIL does not feature in the Local Plan and from the PBA Report, it is unclear as to which of these policies would fall within the remit of a CIL should the Council decide on that route.

As matters currently stand, the PBA Report suggests a CIL of circa £150/sq.m could be applied to all but a few large scale residential sites. For some unknown reason, sites ST2 and ST4 are identified for considerably lower CIL rates yet from the text of the Local Plan policies and in particular SS10, site ST8 faces a particularly high burden of S106 and potentially the high CIL rate.

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The suggestion of a CIL rate of £150/sq.m is far higher than other northern cities and will take some defending.

It is clear we now need to engage with the Council on the matter of viability on a site specific basis. The Local Plan as drafted remains unclear on the timing of strategic highway improvements and educational facility upgrades and to what level individual developments are expected to contribute. The PBA Report has undertaken a Viability Appraisal based upon a standard S106 cost of £3,300 per dwelling but no mention is made as to whether or not education and highways is included or excluded from this sum.

What is currently very clear, site ST8 will not be viable with the suggested CIL and to have the site specific; education, community facilities, public transport upgrades and wider strategic higher network upgrades sat outside the CIL as additional items.

As drafted, the current Local Plan lacks clarity on developer contributions and the role of the CIL.

General comments on the PBA Report

The following remarks are our response to the September 2017 PBA Report.

Table 3.1: Viability Policy Matrix.

While this is a useful summary of policies with costs, there are several policies where 'developer contributions' are sought but appear as 'nil cost' in Table 3.1. e.g., T8, T9, C1.

Additionally, Table 3.1 would be improved through the addition of a column to inform which policy item would fall within the scope of the CIL. e.g., ED6 and T1?

Build Costs

While we support the PBA use of BCIS 'Median values' as being appropriate for York, we note para 5.3.7 and Table 5.7 has sought to justify the use of Q3 2015 BCIS build costs as being more certain than any more up to date BCIS estimated figures. The September 2017 BCIS costs are 14% higher than the Q3 2015 figures used by PBA and while we accept these are estimates, the scale of the increase in build costs over these last 2 years is not a matter than can be overlooked and we expect this to be addressed in future updates and reviews.

External Costs

The 10% uplift for services is supported.

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Professional Fees

The use of 8% is supported.

Contingency

The 4% contingency is noted. However, strategic sites are notoriously difficult to forecast, we request 5% is used.

Greenfield Site Costs

We accept these costs are very general and will need to be considered on a site by site basis. In the case of ST8, the combined water attenuation area and nature reserve east of Monks Cross Link will require a cost appraisal.

Land Purchase Costs

Accepted.

Developer Profit

Not accepted. All major house builders operate on a 20% return on both market and affordable housing. The 6% return on affordable housing referenced by PBA is not accepted as a reasonable approach.

Finance

The 6.5% pa figure is accepted for now although interest rates are due to increase in coming years.

S106 and Policy Costs (excluding aff housing)

Para 5.4.2 of the PBA references an average of £3,300 per dwelling from recent York Schemes. What is not clear is whether or not PBA expect this to be applied to Strategic Sites and whether or not it includes the 'big ticket items' such as those referenced in Policy SS9 and SS10.

What is clear is £3,300 for each of the 968 dwellings on ST8 would generate a total S106 pot of circa £3.2M which will **not** deliver; the Primary School on-site, community facilities on site, support to a new High School off-site, public transport improvements and strategic highway upgrades. Indeed, the £3.2M would provide nothing beyond a single form entry Primary School.

This text needs to understand and explain what is expected of sites such as ST8 and its overlap with ST7.

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Johnson Mowat is registered in England & Wales: OC 407525

Affordable Housing

We have made representations under separate cover. We consider 25% affordable housing would be a more appropriate limit on strategic sites such that more investment can be made into social infrastructure.

Benchmark Land Values

We do not agree the strategic sites can be delivered on a land value any different to that stated for urban and sub-urban sites. The strategic sites are essentially sub-urban sites albeit the Council has chosen to divorce them from the urban area making them more expensive to deliver through higher services costs and higher access road costs.

We trust the Council will find this response as useful feedback and look forward to more informed site specific discussions over the coming months.

Yours Sincerely

[redacted]

Mark Johnson, MRICS, MRTPI

Managing Partner

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[redacted]

From: Gen Kenington [gen@johnsonmowat.co.uk]
Sent: 04 April 2018 16:33
To: localplan@york.gov.uk
Subject: York Local Plan Publication Draft - Consultation response on behalf of Redrow Homes and Linden Homes - Land north of Monks Cross
Attachments: Redrow and Linden Monks Cross North Comments Form.pdf; York Local Plan Publication Draft - Consultation Response - North of Monks Cross - Redrow and Linden.pdf

Dear Sir or Madam,

Please find attached a completed response form and representation document to the York Local Plan Publication Draft in relation to land immediately north of strategic site ST8 Monks Cross. The submission is made on behalf of Redrow Homes and Linden Homes.

Please could you acknowledge receipt of the attachments.

Kind regards

Gen Kenington (Née Berridge)
MTP MRTPI
Associate Director

Johnson Mowat
Planning & Development Consultants

Coronet House, Queen Street, Leeds, LS1 2TW

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Registered in England Nos: OC407525

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mr
First Name		Mark
Last Name		Johnson
Organisation (where relevant)	Redrow Homes and Linden Homes	Johnson Mowat
Representing (if applicable)		Redrow Homes and Linden Homes
Address – line 1	c/o Johnson Mowat	Coronet House
Address – line 2		Queen Street
Address – line 3		Leeds
Address – line 4		
Address – line 5		
Postcode		LS1 2TW
E-mail Address		mark@johnsonmowat.co.uk
Telephone Number		0113 887 0120

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	X
Policies Map	X
Sustainability Appraisal/Strategic Environmental Assessment	☐

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☐

4.(3) Please justify your answer to question 4.(1) and 4.(2)

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No X

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	**X**	**Justified**	**X**
Effective	**X**	**Consistent with national policy**	**X**

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.	Various See Statement	Site Ref.	Land north of ST8

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached statement and appendices

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See attached statement and appendices

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	X

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To have the opportunity to present the case in support of the land immediately north of ST8 Monks Cross, as well as engage in the debate in relation to the housing provision and other draft policies.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature	[redacted]	**Date**	**4th April 2018**

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

JohnsonMowat
Planning & Development Consultants

CITY OF YORK LOCAL PLAN

PUBLICATION DRAFT (Regulation 19) CONSULTATION

LAND AT MONKS CROSS NORTH OF NORTH LANE

On Behalf of Redrow Homes and Linden Homes

April 2018

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1.0 INTRODUCTION

2.0 SITE SPECIFIC REMARKS

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1. **Masterplan**

1.0 INTRODUCTION

1.1 Johnson Mowat have prepared this response to the City of York Local Plan Publication Draft consultation on behalf of our client Redrow Homes and Linden Homes.

1.2 The purpose of our response is to comment upon the Publication Draft document in relation to housing and other policies that impact upon housing delivery.

1.3 Forming part of our response, we also wish to promote a site on land at Monks Cross North to the immediate north of site ST8, which we consider should be included / re-instated as part of site ST8 (the front cover highlights the extent of the site in orange and highlights the relationship to proposed site ST8). The indicative development of this site north of North Lane at Monks Cross North is shown on an Illustrative Masterplan at Appendix 1. This clearly shows how the development will sit alongside ST8 to the south and the existing urban development to the west.

1.4 National planning policy sets clear expectations as to how a Local Plan must be prepared in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities. We consider that the Publication Draft as currently drafted fails to meet these four tests of soundness.

1.5 The four tests of soundness are discussed below:-

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

1.6 Our major concerns with the document as currently drafted are summarised as follows:

1. The document does not adequately present the correct Objective Assessment of Housing Need [OAHN] which flows from the evidence base and does not accord with guidance set

out in the National Planning Policy Framework [Framework] and Planning Practice Guidance [Practice Guidance].

2. The Council delivery of sites fails to deliver the right housing in the right location across the plan period to 2038 such that an appropriate Green Belt boundary can be established.

1.7 In the context of the above, it is not possible to consider the suitability of the portfolio of sites set out as it is neither sound nor effective and has not been positively prepared. The City of York's unmet housing need has not been addressed and it is therefore not consistent with national policy which requires that Local Planning Authorities ensure that Local Plans meet the full, objectively assessed needs in the housing market area.

1.8 In producing this response, we are mindful of the housing requirement work undertaken by Lichfields in October 2017 and updated in March 2018 and are supportive of its findings that conclude the housing requirement for the plan period should be at least 1,150 dwellings per annum.

1.9 In producing this response, we are aware of the September 2017 DCLG Housing Methodology 'Planning for the right homes in the right places' paper and the Draft NPPF and Draft Planning Practice Guidance. The standard methodology in the DCLG 'Planning for the right homes in the right places' paper calculates a baseline housing need figure for York of 1,070 dwellings per annum. It is clear the housing number for York in that document (even without employment growth) informs of an annual housing requirement significantly above that within this Publication Draft Local Plan.

2.0 SITE SPECIFIC REMARKS

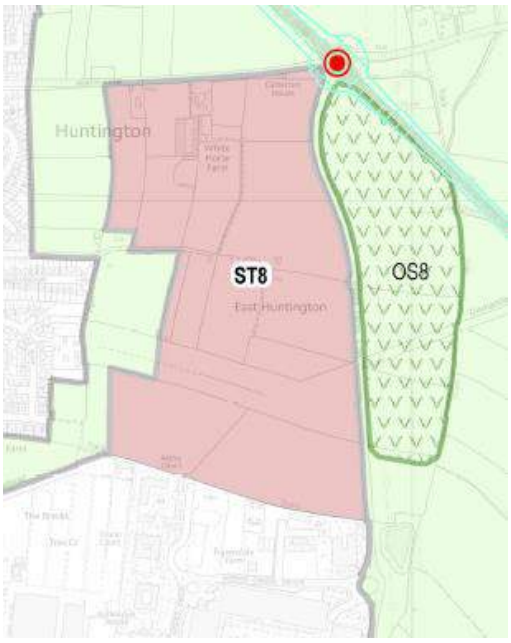
2.1 On behalf of our clients Redrow Homes and Linden Homes, we object to the deletion of land north of North Lane from strategic site ST8, which in previous drafts of the Local Plan, formed part of the ST8 Land North of Monks Cross Site.

2.2 An Outline planning application has been submitted by Redrow Homes (18/00017/OUTM) and is pending consideration for the residential development of 970 dwellings incorporating open space, primary school, associated community facilities, convenience store and a country park. The application covers the area identified by Site ST8. Whilst Redrow Homes are broadly supportive with the principles of ST8, both Redrow Homes and Linden Homes have a land interest in the land immediately north of ST8 and it is considered appropriate and more logical to reinstate the land north of North Lane to form part of ST8.

2.3 We object to the removal of land immediately north of the strategic site ST8. This triangular piece of land lies to the immediate north of North Lane and formed part of ST8 within the Publication Draft of the York Local Plan (October 2014) but was subsequently removed as part of the Pre-Publication Draft Local Plan. The extracts overleaf illustrate the extent of the proposed reduction and changes to ST8 since the October 2014 Publication Draft and the current Publication Draft Local Plan consultation. We consider that it is unjustified to exclude this land from ST8 and consider it would be appropriate and more logical to include land north of North Lane within the ST8 boundary.

Publication Draft – October 2014

Preferred Sites Consultation – July 2016



Pre-Publication Draft - September 2017

Publication Draft - February 2018

2.4 The proposed housing allocation site ST8 in the earlier drafts of the Local Plan proposed 1,400 new dwellings however the capacity was reduced in the Pre-Publication Draft, which has been carried forward in the Publication Draft Local Plan. The revised capacity for Site ST8 is now 968 dwellings, a decrease of 432 units (31%). The only real explanation provided for the reduction relates to the creation of a green corridor between the western boundary of the site and the existing built edge of Huntington Village and maintain the identity of Huntington and allow it not to sprawl outwards, therefore creating a 'new contained neighbourhood within the main York urban area.' We do not consider this approach to separating urban extensions from the existing urban area to be an appropriate plan-led approach.

2.5 Having regard to paragraph 82 and 85 of the Framework with respect to Green Belt boundaries, we do not agree with the justification of the reduction of the site from previous drafts of the Local Plan in particular the removal of land north of North Lane. The ST8 text states that "the site is considered as well contained as it has three boundaries with the built up area and permanent recognisable physical boundary (North Lane / Hedges (to the north)" Whilst North Lane will provide a defensible boundary, we consider the A1237 further north would provide for a more appropriate defensible long term Green Belt boundary, and allow for appropriate landscape buffers to be built into a red line boundary rather than development abutting North Lane on the northern boundary with minimal space for a buffer. The extension and reinstatement of land north of North Lane will not threaten the coalescence between Huntington and Earswick Village given the existing built development north of North Lane. The proposed enlargement will not encroach any further north than existing development and is a wholly logical extension to the existing urban edge.

2.6 The re-instatement of land north of North Lane will align with existing built development to the west and the strategic site can be appropriately contained by the A1237. Similar to the required considerations of the proposed ST8 site, a landscape buffer could be incorporated between the edge of the proposed extension and the A1237. Access to the land north of North Lane would be from North Lane, with no new direct access to the A1237. This aligns with one of the planning principles of the proposed ST8.

2.7 The Illustrative Masterplan at Appendix 1 clearly shows how this land could be delivered as a logical extension to the current proposed ST8, with vehicular and pedestrian access off North Lane. The plan shows the continuation of a green corridor running north to south connecting and integrating the land north of North Lane with the proposed site ST8 to the immediate south. The developable area of land north of North Lane is circa 8.55 ha, which could deliver circa 250

dwellings north of North Lane and further dwellings through a more focussed use of land south of North Lane.

2.8 The expansion of ST8 northwards as proposed would provide for additional development sales outlets that would not only improve the overall sustainability of the location but would enable the introduction of a third housing outlet thus increasing the rate of delivery from ST8.

2.9 With the addition of the northern area, three sales outlets would increase annual rates of delivery to circa 100 to 120 dwellings per annum. Providing a boost not only to the local economy but also socially in the form of increasing the rate of delivery of much needed affordable housing.

Conclusion on OAN and ST8 'northern extension'

2.10 Our overall conclusion is that the Local Plan in its current form fails to plan for the full objectively assessed need (circa 1,100 dpa) and the manner in which it seeks to distribute new housing sites fails to take advantage of the most logical and sustainable opportunities in the form of urban extensions to the main urban areas.

2.11 The land north of North Lane at ST8 is a suitable candidate for selection given it sits within the York Outer Ring Road which itself forms the most logical boundary for the Green Belt. The area of land promoted in this submission has no technical constraints that cannot be overcome through design and suitable mitigation. There are obvious and substantial social and economic benefits that would flow from its allocation.

3.0 GENERAL POLICY REMARKS

Plan Period 2033 or 2038?

3.1 Under the sub-heading 'About the Plan' para i) informs the Local Plan Period runs from 2017 to 2032/33 with the exception of Green Belt boundaries which will endure to 2037/38. The text require clarification. Points to note are:-

- The Plan Period should be 1st April 2017 to 31st March 2038. This would remove any confusion.
- The housing allocations only partly extend beyond 2033, significantly tailing off after that date such that the five year period 2033 to 2038 only delivers half the housing requirement in those years - even then, delivering from no more than 3 known sites and windfall. Given there is no Safeguarded Land in the Plan, it is clear the Plan fails to justify the 2038 end date with the allocations as presented in Trajectory (Figure 5.1) demonstrating those shortcomings.

Jobs Growth

3.2 Paras 1.34 and 4.2 both make reference to the jobs growth forecast although para 4.2 makes reference to an additional forecast from Experian. It is now unclear as to which forecast has been used and how these relate to the Leeds City Region work and Northern Powerhouse. It is also unclear as to which methodology has been used to calculate the housing requirement.

Housing

3.3 While we support the reference to the 'notable affordable housing need' and increasing affordability concerns in the City in para 1.46, it is clear this recognition has not been taken forward into the housing requirement number that will be used to help resolve these problems.

Provide Good Quality Homes and Opportunities

3.4 Para 2.5 informs that 'By the end of the plan period sufficient sites will have been identified for viable and deliverable house sites …'. This needs rewording to inform these sites are to be identified now, at the start of the plan period. This para also needs to be clear over the plan

period, that being up to 31 March 2038. The quantum of housing referenced in this para at 867 dwellings per annum is also at odds with that referenced in Trajectory Table 5.2 which seeks to make good the early years (2012 to 2017) shortfall and adds back a further 56 dwellings per annum up to 31 March 2033. As such, the requirement for 1st April 2017 to 31st March 2033 is 923 per annum. For the avoidance of doubt, we don't accept that figure but if the Council are to continue with 867, it should at least be referenced correctly.

Policy DP3: Sustainable Communities

3.5 While we have no overall objection to Policy DP3, the wording in 'iv)' needs to be amended from 'highest standards' to 'high standards'. There will be cost constraints to having to seek the very highest standards of embedded sustainability which may ultimately be weighed against delivering other benefits such as affordable housing.

Policy SS1: Delivering Sustainable Growth for York

3.6 As drafted, Policy SS1 wrongly references the housing number for the Plan Period and seeks a housing number that is not supported by the evidence base or the Sustainability Appraisal (SA). SS1 contains a lower than required housing number and is therefore unsound for the following reasons:-

- Not positively prepared – housing requirement is too low, the 867 dpa will act as a brake on economic growth and harm the delivery of affordable housing.
- Not justified – the evidence base and SA supports a higher figure.
- Not effective – the housing fails to deliver the full requirement and fails to align with the Plan Period for the Green Belt boundaries up to 2038.
- Not conforming with National Policy – it fails to carry forward the guidance in NPPG (para ID 2a 002 onwards).

3.7 Furthermore, the policy seems to suggest that brownfield/PDL will be phased ahead of greenfield sites. While this approach is inconsistent with the balanced approach taken in the Framework, it is also unclear as to how this would work in reality given the allocations in this York Local Plan are all released in a single phase.

Para 3.3 Housing Growth

3.8 This para needs to aligned with Table 5.2 in the Plan and recognise the fact that the shortfall since 2012 has been rolled into the new Plan Period commencing 2017. The introduction text in the Plan states the Plan Period commences 2017. If that is the case the housing requirement is 867+56 = 923 as per the trajectory table.

Objectively Assessed Housing Need

3.9 As stated above, we are concerned the Council has taken a political route in selecting the lowest possible housing number available. The 'Political' influence is clear from the Introduction text to the September 2017 SHMA Update. The 2017 SHMA Update is essentially the GL Hearn May 2017 update that suggests an OAN for the period 2012 to 2032 of 867 dwellings plus a 10% uplift to address affordability concerns. GL Hearn therefore advise of an OAN of 953 (excluding the shortfall 2012-17).

3.10 In advising the 953 dpa figure, the 2017 SHMA report states the 867 dpa figure "would not however address the City's affordability issues." (May 2017 SHMA Para 5.)

3.11 The Council's 2018 Sustainability Appraisal Appendix N provides for a comparison appraisal of the 867 and 953 dpa figures and the DCLG OAN Methodology figure of 1,070. While the 953 dpa figure scores no worse against the 15 SA Objectives to the Council's preferred 867 figure, it does in fact score better under objectives 1, 4 and 5. The assessment under SA Objective 1 (meeting the diverse housing needs of the population in a sustainable way) scores a negative long term score when considering the 867 dpa figure and a double positive for the 953. The DCLG 1,070 figure scores a double positive score in the medium term, which is better than both the 867 and the 953 dpa figure, with the summary stating that "the figure would be likely to drive significant positive effects in the medium term." The double positive long term score against the 1,070 figure is uncertain only due to the 10 year period of the Government's housing need figure. Not only do GL Hearn consider the 867 dpa figure to be too low and harmful, but this view is equally shared by Amec Foster Wheeler in the February 2018 SA.

The Council's own Sustainability Appraisal (February 2019) of the OAN Options at SA Appendix N informs a higher level of housing than that proposed in the current Plan would be more sustainable overall.

3.12 From all the material available, it would appear only the unqualified Elected Members are of the view the 867 dpa figure should be maintained. It is for that reason we consider Policy SS1 is unsound on the basis that the evidence base has been ignored for essentially political reasons.

3.13 Applying the 953 dpa figure from the 1st March 2012 SHMA base date would equate to the following:-

- 1st April 2012 – 31st March 2038 (26 yrs in total) = 24,778
- Requirement from 1st April 2017 = 21 years x 953 + early shortfall (896) = 20,909

or

- **996 dwellings per annum 1st April 2017 to 31st March 2038**

Alternative OAN Work and inputs

3.14 We are aware of modelling of housing need undertaken by Lichfields and others. As noted within consultation responses to previous drafts of the Local Plan, neither the 2016 SHMA, nor its 2017 addendum have considered the implications of the LEP ambitions for growth. This should be factored into the assessment.

3.15 The 2016 SHMA identifies a small increase of just 8dpa to take account of market signals, this is less than 1% of the identified OAN. Paragraph 11.34 identifies that this adjustment is made to reflect the level of suppression in household formation. We consider this uplift to be too low.

3.16 The PPG, paragraph 2a-019, identifies a series of market signals which should be considered. These include land prices, house prices, rents, affordability, rates of development and overcrowding. According to the PPG a worsening trend in ***any*** indicator requires an upward adjustment to planned housing numbers compared to ones based solely on household projections (paragraph 2a-020). The SHMA correctly considers the majority of these signals. It is notable from the analysis that York performs poorly against rates of development and affordability.

3.17 In terms of under-delivery this amounted to almost 23% of the target between 2004/5 and 2013/14 (paragraph 8.38; 2016 SHMA). If this were further updated this under-delivery would

further increase. In terms of affordability this continues to deteriorate and stands significantly above the national average. These two indicators alone suggest a need for a market signals uplift.

3.18 It is recognised that the 2016 SHMA applies an uplift to HRRs which may account for some of the suppression of household formation. It is, however, notable that the PPG provides a distinction between adjustments for household formation rates from any market signals uplift. The PPG question *'What is the starting point to establish the need for housing?*' (ID 2a-015) is clear that the household projections plus such adjustments for issues such as household formation and the effects of under-delivery on migration represent the demographic starting point. A market signals uplift is clearly made after this starting point. The PPG clearly separates the two issues and states;

> "The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals" (PPG ID 2a-019).

3.19 Given the signals described above it is considered that a market signal uplift of 20% is warranted. The need for such an uplift is also supported by the significant affordable housing need within York. As stated above, we are aware of the work on OAHN undertaken by others including the modelling work of Lichfields. We acknowledge the approach taken by Lichfields which concludes an OAHN of **at least 1,150 pa from the base date of 2012**.

Emerging NPPF and Planning Practice Guidance (incorporating DCLG Housing Methodology)

3.20 Since the Pre-Publication Draft Local Plan Consultation the DCLG 'Planning for the Right Homes in the Right Places' consultation has ended and the draft NPPF has been published, along with Draft Planning Practice Guidance. The NPPF is expected to be formally published in Summer 2018. The standard DCLG Housing Methodology approach to rectifying affordability problems identifies for York a OAN of 1,070 dpa, again significantly above that of the Local Plan 867 dpa as currently proposed.

3.21 The Draft Planning Practice Guidance states that "the need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for

the purposes of plan production." In terms of an authority identifying a housing need lower than the number identified by the standard method the draft PPG states:

> "Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities."

3.22 We are aware that the Council are not obligated to apply the emerging NPPF, given the transitional arrangements which allow for an authority to apply the existing (previous) NPPF policies for the purposes of examining plans, where they are submitted on or before 6 months of the adoption of the final Framework, which is likely to be the case, as it allows the Council to submit the Local Plan before the end of 2018. This essentially means that the Council are not required to take into account the standard OAN methodology. That said, it is strongly recommended that the housing need in the Local Plan is increased to a minimum of 1,070 dwellings per annum at this stage, in alignment with the methodology, which will require the identification of additional land, to ensure that the inevitable changes to the Green Belt in York are made now, and secured for the long term. To not increase the housing requirement now will only lead to inevitable changes at the first review of the Local Plan (5 years from adoption), whereby an increase will lead to additional Green Belt changes. Given that this Local Plan is the opportunity to actually designate Green Belt land in York, it would be more appropriate to secure the long term permanence of the Green Belt now.

3.23 Council Officers opinion to the 23rd January 2018 Local Plan Working Group papers considered that "an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process." Council officers suggested potential new housing sites to increase the housing supply however Members rejected all suggestions for increasing the housing requirement and the identification of additional sites. From the Local Plan Working Group January 2018 report, It appears that City of York Council Officers themselves do not have confidence in the Publication Draft Local Plan housing requirement.

Conclusions relating to Policy SS1

3.24 In reviewing the various OAN options, it is clear there is no sound evidential approach to adopting the 867 dpa figure. The range of alternatives are:-

- Local Plan text Policy SS1 867 dpa
- Policy SS1 corrected for early years shortfall 923 dpa
- 2017 SHMA recommendation = early years shortfall 996 dpa
- DCLG Consultation Housing Methodology 1,070 dpa
- Lichfields Alternative with higher adjustments for jobs and market signals 1,150 dpa

3.25 The figures of the 2017 SHMA (adjusted for early years shortfall) and the DCLG Methodology are broadly similar and would suggest the net annual requirement for York is at least 1,000 dwellings per annum based upon the Council's own material and more likely 1,150 dpa based upon the DCLG and Lichfield's work once economic growth is factored into both.

Approach to Housing

3.26 Having reviewed the portfolio of sites set out in Local Plan, it appears that the Council's strategy is a combination of urban expansion, the provision of isolated new settlements and restricted growth in existing settlements. The document contains no narrative as to how, or why, the Council has arrived at this approach, nor does it set out the implications of this pattern of spatial distribution or discuss the alternative options considered.

3.27 In sustainability terms, we still consider it more appropriate to focus growth in the York urban area and expand existing settlements. This approach would make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met. In particular, the failure to allocate land in existing settlements will increase affordability pressures in the City.

3.28 The proposed spatial strategy for the City, and how this will be achieved over the lifetime of the Plan (up to 2038), should be set out clearly in the Plan. Without this context it is not possible to consider the suitability of the portfolio of sites. The absence of an overarching spatial strategy is apparent as the Plan identifies two strategic housing allocations in isolated locations, significantly separated from the main urban area. Such an approach does not promote

sustainable patterns of development as required by the Framework, and therefore conflicts with national guidance.

Concerns relating to ST15 - Elvington

3.29 Whilst it is accepted and welcomed that the development of Green Belt sites will be necessary to accommodate York's housing growth, we are concerned that the proposed allocation of land to the West of Elvington Lane [Allocation ref. ST15] would not create and support, sustainable patterns of development for the following reasons:

1. ST15 is situated in the open countryside in an isolated location, with no existing infrastructure capable of accommodating the proposed levels of development. This would result in a long lead in time as the provision of infrastructure is a long, complex and costly process. ST15 could therefore only provide new homes towards the end of the plan period and there is no certainty over the potential supply due to the complexities of delivery. It is also important to highlight that there is no known developer interest in this site at this time.
2. The necessity to create and maintain an appropriate landscape setting and substantial buffers would result in the loss of developable area and not make the best use of the land.
3. The vision for ST15 is to create a 'garden' village which includes shops, services and community facilities to meet the needs of future residents. In the case of ST15, the Council has failed to recognise that new settlements need to be of a sufficient size to support the required range of social and physical infrastructure. For example, in order for a new settlement to be truly sustainable, it would need to provide a secondary school. This would require a minimum of some 5,000-6,000 homes.

3.30 ST15 has been subjected to a Sustainability Appraisal but for whatever reason appears to score no differently to other Strategic Sites in terms of accessing all local services. Given its remoteness, this would suggest there is a flaw in the scoring system.

3.31 Figure 5.3 informs of the main transport corridors in relation to the main urban area. These transport corridors reflect the areas that are currently well connected to public transport. ST15 is clearly remote from such services.

Concerns relating to York Central – ST5

3.32 We have expressed concern over the over-reliance of delivery from the York Central site. York Central has a long history of non-delivery. While we envisage some residential development on the York Central site, it will not be at the amount envisaged in this Plan.

Concerns relating to ST35 (MoD Strensall) and ST36 (MoD Fulford)

3.33 Both these sites are owned by the MoD and both are currently operational. While the MoD has expressed an intention to dispose of these sites, these proposals are not immediate nor certain. As can be seen from Table 5.1, ST35 is a medium term release and ST36 is a long term release.

3.34 The text to ST35 in Policy SS19 informs the site is to be disposed of in 2021 but is not without challenges. The site lies adjacent to a SSSI and requires a sensitive approach to development. The text informs the site is remote from existing services such that the 578 dwellings will need to deliver a retail shop and a primary school. Both of these will impact upon the sites' viability.

3.35 Site ST36 in Policy SS20 is equally uncertain given it will not be released until 2031 and development unlikely to commence until 2033, the end of the Council's housing delivery period. The text in Policy SS20 and supporting paragraphs reference a raft of heritage concerns which may impact on the quantum of delivery from the site; this will be the case should many of the existing buildings need to be retained.

3.36 It is our opinion that site ST36 lacks certainty such that it should not be an allocated site. In making this suggestion to remove this site there is a recognition the site could be developed in time but that could be for a later review of the Plan.

Concerns relating to the 5 year supply

3.37 It is known and accepted by the Council that it is unable to currently demonstrate a 5 year supply of housing and that matters will only worsen should the adoption of a new Local Plan be delayed.

3.38 The extent of the current supply and recent shortfall is a matter of dispute as the OAN options referenced above vary significantly. The greater the OAN, the greater the shortfall and the

greater the 5 year requirement looking forward over the next 5 years once the Framework para 47 shortfall and buffer are correctly applied.

3.39 The Council's 2017 Local Plan and SHLAA both contain a delivery trajectory but lack any real detail. From the material available, it would appear the Council is reliant on several large strategic sites making an early delivery start with high levels of delivery. It is our opinion that this approach is unrealistic, especially given known and well researched lead in times for large strategic sites such as ST14 and ST15, ST35.

3.40 When an OAN higher than that sought in the Local Plan is applied with longer lead in times from these larger more remotes sites is applied, the current Local Plan falls well short of an early years 5 years supply.

3.41 We have significant concerns with the Council's continued use of student accommodation in the completion figures, which artificially boosts the housing delivery figure. The Council's Housing Monitoring Update October 2017 reveals that in the first half of 2017/18 of the total 1,036 net housing completions, 637 were from privately managed off campus student accommodation, and only 371 were from traditional Use Class C3 housing completion sites. The CLG's household projections do not include an allowance for students, with the household projections upon which York's OAHN is based relating to C3 uses only, and not C2. Student accommodation should therefore be excluded from the completion figures.

Policy SS2 – The role of York's Green Belt

3.42 We support the Council in its acknowledgement that the current 'Draft' Green Belt boundary will need to be altered to meet the development needs of the area. This is clear from the evidence provided by the Council.

3.43 The Pre-Publication Draft and subsequent Publication Draft is an improvement on the Preferred Options Paper of 2016 in that it recognises the Plan Period needs to run to 2038 and not 2032 as was the case in the 2016 version.

3.44 However, the Pre-publication and subsequent Publication Draft fails to provide sufficient land for housing and again contains no Safeguarded Land. This is in our opinion a shortcoming of the Plan.

3.45 The identification of Safeguarded Land is considered particularly important as the Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. We consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future review. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged Flexibiity is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

3.46 The current approach adopted in the Plan conflicts with national guidance and advice sought by the Council from John Hobson QC (Landmark Chambers) in relation to Safeguarded Land which concluded that:

> *"In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries"*

3.47 The Council has also been advised by Counsel that it would be appropriate for the Green Belt to endure for a ten year period beyond the life of the Plan. We therefore request that the Plan is amended accordingly to ensure that it is effective and consistent with national policy.

Need for additional sites and Safeguarded Land

3.48 Having regard to the fact that the OAN/requirement needs to be higher and that doubts can be expressed over the selection of certain sites (ST15, ST35, ST36) where delivery may not come about as forecast, we consider this Local Plan has a shortfall of housing in terms of the following:-

- The Plan lacks sufficient housing allocations to deliver the 21,000 net dwellings for the Plan Period up to 2038

- The Plan lacks flexibility by having no Safeguarded Land to give a new Green Belt any degree of permanence.

Long Term Delivery 2033 to 2038

3.49 The threat of insufficient housing over the Plan period is evident in the Council's own trajectory at Figure 5.1. The Plan informs of a supply of housing land up to 2038 yet beyond 2033 the Plan as drafted has only limited supply, see Table 3.1 below.

Table 3.1: Long Term Delivery Trajectory Post 2033

Source	2033/34	2034/35	2035/36	2036/37	2037/38
Windfall (Para 5.8)	169	169	169	169	169
Elvington ST15	150	150	150	150	150
Clifton Moor, ST14	100	50			
ST36 Fulford	50	100	100	100	100
Total	469	469	419	419	419
OAN (minimum)	1,000	1,000	1,000	1,000	1,000
Shortfall	**-531**	**-531**	**-581**	**-581**	**-581**

3.50 As can be seen above, the Plan makes very little provision post 2033 meeting less than half the requirement. The table above demonstrates the need to identify long term sources of supply such that delivery can be maintained across the whole Plan Period.

Remedy

3.51 In order to remedy the lack of flexibility and potential longer term shortfall up to 2038, the Plan needs to Allocate and Safeguard more land.

General Policy Comments

3.52 The following table identifies a number of Policies in the Plan to which we express concern. These are listed as Table 3.2 below.

Table 3.2: General Policy Observations

Policy	Remark	Remedy
H1	**Phased Release:** Policy H1 as drafted refers to phasing but lacks timescales. Table 5.1 informs of no phased release mechanism with only the MoD Sites having a delivery delay due to disposal dates. Insufficient range of sites are identified given concerns with housing requirement, and lack of identification of safeguarded sites. We question the validity of the use of historic windfalls going forward when such windfalls have come forward at a time of no adopted plan being in place. It is not certain that the average windfall rate will continue at this rate going forward	Re-draft to; • Insert Plan Period Dates • Identify additional sites to meet the increased recommended housing requirement, and in addition provide a buffer of sites provide choice and flexibility in the market, and not place an over reliance on windfall delivery. • Remove reference to phasing • Remove text on 5 year supply assuming there is no release mechanism, thus no need for 5 year supply text.
H2	**Density:** Reference to 'net' density is welcomed as this is often overlooked in policy of this type. Further clarification is required in supporting text. We welcome the reference that on strategic sites specific master planning agreements that provide density targets for that site may override the density	Supporting text needs to reference those elements that relate to gross and net. E.g. Water Attenuation Areas, public open space requirements. In addition, this text needs to have regard to garden size requirements in any design guide. The densities proposed need to be tested on recently approved schemes

	policy, and welcome that the policy should be used as a 'general guide.' That said, it is not clear where the net density requirements in Policy H2 are derived, which are considered to be too high, too prescriptive and unachievable. Whilst the explanatory text refers to density testing having been carried out through viability and deliverability work, there is no information to justify the density ranges.	as we question the achievability of the 100 and 50 dph within the City Centre and York urban area, which will undoubtedly require multi-storey development, which is likely to impact on heritage issues. 1. Given that the Council refer to the Policy as a 'general guide' we recommend further flexibility in the policy with density ranges e.g. • 80-100 units/ha within the city centre • 40-50 units/ha within the York urban area • 30 – 40 units/ha within the suburban area and Haxby/Wigginton • 20-30 units/ha in the rural area and villages
H3	**Housing Mix:** We object to this policy. The policy needs maintain a degree of flexibility given the SHMA considers only need as opposed to 'demand' and the SHMA represents a certain snapshot in time. It is questionable how the SHMA can estimate the size of market and affordable homes required over the plan period to 2038. It is important that a mix policy is workable, to ensure that housing delivery is not stalled due to inflexible and overly prescriptive requirements.	Insert additional wording allowing greater flexibility of the housing mix to reflect housing demand, and differences in demand across the City, as well as an acknowledgement that the demand will also vary over the course of the plan period. Insert a site size threshold at which evidence of need and demand is required. Further information is needed on the evidence required, along with reference to the mix

	The requirement to consider mix and evidence of need appears to have no site size threshold e.g, sites of 100 dwellings or more.	needing to be assessed at the time of an application
H4	**Custom Build Housing:** We object to the need to insert Custom Build Housing on larger allocations. Those traditionally seeking to build their own home are not normally seeking to build on a housing estate. Sites of up to 10 dwellings with affordable housing commuted off site are the best vehicle for this approach.	Remove text referring to Strategic Sites delivering Self Build.
H5	**Gypsy and Travellers:** We object to Policy H5 as drafted. Gypsy and Traveller pitches are not suitable for large strategic housing sites, they have particular needs that traditionally require their own site. While we have no objection to the second part of the policy that seeks a contribution, this appears to lack any justification. Excessive requests may adversely impact upon on the delivery of affordable housing. Why don't the Gypsy and Traveller community fund the delivery of their own plots?	Remove part B of the policy with reference to on-site provision on large sites over 5ha. Provide clarity on the level of contribution being sought.
H7	**Student Housing:** The Plan needs to make clear that Student Housing sits outside the OAN and Housing Supply.	Clarification text required.
H9	**Older Persons Specialist Housing:**	

	Policy H9 requires further clarification on what is required in terms of numbers and types. While house builders can provide elderly persons housing under C3, the provision of extra care housing as a C2 class is more complex.	The reference to Strategic Sites providing homes for the elderly needs to reference C3 uses only. The supporting text at para 5.58 needs to more clearly inform that C2 development will not count towards the housing supply in the OAN.
H10	**Affordable Housing:** The Policy overlooks the Government's intention to deliver 'Starter Homes as part of the Affordable Housing Mix (as included in the emerging NPPF) The Policy should consider inserting an off-site contribution for Self Build Custom Sites as per the Rural Sites. While the 30% affordable housing target is currently not objected to, there are many policies in the Plan that seek 'Developer Contributions'. We are currently reviewing the cumulative effect those have on viability overall. It would be our preference to see sites over 5Ha delivering 25% affordable housing such that other infrastructure requirements can be funded. The changes to Policy H9 since the pre-publication draft in relation to urban, sub-urban and rural sites between 2 and 10 dwellings are noted.	Insert reference to Starter Homes. Change sites over 5Ha to a 25% requirement.
HW2	**New Community Facilities:** Whilst we welcome the policy wording change which deletes the 10 dwelling threshold for an audit of existing community facilities to be prepared, there	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts

	remains little detail on the extent of developer contributions is required.	on viability of various policy requirements.
HW3	**Built Sports Facilities:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts on viability of various policy requirements.
HW4	**Childcare Provision:** We object to strategic sites being required to undertake an audit. This is work only the LEA can perform and onus should not be placed upon the developer. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
HW5	**Healthcare Services:** We object to the requirement that a developer is required to undertake an assessment of accessibility and capacity at the application stage. This is material the health service should be providing to the Local Plan and CIL if progressed. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
HW6	**Emergency Services:** Further detail on the extent of developer contributions is required. The Policy requirement for additional spoke facilities is not an absolute and should be subject to dialogue with the Ambulance Service at the application /	Clarification on level of contribution is required. Flexibility is required in the wording, to allow for dialogue between the Ambulance Service at Masterplanning / Application stage.

	masterplanning stage to ascertain demand.	
HW7	**Healthy Places:** We object to this policy requirement. On the basis that sites are selected on the grounds of being sustainable, the need for such an assessment is negated by the allocation.	Delete the policy.
ED6	**Preschool, Primary and Secondary Education:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED7	**College Development:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED8	**Community Access to sport:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
D2	**Landscape and Setting:** Policy D2 makes reference to the most up to date York Landscape Character Appraisal. We have been unable to locate this document.	CYC to provide Landscape Character Appraisal Report into Evidence Base documents.
D3	**Cultural Provision** We object to the request that strategic sites will need to demonstrate that future cultural provision has been considered and provide a Cultural Wellbeing Plan.	

	This is a task only the Council can perform.	
GI1	**Green Infrastructure:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI2	**Biodiversity and Access to Nature:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI3	**Green Infrastructure Network:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI4	**Trees and Hedgerows:** Why is a developer contribution required to protect existing trees and hedgerows as suggested in the 'Delivery' explanatory text to this policy?	Fails the test.
GI5	**Protection of Open Space and Playing Pitches:** Why is a developer contribution required to protect existing pitches from development?	Fails the test.
GI6	**New Open Space Provision:** We object to point 'iii' that requires further land beyond the allocated boundaries of strategic sites. There is no justification for this request. The request also does not sit comfortably when the land is being retained as Green Belt. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.

CC1	**Renewable and Low Carbon Energy Generation and Storage:** While we welcome the addition of reference to viability in this Policy since the Pre-Publication Draft, we object to this policy being applied to strategic housing sites. The Policy and supporting text is unclear as to whether or not this applies to major residential schemes. The text in the Peter Brett Associates Local Plan and CIL Viability Assessment suggests it does not apply – Para 5.4.7 informs no costs have been allocated to this requirement as the Carbon Trust noted further work is required. In alignment with HBF comments, we consider the requirements of this policy could have the potential to add costs to the delivery of housing development.	Doubt exists over the application of this policy. See Peter Brett Report para 5.4.7. The Carbon Trust Report still does not appear to be an evidence base report – it needs to be if the Council are to rely upon it.
CC2	Sustainable Design and Construction 19% reduction We object to this requirement as it goes beyond building regulations without justification to introduce the optional standards. Building Regulations are constantly being updated and improved and there is no case for York to run a parallel process. The Peter Brett Report Table 5.12 informs this policy increases the cost of building a typical 3-bed dwelling by £812 which is presumably over and above the cost of a standard home built to current Building Regulations requirements.	Delete parts i and ii in relation to all new residential buildings.

CC3	**District Heating Networks:** We object to this policy. The insertion within the Policy text since the Pre-Publication Draft now refers to all 'New Strategic Sites.' Paragraph 11.33 remains unchanged and informs this policy applies to residential schemes in excess of 300 dwellings. This would cover all proposed Strategic Housing sites. We object on the basis that energy efficiencies are already sought under Policy CC2 and as demonstrated in Table 5.12 of the viability report the cost of Policy CC3 would be an extra £3,396 to a typical 3 bed house. The Plan contains no good examples of where such a system has been successfully installed on a large housing site. The installation will impact upon the delivery of other elements of social infrastructure.	Remove reference to all New Strategic Sites from this policy and supporting text.
ENV1	**Air Quality:** We object to the requirement for strategic sites to undertake a detailed emissions strategy. Each strategic site is identified, allocated and masterplanned in accordance with the policy requirements of the plan. To request an emissions strategy later down the line at application stage merely inserts an unnecessary layer of paperwork on a site that has already been examined and found to be suitably located..	

ENV4	**Flood Risk:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ENV5	**Sustainable Drainage:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T1	**Sustainable Access:** We welcome the additional flexibility added to the Policy and paragraph 14.10 since the Pre-Publication Draft, which makes reference to enhancing existing services as an alternative to the provision of new high quality public transport services, and refers to potential that such new services or enhanced existing services will become commercially viable within a shorter timeframe.	
T2	**Strategic Public Transport Improvements:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T3	**York Railway Station:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T4	**Strategic Highway Network Capacity:** The timings of junction upgrades in this policy need further explanation and linked back into the delivery trajectories of each strategic site.	Clarification on level of contribution is required.

	Further detail on the extent of developer contributions is required.	
T5	**Strategic Cycle and Pedestrian Networks:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T6	**Development Near Transport Corridors:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T7	**Minimising Generated Trips:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T8	**Demand Management:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T9	**Alternative Fuel Fuelling Centres:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
C1	**Communications Infrastructure:** We note the addition to this Policy since the Pre-Publication Draft regarding Next Generation Access (NGA) broadband connection. A degree of caution is required given that the inclusion of digital infrastructure is not within the direct control of the development industry, and therefore this policy could create	Insert reference in the Policy regarding the Council and Developers engaging with communication providers. Clarification on level of contribution is required.

	deliverability issues. As well as developers engaging with communication providers, it is considered the Council should also work proactively with digital infrastructure providers. Further detail on the extent of developer contributions is required.	
DM1	**Infrastructure and Developer Contributions:** Note, the table above identifies circa 30 policies where 'Developer Contributions' are referenced in the supporting 'delivery' text. While the text to support Policy DM1 makes an attempt to draw these together, it must be acknowledged they are all potentially making demands of development on matter that in the main would be covered by a CIL.	The viability work currently being undertaken by CYC needs to be vigorously tested working with the development industry including an assessment of the cumulative impact on viability is required. Para 173 of the Framework requires robust viability testing of Plans such that policies do not. Text from Para 173 regarding reasonable returns to landowner and developer need to be added. More detail needed within Table 15.2 with specific monitoring triggers and mechanisms (including timescales) where action is required should a target not be met.

3.53 We note the 'Delivery and Monitoring Tables' to the rear of the Plan contains **no** requirement to maintain a 5 year supply and what actions are to be taken in the event of a housing delivery failure. This is a failure of the Plan as drafted, and in alignment with HBF comments, we consider that specific monitoring triggers are introduced.

3.54 Given the Plan contains no Safeguarded Land and is overly tight in the provision such that it contains no flexibility in the event of a delivery failure, the Plan contains no review mechanism. In other words, it lacks any Plan B options should Plan A fail. It is therefore unsound in that the option chosen with no flexibility and overlooking key parts of the OAN evidence base are unjustified.

3.55 The manner in which politicians have ignored the evidence base and findings of the sustainability appraisal on OAN options fail the soundness test of being positively prepared.

3.56 The Plan simply needs more housing land above that currently in the Plan.

APPENDIX 1

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Project Monks Cross North

Client The Monks Cross Consortium

Drg title Illustrative Masterplan - Option 1

Drg nr PL1377-PS-001

Scale 1:2000@A1 **Date:** 09.09.16 **Drawn** LF

Status information **Revision** 02 **Checked** JW

[redacted]

From: Gen Kenington [gen@johnsonmowat.co.uk]
Sent: 04 April 2018 16:35
To: localplan@york.gov.uk
Subject: York Local Plan Publication Draft - Consultation Response - Taylor Wimpey UK Limited - ST7
Attachments: Taylor Wimpey ST7 Comments Form.pdf; York Local Plan Publication Draft - TW ST7 Response 04-04-18.pdf

Dear Sir or Madam,

Please find attached a completed response form and representation document in response to the York Local Plan Publication Draft in particular relation to Strategic Site ST7 South of Stockton Lane. The submission is made on behalf of Taylor Wimpey UK Limited.

Please could you acknowledge receipt of the attachments.

Kind regards

Gen Kenington (Née Berridge)
MTP MRTPI
Associate Director

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
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Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	X
Policies Map	☐
Sustainability Appraisal/Strategic Environmental Assessment	☐

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☐

4.(3) Please justify your answer to question 4.(1) and 4.(2)

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No X

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	X	**Justified**	X
Effective	X	**Consistent with national policy**	X

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.	Various – See Statement	Site Ref.	ST7

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached Statement and Appendices

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See attached Statement and Appendices

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the examination	X

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To have the opportunity to present the case in support of the Site ST7, as well as engage in the debate in relation to the housing provision and other draft policies.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature	[redacted]	**Date**	**4th April 2018**

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

JohnsonMowat

Planning & Development Consultants

CITY OF YORK LOCAL PLAN

PUBLICATION DRAFT – FEBRUARY 2018

(REGULATION 19 CONSULTATION)

ST7 South of Stockton Lane

On behalf of Taylor Wimpey UK Ltd

April 2018

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3. **Johnson Mowat Letter 30 October 2017 – Cumulative Impact of Policy and Implications for CIL**

1.0 INTRODUCTION

1.1 Johnson Mowat has prepared this response to the City of York Local Plan Publication Draft Regulation 19 Consultation on behalf of our client Taylor Wimpey UK Ltd in relation to their land interests south of Stockton Lane, on the eastern edge of York City.

1.2 A consultation response to the York Local Plan Pre-Publication Draft was also submitted on 30th October 2017 in relation to this site.

1.3 The purpose of our response is to comment upon the Publication Draft document in relation to housing and other policies that impact upon housing delivery. It supports the previously submitted masterplan brochure (See Appendix 1).

1.4 National planning policy sets clear expectations as to how a Local Plan must be prepared in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities. We consider that the Publication Draft Local Plan as currently drafted fails to meet these four tests of soundness.

1.5 The four tests of soundness are discussed below:-

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

1.6 We have major concerns with this document as currently drafted and these concerns are summarised overleaf.

1. The document does not adequately present the correct Objective Assessment of Housing Need [OAHN] which flows from the evidence base and does not accord with guidance set out in the National Planning Policy Framework [Framework] and Planning Practice Guidance [Practice Guidance].

2. The Council delivery of sites fails to deliver the right housing in the right location across the plan period to 2038 such that an appropriate Green Belt boundary can be established.

1.7 In the context of the above, it is not possible to consider the suitability of the portfolio of sites set out as it is neither sound nor effective and has not been positively prepared. The City of York's unmet housing need has not been addressed and it is therefore not consistent with national policy which requires that Local Planning Authorities ensure that Local Plans meet the full, objectively assessed needs in the housing market area.

1.8 In producing this response, we are mindful of the housing requirement and housing supply work undertaken by Lichfields in October 2017 and updated in March 2018 to include an assessment of Market Signals (see full report at Appendix 2) and are supportive of its findings that conclude the housing requirement for the plan period should be at least 1,150 dwellings per annum.

1.9 When this Lichfields OAN requirement is correctly applied to the base date of 2012 and backlog taken into consideration, the five year requirement for the period 2017 to 2022 is now 1,980 dwellings per annum. According to the Council's Housing Trajectory in Figure 5.1 of the Local Plan, this level of delivery is not anticipated in any of the first 5 years thus informing the Plan will start from the position of failing to meet a five year supply.

1.10 In producing this response, we are aware of the September 2017 DCLG Housing Methodology 'Planning for the right homes in the right places' paper and the Draft NPPF and Draft Planning Practice Guidance. The standard methodology in the DCLG 'Planning for the right homes in the right places' paper calculates a baseline housing need figure for York of 1,070 dwellings per annum. It is clear the housing number for York in that document (even without employment growth) informs of an annual housing requirement significantly above that within this Publication Draft Local Plan.

Strategic Site ST7

1.11 While Taylor Wimpey UK Ltd are supportive of the identification and allocation of housing land at ST7, our clients are significantly opposed to the manner in which the Plan misses the opportunity to deliver the site as a sustainable urban extension to the Main Urban Area. As presented, ST7 would instead create a remote development served off a costly long access road, divorced from the nearby community.

1.12 This unnecessary separation merely makes the site more expensive to develop, restricts the viability of on-site facilities and makes walking and cycling trips less likely given the routes back into the existing community areas where local services are provided.

1.13 In short, divorcing the development from existing communities makes the development less rather than more sustainable. The attached technical brochure illustrates the suitability and sustainability of the extended ST7 Northern area with access via Stockton Lane.

2.0 SITE SPECIFIC COMMENTS ON POLICY SS9

2.1 The following remarks relate specifically to **Policy SS9** for the strategic residential site 'Land East of Metcalfe Lane - Ref ST7'.

2.2 With respect to dwelling numbers, we still consider the target of 845 dwellings to be significantly below what is sustainably achievable from land in both the northern and southern sectors of this allocation. Increasing the numbers would:-

- Help deliver and sustain the Primary School being requested. At 845 dwellings, the site would fail to provide sufficient pupils for a single form entry Primary School. By placing the site away from the existing urban area, it makes any surplus places less attractive to those existing communities.
- Reduce access road and other Infrastructure costs thus making the site more capable of delivering greater community benefits
- Would increase the number of houses of all types and tenures.
- Would help sustain a local shop by achieving critical mass. Without the higher number of dwellings, the local shop is unlikely to survive.

2.3 The policy contains 11 topic requirements. Table 2.1 below provides comment on each item.

Table 2.1: SS9 Policy Remarks

Item	Topic	Remark
1	Garden Village approach	Unfortunately we still do not share the Council's aim of creating a garden village to reflect the existing urban form of York and then divorcing the development from the urban area through the introduction of a green wedge of land that serves no purpose. It is possible to bring the development much closer into the urban area such as that shown on ST8 to the north. Designating the land between the allocation (ST7) and the urban edge as Green Belt performs no Green Belt function.

		This land needs to be allocated for housing in the manner shown on the Masterplan contained in Appendix 1 to this response. Having a strip of under-used agricultural land between the allocation and the existing urban area will not benefit the quality of that land in the longer term. It will become less managed and potentially unsightly and unsafe.
2	Housing Mix	We are aware of the requirements of draft Policy H3. Policy H3 fails to present a case of both need and demand. This can be addressed in a localised housing need and demand survey to support the planning application.
3	Incorporate Community Facilities	While it may be possible to generate demand for a local store within the residential area, the scale of the development as currently sought in this Plan makes that difficult to achieve. Any Community Facility beyond the Primary School needs to understand what level of Community Use Agreement will be applied to the Primary School as this could perform a dual function without the need to construct a further separate building for yet unknown use. We seek a text alteration to reflect the expected wider community role the School will play.
4	Primary School on site payment towards a new Secondary School	While there is no objection to this request, it is clear a development of this size would generate the need for only a single entry Primary School. This needs to be stated in the text. Beyond the Policy, the Council needs to engage early with the Developer Team on:- • how and when this education provision is required • who designs the school • who pays for its construction

		• who manages the facility given all new schools are to operate as an academy remote from the LEA. There are viability issues to be addressed should the Developer be expected to build the School at their own cost There is no information on the extent to which monies are sought to assist in delivering the secondary school. There is no such facility shown on the Proposals Map that supports this Plan. These factors need addressing to make the Plan sound. .
5	Cumulative traffic impact	The Council needs to be clearer on what is expected of this and those other named developments, certainly by way of highway improvements, timings and costs. Again, there is a viability point to consider. There is also currently uncertainty as to whether or not these costs are included within a possible CIL.
6	Access Points and restricted vehicular routes through ST7	While our client takes no issue with the principles of restricting traffic flows through the sites, the manner in which both northern and southern parcels are divorced from Stockton Lane in the north and Murton Lane to the south make the development of each area prohibitively expensive and in transport planning terms are simply illogical and unsustainable. The Allocations need amending to improve the amount of development along these access roads to make these areas more viable.
7	Public Transport	The Allocation as drawn does not lend itself to these public transport links and public transport upgrades being as deliverable as they would should a more logical allocation boundary with a greater quantum of housing being shown.

8	Cycle Links	As stated throughout this response, those cycle and pedestrian links back into the existing community would be far easier to achieve and would be far safer should the allocation of ST7 be expanded and moved closer to those communities. As drawn, the use of such links are less likely and therefore make the site less sustainable than it could be.
9	New Open Space	We object to the footpath requiring a 50m wide buffer. There is no such example elsewhere in the Local Plan. The Masterplan in our technical submission (attached) informs how significantly more green corridors can be achieved through the site following sound and well-practiced masterplanning techniques.
10	Impact on Murton Way SINC	No comment
11	Views of York Minster	These have been taken into account in our technical response at Appendix 1. It is clear this allocation can be extended without harming those views.

2.4 As previously stated within our consultation response to the Pre-Publication Draft, we have separately written to the Council on the matter of viability and understanding what is expected of Strategic Sites by way of 'Infrastructure' beyond the site including road network and education. There are multiple policies in this draft Local Plan seeking 'Developer Contributions'. It remains unclear as to how these overlap with the CIL and the suggestion that this site is viable as currently assessed by the Council. A copy of the letter outlining the cumulative impact of policies on viability is appended to this response at Appendix 3 for ease.

3.0 GENERAL POLICY REMARKS

Plan Period 2033 or 2038?

3.1 Under the sub-heading 'About the Plan' para i) confirms the Local Plan Period runs from 2017 to 2032/33 with the exception of Green Belt boundaries which will endure to 2037/38. The text requires clarification. Points to note are:-

- The Plan Period should be 1st April 2017 to 31st March 2038. This would remove any confusion and ensure that upon adoption that plan period will be more than 15 years, as preferred by the NPPF.
- The housing allocations only partly extend beyond 2033, significantly tailing off after that date such that the five year period 2033 to 2038 only delivers half the housing requirement in those years - even then, delivering from no more than 3 known sites and windfall. Given there is no Safeguarded Land in the Plan, it is clear the Plan fails to justify the 2038 end date with the allocations as presented in Trajectory (Figure 5.1) demonstrating those shortcomings.

Jobs Growth

3.2 Paras 1.34 and 4.2 both make reference to the jobs growth forecast although para 4.2 makes reference to an additional forecast from Experian. It is now unclear as to which forecast has been used and how these relate to the Leeds City Region work and Northern Powerhouse. It is also unclear as to which methodology has been used to calculate the housing requirement.

Housing

3.3 While we support the reference to the 'notable affordable housing need' and increasing affordability concerns in the City in para 1.46, it is clear this recognition has not been taken forward into the housing requirement number that will be used to help resolve these problems.

Provide Good Quality Homes and Opportunities

3.4 Para 2.5 informs that 'By the end of the plan period sufficient sites will have been identified for viable and deliverable house sites …'. This needs rewording to inform these sites are to be identified now, at the start of the plan period. This para also needs to be clear over the plan period, that being up to 31 March 2038. The quantum of housing referenced in this para at 867 dwellings per annum is also at odds with that referenced in Trajectory Table 5.2 which seeks to make good the early years (2012 to 2017) shortfall and adds back a further 56 dwellings per annum up to 31 March 2033. As such, the requirement for 1st April 2017 to 31st March 2033 is 923 per annum. For the avoidance of doubt, we don't accept that figure but if the Council are to continue with 867, it should at least be referenced correctly.

Policy DP3: Sustainable Communities

3.5 While we have no overall objection to Policy DP3, the wording in 'iv)' needs to be amended from 'highest standards' to 'high standards'. There will be cost constraints to having to seek the very highest standards of embedded sustainability which may ultimately be weighed against delivering other benefits such as affordable housing.

Policy SS1: Delivering Sustainable Growth for York

3.6 As drafted, Policy SS1 wrongly references the housing number for the Plan Period and seeks a housing number that is not supported by the evidence base or the Sustainability Appraisal (SA). SS1 contains a lower than required housing number and is therefore unsound for the following reasons:-

- Not positively prepared – housing requirement is too low, the 867 dpa will act as a brake on economic growth and harm the delivery of affordable housing.
- Not justified – the evidence base and SA supports a higher figure.
- Not effective – the housing fails to deliver the full requirement and fails to align with the Plan Period for the Green Belt boundaries up to 2038.

- Not conforming with National Policy – it fails to carry forward the guidance in NPPG (para ID 2a 002 onwards).

3.7 Furthermore, the policy seems to suggest that brownfield/PDL will be phased ahead of greenfield sites. While this approach is inconsistent with the balanced approach taken in the Framework, it is also unclear as to how this would work in reality given the allocations in this York Local Plan are all released in a single phase.

Para 3.3 Housing Growth

3.8 This para needs to aligned with Table 5.2 in the Plan and recognise the fact that the shortfall since 2012 has been rolled into the new Plan Period commencing 2017. The introduction text in the Plan states the Plan Period commences 2017. If that is the case the housing requirement is 867+56 = 923 as per the trajectory table.

Objectively Assessed Housing Need

3.9 As stated above, we are concerned the Council has taken a political route in selecting the lowest possible housing number available. The 'Political' influence is clear from the Introduction text to the September 2017 SHMA Update. The 2017 SHMA Update is essentially the GL Hearn May 2017 update that suggests an OAN for the period 2012 to 2032 of 867 dwellings plus a 10% uplift to address affordability concerns. GL Hearn therefore advise of an OAN of 953 (excluding the shortfall 2012-17).

3.10 In advising the 953 dpa figure, the 2017 SHMA report states the 867 dpa figure "would not however address the City's affordability issues." (May 2017 SHMA Para 5.)

3.11 The Council's 2018 Sustainability Appraisal Appendix N provides for a comparison appraisal of the 867 and 953 dpa figures and the DCLG OAN Methodology figure of 1,070. While the 953 dpa figure scores no worse against the 15 SA Objectives to the Council's preferred 867 figure, it does in fact score better under objectives 1, 4 and 5. The assessment under SA Objective 1 (meeting the diverse housing needs of the population in a sustainable way) scores a negative long term score when considering the 867 dpa figure and a double positive for the 953. The DCLG 1,070 figure scores a double positive score in the medium term, which is better than both

the 867 and the 953 dpa figure, with the summary stating that "the figure would be likely to drive significant positive effects in the medium term." The double positive long term score against the 1,070 figure is uncertain only due to the 10 year period of the Government's housing need figure. Not only do GL Hearn consider the 867 dpa figure to be too low and harmful, but this view is equally shared by Amec Foster Wheeler in the February 2018 SA.

The Council's own Sustainability Appraisal (February 2019) of the OAN Options at SA Appendix N informs a higher level of housing than that proposed in the current Plan would be more sustainable overall.

3.12 From all the material available, it would appear only the unqualified Elected Members are of the view the 867 dpa figure should be maintained. It is for that reason we consider Policy SS1 is unsound on the basis that the evidence base has been ignored for essentially political reasons.

3.13 Applying the 953 dpa figure from the 1st March 2012 SHMA base date would equate to the following:-

- 1st April 2012 – 31st March 2038 (26 yrs in total) = 24,778
- Requirement from 1st April 2017 = 21 years x 953 + early shortfall (896) = 20,909

or

- **996 dwellings per annum 1st April 2017 to 31st March 2038**

Alternative OAN Work and inputs

3.14 We are aware of modelling of housing need undertaken by Lichfields and others. As noted within consultation responses to previous drafts of the Local Plan, neither the 2016 SHMA, nor its 2017 addendum have considered the implications of the LEP ambitions for growth. This should be factored into the assessment.

3.15 The 2016 SHMA identifies a small increase of just 8dpa to take account of market signals, this is less than 1% of the identified OAN. Paragraph 11.34 identifies that this adjustment is made to reflect the level of suppression in household formation. We consider this uplift to be too low.

3.16 The PPG, paragraph 2a-019, identifies a series of market signals which should be considered. These include land prices, house prices, rents, affordability, rates of development and overcrowding. According to the PPG a worsening trend in ***any*** indicator requires an upward adjustment to planned housing numbers compared to ones based solely on household projections (paragraph 2a-020). The SHMA correctly considers the majority of these signals. It is notable from the analysis that York performs poorly against rates of development and affordability.

3.17 In terms of under-delivery this amounted to almost 23% of the target between 2004/5 and 2013/14 (paragraph 8.38; 2016 SHMA). If this were further updated this under-delivery would further increase. In terms of affordability this continues to deteriorate and stands significantly above the national average. These two indicators alone suggest a need for a market signals uplift.

3.18 It is recognised that the 2016 SHMA applies an uplift to HRRs which may account for some of the suppression of household formation. It is, however, notable that the PPG provides a distinction between adjustments for household formation rates from any market signals uplift. The PPG question *'What is the starting point to establish the need for housing?*' (ID 2a-015) is clear that the household projections plus such adjustments for issues such as household formation and the effects of under-delivery on migration represent the demographic starting point. A market signals uplift is clearly made after this starting point. The PPG clearly separates the two issues and states;

> "The housing need number suggested by household projections (the starting point) should be adjusted to reflect appropriate market signals" (PPG ID 2a-019).

3.19 Given the signals described above it is considered that a market signal uplift of 20% is warranted. The need for such an uplift is also supported by the significant affordable housing need within York. As stated above, we are aware of the work on OAHN undertaken by others

including the modelling work of Lichfields. We acknowledge the approach taken by Lichfields which concludes an OAHN of **at least 1,150 pa from the base date of 2012**.

Emerging NPPF and Planning Practice Guidance (incorporating DCLG Housing Methodology)

3.20 Since the Pre-Publication Draft Local Plan Consultation the DCLG 'Planning for the Right Homes in the Right Places' consultation has ended and the draft NPPF has been published, along with Draft Planning Practice Guidance. The NPPF is expected to be formally published in Summer 2018. The standard DCLG Housing Methodology approach to rectifying affordability problems identifies for York a OAN of 1,070 dpa, again significantly above that of the Local Plan 867 dpa as currently proposed.

3.21 The Draft Planning Practice Guidance states that "the need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production." In terms of an authority identifying a housing need lower than the number identified by the standard method the draft PPG states:

> "Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities."

3.22 We are aware that the Council are not obligated to apply the emerging NPPF, given the transitional arrangements which allow for an authority to apply the existing (previous) NPPF policies for the purposes of examining plans, where they are submitted on or before 6 months of the adoption of the final Framework, which is likely to be the case, as it allows the Council to submit the Local Plan before the end of 2018. This essentially means that the Council are not required to take into account the standard OAN methodology. That said, it is strongly recommended that the housing need in the Local Plan is increased to a minimum of 1,070 dwellings per annum at this stage, in alignment with the methodology, which will require the

identification of additional land, to ensure that the inevitable changes to the Green Belt in York are made now, and secured for the long term. To not increase the housing requirement now will only lead to inevitable changes at the first review of the Local Plan (5 years from adoption), whereby an increase will lead to additional Green Belt changes. Given that this Local Plan is the opportunity to actually designate Green Belt land in York, it would be more appropriate to secure the long term permanence of the Green Belt now.

3.23 Council Officers opinion to the 23rd January 2018 Local Plan Working Group papers considered that "an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process." Council officers suggested potential new housing sites to increase the housing supply however Members rejected all suggestions for increasing the housing requirement and the identification of additional sites. From the Local Plan Working Group January 2018 report, It appears that City of York Council Officers themselves do not have confidence in the Publication Draft Local Plan housing requirement.

Conclusions relating to Policy SS1

3.24 In reviewing the various OAN options, it is clear there is no sound evidential approach to adopting the 867 dpa figure. The range of alternatives are:-

- Local Plan text Policy SS1 867 dpa
- Policy SS1 corrected for early years shortfall 923 dpa
- 2017 SHMA recommendation = early years shortfall 996 dpa
- DCLG Consultation Housing Methodology 1,070 dpa
- Lichfields Alternative with higher adjustments for jobs and market signals 1,150 dpa

3.25 The figures of the 2017 SHMA (adjusted for early years shortfall) and the DCLG Methodology are broadly similar and would suggest the net annual requirement for York is at least 1,000 dwellings per annum based upon the Council's own material and more likely 1,150 dpa based upon the DCLG and Lichfield's work once economic growth is factored into both.

Approach to Housing

3.26 Having reviewed the portfolio of sites set out in Local Plan, it appears that the Council's strategy is a combination of urban expansion, the provision of isolated new settlements and restricted growth in existing settlements. The document contains no narrative as to how, or why, the Council has arrived at this approach, nor does it set out the implications of this pattern of spatial distribution or discuss the alternative options considered.

3.27 In sustainability terms, we still consider it more appropriate to focus growth in the York urban area and expand existing settlements. This approach would make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met. In particular, the failure to allocate land in existing settlements will increase affordability pressures in the City.

3.28 The proposed spatial strategy for the City, and how this will be achieved over the lifetime of the Plan (up to 2038), should be set out clearly in the Plan. Without this context it is not possible to consider the suitability of the portfolio of sites. The absence of an overarching spatial strategy is apparent as the Plan identifies two strategic housing allocations in isolated locations, significantly separated from the main urban area. Such an approach does not promote sustainable patterns of development as required by the Framework, and therefore conflicts with national guidance.

Concerns relating to ST15 - Elvington

3.29 Whilst it is accepted and welcomed that the development of Green Belt sites will be necessary to accommodate York's housing growth, we are concerned that the proposed allocation of land to the West of Elvington Lane [Allocation ref. ST15] would not create and support, sustainable patterns of development for the following reasons:

1. ST15 is situated in the open countryside in an isolated location, with no existing infrastructure capable of accommodating the proposed levels of development. This would result in a long lead in time as the provision of infrastructure is a long, complex and costly process. ST15 could therefore only provide new homes towards the end of the plan period

and there is no certainty over the potential supply due to the complexities of delivery. It is also important to highlight that there is no known developer interest in this site at this time.

2. The necessity to create and maintain an appropriate landscape setting and substantial buffers would result in the loss of developable area and not make the best use of the land.
3. The vision for ST15 is to create a 'garden' village which includes shops, services and community facilities to meet the needs of future residents. In the case of ST15, the Council has failed to recognise that new settlements need to be of a sufficient size to support the required range of social and physical infrastructure. For example, in order for a new settlement to be truly sustainable, it would need to provide a secondary school. This would require a minimum of some 5,000-6,000 homes.

3.30 ST15 has been subjected to a Sustainability Appraisal but for whatever reason appears to score no differently to other Strategic Sites in terms of accessing all local services. Given its remoteness, this would suggest there is a flaw in the scoring system.

3.31 Figure 5.3 informs of the main transport corridors in relation to the main urban area. These transport corridors reflect the areas that are currently well connected to public transport. ST15 is clearly remote from such services.

Concerns relating to York Central – ST5

3.32 We have expressed concern over the over-reliance of delivery from the York Central site. York Central has a long history of non-delivery. While we envisage some residential development on the York Central site, it will not be at the amount envisaged in this Plan.

Concerns relating to ST35 (MoD Strensall) and ST36 (MoD Fulford)

3.33 Both these sites are owned by the MoD and both are currently operational. While the MoD has expressed an intention to dispose of these sites, these proposals are not immediate nor certain. As can be seen from Table 5.1, ST35 is a medium term release and ST36 is a long term release.

3.34 The text to ST35 in Policy SS19 informs the site is to be disposed of in 2021 but is not without challenges. The site lies adjacent to a SSSI and requires a sensitive approach to development.

The text informs the site is remote from existing services such that the 578 dwellings will need to deliver a retail shop and a primary school. Both of these will impact upon the sites' viability.

3.35 Site ST36 in Policy SS20 is equally uncertain given it will not be released until 2031 and development unlikely to commence until 2033, the end of the Council's housing delivery period. The text in Policy SS20 and supporting paragraphs reference a raft of heritage concerns which may impact on the quantum of delivery from the site; this will be the case should many of the existing buildings need to be retained.

3.36 It is our opinion that site ST36 lacks certainty such that it should not be an allocated site. In making this suggestion to remove this site there is a recognition the site could be developed in time but that could be for a later review of the Plan.

Concerns relating to the 5 year supply

3.37 It is known and accepted by the Council that it is unable to currently demonstrate a 5 year supply of housing and that matters will only worsen should the adoption of a new Local Plan be delayed.

3.38 The extent of the current supply and recent shortfall is a matter of dispute as the OAN options referenced above vary significantly. The greater the OAN, the greater the shortfall and the greater the 5 year requirement looking forward over the next 5 years once the Framework para 47 shortfall and buffer are correctly applied.

3.39 The Council's 2017 Local Plan and SHLAA both contain a delivery trajectory but lack any real detail. From the material available, it would appear the Council is reliant on several large strategic sites making an early delivery start with high levels of delivery. It is our opinion that this approach is unrealistic, especially given known and well researched lead in times for large strategic sites such as ST14 and ST15, ST35.

3.40 When an OAN higher than that sought in the Local Plan is applied with longer lead in times from these larger more remotes sites is applied, the current Local Plan falls well short of an early years 5 years supply.

3.41 We have significant concerns with the Council's continued use of student accommodation in the completion figures, which artificially boosts the housing delivery figure. The Council's

Housing Monitoring Update October 2017 reveals that in the first half of 2017/18 of the total 1,036 net housing completions, 637 were from privately managed off campus student accommodation, and only 371 were from traditional Use Class C3 housing completion sites. The CLG's household projections do not include an allowance for students, with the household projections upon which York's OAHN is based relating to C3 uses only, and not C2. Student accommodation should therefore be excluded from the completion figures.

3.42 The Lichfield's review of the Council's housing requirement and supply (enclosed at Appendix 2) takes account of this issue and concludes at paragraph 6.30 that

> "The Council includes several student sites in its future supply, which is inappropriate, as there is no justification regarding how these developments will result in the release of housing into the general housing market as required by the Practice Guidance. In particular, no robust evidence has been provided to clearly demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, the Council's land supply figures risk being severely distorted."

Policy SS2 – The role of York's Green Belt

3.43 We support the Council in its acknowledgement that the current 'Draft' Green Belt boundary will need to be altered to meet the development needs of the area. This is clear from the evidence provided by the Council.

3.44 The Pre Publication Draft and subsequent Publication Draft is an improvement on the Preferred Options Paper of 2016 in that it recognises the Plan Period needs to run to 2038 and not 2032 as was the case in the 2016 version.

3.45 However, the Pre-publication and subsequent Publication Draft fails to provide sufficient land for housing and again contains no Safeguarded Land. This is in our opinion a shortcoming of the Plan.

3.46 The identification of Safeguarded Land is considered particularly important as the Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is

therefore required to enable flexibility up to and beyond the plan period. We consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future review. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged Flexibiity is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.

3.47 The current approach adopted in the Plan conflicts with national guidance and advice sought by the Council from John Hobson QC (Landmark Chambers) in relation to Safeguarded Land which concluded that:

> *"In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries"*

3.48 The Council has also been advised by Counsel that it would be appropriate for the Green Belt to endure for a ten year period beyond the life of the Plan. We therefore request that the Plan is amended accordingly to ensure that it is effective and consistent with national policy.

Need for additional sites and Safeguarded Land

3.49 Having regard to the fact that the OAN/requirement needs to be higher and that doubts can be expressed over the selection of certain sites (ST15, ST35, ST36) where delivery may not come about as forecast, we consider this Local Plan has a shortfall of housing in terms of the following:-

- The Plan lacks sufficient housing allocations to deliver the 21,000 net dwellings for the Plan Period up to 2038

- The Plan lacks flexibility by having no Safeguarded Land to give a new Green Belt any degree of permanence.

Long Term Delivery 2033 to 2038

3.50 The threat of insufficient housing over the Plan period is evident in the Council's own trajectory at Figure 5.1. The Plan informs of a supply of housing land up to 2038 yet beyond 2033 the Plan as drafted has only limited supply, see Table 3.1 below.

Table 3.1: Long Term Delivery Trajectory Post 2033

Source	2033/34	2034/35	2035/36	2036/37	2037/38
Windfall (Para 5.8)	169	169	169	169	169
Elvington ST15	150	150	150	150	150
Clifton Moor, ST14	100	50			
ST36 Fulford	50	100	100	100	100
Total	469	469	419	419	419
OAN (minimum)	1,000	1,000	1,000	1,000	1,000
Shortfall	**-531**	**-531**	**-581**	**-581**	**-581**

3.51 As can be seen above, the Plan makes very little provision post 2033 meeting less than half the requirement. The table above demonstrates the need to identify long term sources of supply such that delivery can be maintained across the whole Plan Period.

Remedy

3.52 In order to remedy the lack of flexibility and potential longer term shortfall up to 2038, the Plan needs to Allocate and Safeguard more land.

General Policy Comments

3.53 The following table identifies a number of Policies in the Plan to which we express concern. These are listed as Table 3.2 below.

Table 3.2: General Policy Observations

Policy	Remark	Remedy
H1	**Phased Release:** Policy H1 as drafted refers to phasing but lacks timescales. Table 5.1 informs of no phased release mechanism with only the MoD Sites having a delivery delay due to disposal dates. Insufficient range of sites are identified given concerns with housing requirement, and lack of identification of safeguarded sites. We question the validity of the use of historic windfalls going forward when such windfalls have come forward at a time of no adopted plan being in place. It is not certain that the average windfall rate will continue at this rate going forward	Re-draft to; • Insert Plan Period Dates • Identify additional sites to meet the increased recommended housing requirement, and in addition provide a buffer of sites provide choice and flexibility in the market, and not place an over reliance on windfall delivery. • Remove reference to phasing • Remove text on 5 year supply assuming there is no release mechanism, thus no need for 5 year supply text.
H2	**Density:** Reference to 'net' density is welcomed as this is often overlooked in policy of this type. Further clarification is required in supporting text. We welcome the reference that on strategic sites specific master planning agreements that provide density targets	Supporting text needs to reference those elements that relate to gross and net. E.g. Water Attenuation Areas, public open space requirements. In addition, this text needs to have regard to garden size requirements in any design guide.

	for that site may override the density policy, and welcome that the policy should be used as a 'general guide.' That said, it is not clear where the net density requirements in Policy H2 are derived, which are considered to be too high, too prescriptive and unachievable. Whilst the explanatory text refers to density testing having been carried out through viability and deliverability work, there is no information to justify the density ranges.	The densities proposed need to be tested on recently approved schemes as we question the achievability of the 100 and 50 dph within the City Centre and York urban area, which will undoubtedly require multi-storey development, which is likely to impact on heritage issues. Given that the Council refer to the Policy as a 'general guide' we recommend further flexibility in the policy with density ranges e.g. • 80-100 units/ha within the city centre • 40-50 units/ha within the York urban area • 30 – 40 units/ha within the suburban area and Haxby/Wigginton • 20-30 units/ha in the rural area and villages
H3	**Housing Mix:** This policy needs to maintain a degree of flexibility given the SHMA considers only need as opposed to 'demand' and the SHMA represents a certain snapshot in time. It is questionable how the SHMA can estimate the size of market and affordable homes required over the plan period to 2038. It is important that a mix policy is workable, to ensure that housing	Insert additional wording allowing greater flexibility of the housing mix to reflect housing demand, and differences in demand across the City, as well as an acknowledgement that the demand will also vary over the course of the plan period. Insert a site size threshold at which evidence of need and demand is

	delivery is not stalled due to inflexible and overly prescriptive requirements. The requirement to consider mix and evidence of need appears to have no site size threshold e.g, sites of 100 dwellings or more.	required. Further information is needed on the evidence required, along with reference to the mix needing to be assessed at the time of an application.
H4	**Custom Build Housing:** We object to the need to insert Custom Build Housing on larger allocations. Those traditionally seeking to build their own home are not normally seeking to build on a housing estate. Sites of up to 10 dwellings with affordable housing commuted off site are the best vehicle for this approach.	Remove text referring to Strategic Sites delivering Self Build.
H5	**Gypsy and Travellers:** We object to Policy H5 as drafted. Gypsy and Traveller pitches are not suitable for large strategic housing sites, they have particular needs that traditionally require their own site. While we have no objection to the second part of the policy that seeks a contribution, this appears to lack any justification. Excessive requests may adversely impact upon on the delivery of affordable housing. Why don't the Gypsy and Traveller community fund the delivery of their own plots?	Remove part B of the policy with reference to on-site provision on large sites over 5ha. Provide clarity on the level of contribution being sought.
H7	**Student Housing:**	Clarification text required.

	The Plan needs to make clear that Student Housing sits outside the OAN and Housing Supply.	
H9	**Older Persons Specialist Housing:** Policy H9 requires further clarification on what is required in terms of numbers and types. While house builders can provide elderly persons housing under C3, the provision of extra care housing as a C2 class is more complex.	The reference to Strategic Sites providing homes for the elderly needs to reference C3 uses only. The supporting text at para 5.58 needs to more clearly inform that C2 development will not count towards the housing supply in the OAN.
H10	**Affordable Housing:** The Policy overlooks the Government's intention to deliver 'Starter Homes as part of the Affordable Housing Mix (as included in the emerging NPPF) The Policy should consider inserting an off-site contribution for Self Build Custom Sites as per the Rural Sites. While the 30% affordable housing target is currently not objected to, there are many policies in the Plan that seek 'Developer Contributions'. We are currently reviewing the cumulative effect those have on viability overall. It would be our preference to see sites over 5Ha delivering 25% affordable housing such that other infrastructure requirements can be funded. The changes to Policy H9 since the pre-publication draft in relation to urban, sub-	Insert reference to Starter Homes. Change sites over 5Ha to a 25% requirement.

	urban and rural sites between 2 and 10 dwellings are noted.	
HW2	**New Community Facilities:** Whilst we welcome the policy wording change which deletes the 10 dwelling threshold for an audit of existing community facilities to be prepared, there remains little detail on the extent of developer contributions is required.	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts on viability of various policy requirements.
HW3	**Built Sports Facilities:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required, as well as flexibility to account for the cumulative impacts on viability of various policy requirements.
HW4	**Childcare Provision:** We object to strategic sites being required to undertake an audit. This is work only the LEA can perform and onus should not be placed upon the developer. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
HW5	**Healthcare Services:** We object to the requirement that a developer is required to undertake an assessment of accessibility and capacity at the application stage. This is material the health service should be providing to the Local Plan and CIL if progressed.	Clarification on level of contribution is required.

	Further detail on the extent of developer contributions is required.	
HW6	**Emergency Services:** Further detail on the extent of developer contributions is required. The Policy requirement for additional spoke facilities is not an absolute and should be subject to dialogue with the Ambulance Service at the application / masterplanning stage to ascertain demand.	Clarification on level of contribution is required. Flexibility is required in the wording, to allow for dialogue between the Ambulance Service at Masterplanning / Application stage.
HW7	**Healthy Places:** We object to this policy requirement. On the basis that sites are selected on the grounds of being sustainable, the need for such an assessment is negated by the allocation.	Delete the policy.
ED6	**Preschool, Primary and Secondary Education:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED7	**College Development:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ED8	**Community Access to sport:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
D2	**Landscape and Setting:**	

	Policy D2 makes reference to the most up to date York Landscape Character Appraisal. We have been unable to locate this document.	CYC to provide Landscape Character Appraisal Report into Evidence Base documents.
D3	**Cultural Provision** We object to the request that strategic sites will need to demonstrate that future cultural provision has been considered and provide a Cultural Wellbeing Plan. This is a task only the Council can perform.	
GI1	**Green Infrastructure:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI2	**Biodiversity and Access to Nature:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI3	**Green Infrastructure Network:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
GI4	**Trees and Hedgerows:** Why is a developer contribution required to protect existing trees and hedgerows as suggested in the 'Delivery' explanatory text to this policy?	Fails the test.
GI5	**Protection of Open Space and Playing Pitches:**	Fails the test.

	Why is a developer contribution required to protect existing pitches from development?	
GI6	**New Open Space Provision:** We object to point 'iii' that requires further land beyond the allocated boundaries of strategic sites. There is no justification for this request. The request also does not sit comfortably when the land is being retained as Green Belt. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
CC1	**Renewable and Low Carbon Energy Generation and Storage:** While we welcome the addition of reference to viability in this Policy since the Pre-Publication Draft, we object to this policy being applied to strategic housing sites. The Policy and supporting text is unclear as to whether or not this applies to major residential schemes. The text in the Peter Brett Associates Local Plan and CIL Viability Assessment suggests it does not apply – Para 5.4.7 informs no costs have been allocated to this requirement as the Carbon Trust noted further work is required. In alignment with HBF comments, we consider the requirements of this policy could have the potential to add costs to the delivery of housing development.	Doubt exists over the application of this policy. See Peter Brett Report para 5.4.7. The Carbon Trust Report still does not appear to be an evidence base report – it needs to be if the Council are to rely upon it.

CC2	Sustainable Design and Construction 19% reduction We object to this requirement as it goes beyond building regulations without justification to introduce the optional standards. Building Regulations are constantly being updated and improved and there is no case for York to run a parallel process. The Peter Brett Report Table 5.12 informs this policy increases the cost of building a typical 3-bed dwelling by £812 which is presumably over and above the cost of a standard home built to current Building Regulations requirements.	Delete parts i and ii in relation to all new residential buildings.
CC3	**District Heating Networks:** We object to this policy. The insertion within the Policy text since the Pre-Publication Draft now refers to all 'New Strategic Sites.' Paragraph 11.33 remains unchanged and informs this policy applies to residential schemes in excess of 300 dwellings. This would cover all proposed Strategic Housing sites. We object on the basis that energy efficiencies are already sought under Policy CC2 and as demonstrated in Table 5.12 of the viability report the cost of Policy CC3 would be an extra £3,396 to a typical 3 bed house.	Remove reference to all New Strategic Sites from this policy and supporting text.

	The Plan contains no good examples of where such a system has been successfully installed on a large housing site. The installation will impact upon the delivery of other elements of social infrastructure.	
ENV1	**Air Quality:** We object to the requirement for strategic sites to undertake a detailed emissions strategy. Each strategic site is identified, allocated and masterplanned in accordance with the policy requirements of the plan. To request an emissions strategy later down the line at application stage merely inserts an unnecessary layer of paperwork on a site that has already been examined and found to be suitably located..	
ENV4	**Flood Risk:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
ENV5	**Sustainable Drainage:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T1	**Sustainable Access:** We welcome the additional flexibility added to the Policy and paragraph 14.10 since the Pre-Publication Draft, which makes reference to enhancing existing services as an alternative to the provision of new high quality public transport	

	services, and refers to potential that such new services or enhanced existing services will become commercially viable within a shorter timeframe.	
T2	**Strategic Public Transport Improvements:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T3	**York Railway Station:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T4	**Strategic Highway Network Capacity:** The timings of junction upgrades in this policy need further explanation and linked back into the delivery trajectories of each strategic site. Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T5	**Strategic Cycle and Pedestrian Networks:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T6	**Development Near Transport Corridors:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T7	**Minimising Generated Trips:**	

	Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T8	**Demand Management:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
T9	**Alternative Fuel Fuelling Centres:** Further detail on the extent of developer contributions is required.	Clarification on level of contribution is required.
C1	**Communications Infrastructure:** We note the addition to this Policy since the Pre-Publication Draft regarding Next Generation Access (NGA) broadband connection. A degree of caution is required given that the inclusion of digital infrastructure is not within the direct control of the development industry, and therefore this policy could create deliverability issues. As well as developers engaging with communication providers, it is considered the Council should also work proactively with digital infrastructure providers. Further detail on the extent of developer contributions is required.	Insert reference in the Policy regarding the Council and Developers engaging with communication providers. Clarification on level of contribution is required.
DM1	**Infrastructure and Developer Contributions:**	

	Note, the table above identifies circa 30 policies where 'Developer Contributions' are referenced in the supporting 'delivery' text. While the text to support Policy DM1 makes an attempt to draw these together, it must be acknowledged they are all potentially making demands of development on matter that in the main would be covered by a CIL.	The viability work currently being undertaken by CYC needs to be vigorously tested working with the development industry including an assessment of the cumulative impact on viability is required. Para 173 of the Framework requires robust viability testing of Plans such that policies do not. Text from Para 173 regarding reasonable returns to landowner and developer need to be added. More detail needed within Table 15.2 with specific monitoring triggers and mechanisms (including timescales) where action is required should a target not be met.

3.54 We note the 'Delivery and Monitoring Tables' to the rear of the Plan contains **no** requirement to maintain a 5 year supply and what actions are to be taken in the event of a housing delivery failure. This is a failure of the Plan as drafted, and in alignment with HBF comments, we consider that specific monitoring triggers are introduced.

3.55 Given the Plan contains no Safeguarded Land and is overly tight in the provision such that it contains no flexibility in the event of a delivery failure, the Plan contains no review mechanism. In other words, it lacks any Plan B options should Plan A fail. It is therefore unsound in that the option chosen with no flexibility and overlooking key parts of the OAN evidence base are unjustified.

3.56 The manner in which politicians have ignored the evidence base and findings of the sustainability appraisal on OAN options fail the soundness test of being positively prepared.

3.57 The Plan simply needs more housing land above that currently in the Plan.

APPENDIX 1

Land off Stockton Lane, York

Taylor Wimpey

York Local Plan Preferred Sites Consultation

September 2016

Taylor Wimpey

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Taylor Wimpey

1. INTRODUCTION

Aims and Objectives

1.1 This promotional document has been reduced in response to the City of York Council Local Plan Consultation, September 2016. The Council's Preferred Local Plan proposal for land north and south of Bad Bargain Lane east of Osbaldwick. The Council propose a development area for circa 845 dwellings. The Council's proposal is relatively remote from the existing community and all the existing social infrastructure. This promotional document promotes an alternative proposal for circa 750 dwellings on land closer to the existing area with access points on Stockton Lane and Bad Bargain Lane.

1.2 The production of this document has been informed by work undertaken by a series of detailed studies including the following:-

Preliminary Transport Study (I-Transport)

Landscape Appraisal (H2 Landscape Partnership)

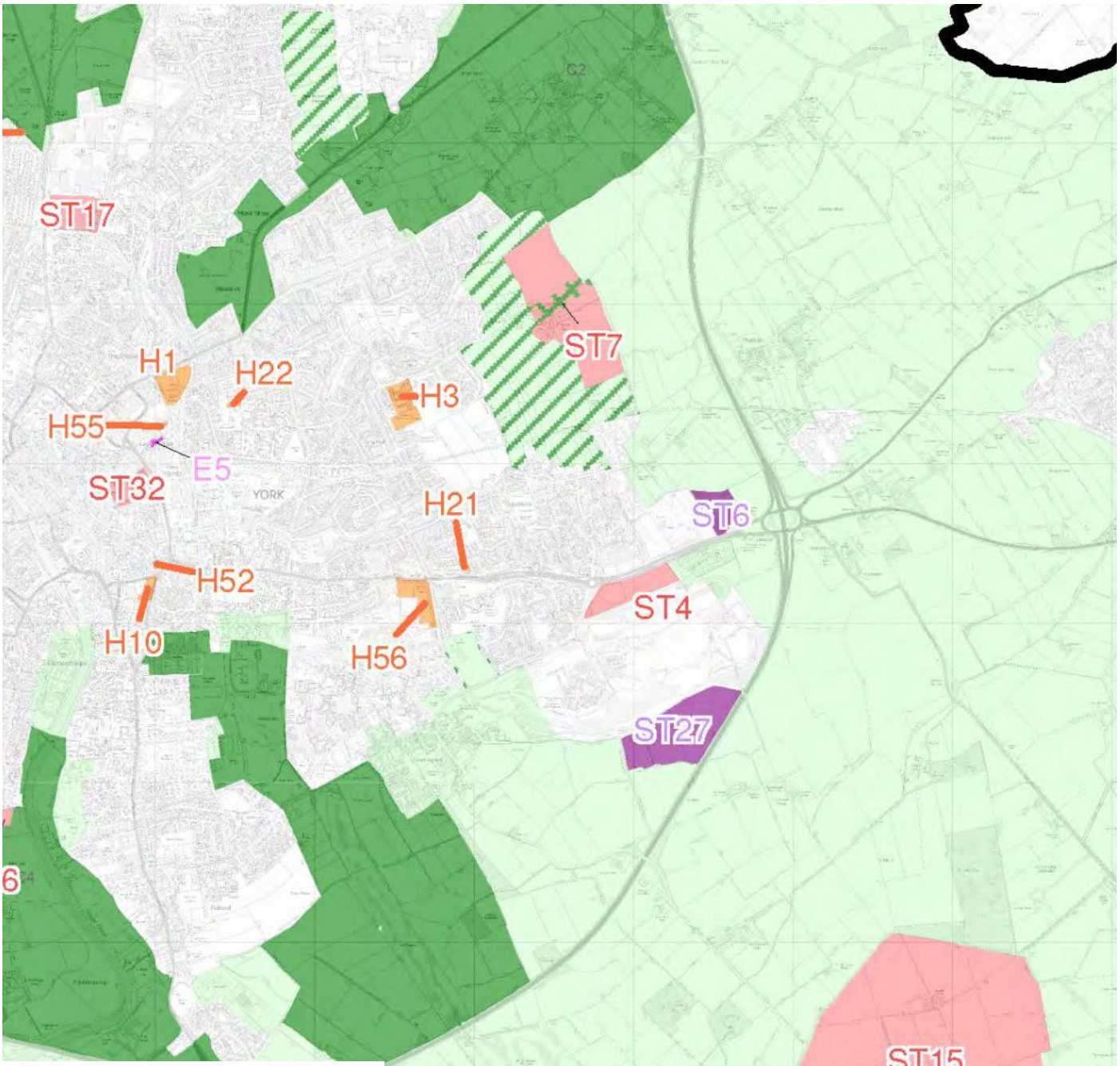
Urban Design (PRA Architects)

Constraints Assessment (URS)

Planning Policy Appraisal (Johnson Mowat)

1.3 An extract from the Council's emerging plan showing the size and location of the new proposal ST7 is provided on the following page. The ST7 proposal for circa 845 dwellings is to be kept remote from the existing urban area by an extensive new Green Wedge. The supporting text to the proposed allocation informs of a new 'garden' village located inside the York outer ring road. This new village is intended to operate with its own village centre and a new primary school. In addition to these local community facilities the Local Plan expects the new village to be connected to the Main Urban Area via a "high quality, frequent and accessible public transport service". The public transport links are to via Stockton Lane to the north and Murton Way to the south. These links are remote from the area proposed for development.

Taylor Wimpey



Proposed Strategic Employment Allocations

Proposed General Employment Allocations

Proposed Strategic Mixed Use Site

Proposed Strategic Housing Allocations

Proposed General Housing Allocations

Proposed Residential Institution Allocation

Proposed Travelling Showpeople Allocations

Proposed Strategic Greenspace

Green Wedges identified in 2013 Historic Character and Setting Update*

Draft New Green Wedges*

Land remaining outside urban areas and allocations

* An Update to Historic Character and setting is to be carried out alongside further work towards a new Publication Draft Local Plan

Taylor Wimpey

1.4 Taylor Wimpey objects to the 2016 City of York Council proposal for ST7. There is no sustainable development reasons to remove the development from the edge of the Main Urban Area. The following key points of objection are as follows:-

- The creation of a new garden village inside the outer ring road is out of keeping with the character of York. All villages sit outside the ring road.
- The introduction of a substantial green wedge serves no logical planning purpose. It merely makes the new dwellings less sustainable in that they are remote from all existing services.
- The creation of a new village of circa 845 dwellings may not be sufficient to sustain its own local centre or indeed a primary school. Given its remoteness to the Main Urban Area, these services will be unattractive to residents living in the urban area.

The transport and access suggestion of car access via Bad Bargain Lane and restricted public transport access only off the northern and southern links fails to understand the considerable cost of provision of such transport infrastructure. This proposal to access a remote new garden village will be unviable. To provide a viable public transport service, the ST7 site needs to be moved northwards closer to Stockton Lane to make better use of existing high frequency bus services.

Taylor Wimpey

Location Plan

Taylor Wimpey

Location

1.5 The proposed site is located approximately 800 metres to the west of the A64 which forms the southern and eastern outer ring road around the City. The centre of the site is approximately 3km from York City Centre which provides an excellent range of services providing for an extensive retail and commercial catchment. Approximately 2 km to the south of the site is the major campus of York University at Heslington. The Campus One area incorporates the York Science Park and to the immediate east Campus Two and a further technology park are to be developed. York University ranks in the top 10 UK universities both in terms of its research capabilities and its service delivery to students. The City Centre and the University are major centres of employment within very close proximity to this proposed residential development site. The large scale retail and mixed use centre at Monks Cross is approximately 2kms from the centre of the ST7 allocation, though at present the best connection is west via Stockton Lane and then eastwards via the A1036 which is a distance of some 4kms. This area has itself been selected for a large scale residential expansion.

1.6 Surrounding land uses are mixed. To the north of the site is Stockton Lane which is a significant highway connection into the inner ring road and the City Centre and is on a main bus route. To the south is Murton Way and the predominantly residential area of Osbaldwick. To the south west of the proposed ST7 allocation area is a residential development known as Derwenthorpe being progressed by the Joseph Rowntree Foundation and David Wilson Homes. Development on this part of the overall urban extension is already underway on a phased basis. To the south east is the Osbaldwick Industrial Estate and the Ryedale gypsy caravan site off Outgang Lane. To the east is agricultural land with the A64 approximately 600 metres from the sites eastern boundary. To the south west, west and North West of the site are the large residential neighbourhoods of Osbaldwick, Tang Hall and Heworth. The urban development to the east of York extends out along the radial highways to form a framework into which the proposed urban expansion fits.

2. SITE CONTEXT

Redline Boundary Plan

Taylor Wimpey

2. SITE CONTEXT

Site Description

2.1 The site promoted on behalf of Taylor Wimpey comprises a irregular shaped parcel of land covering approximately 46.3 hectares bounded by Stockton Lane to the north and Bad Bargain Lane to the south.

2.2 Bad Bargain Lane to the west of the site forms a residential distributor access and then continues west to east to the south of the site eventually linking with the highway network to the east of the A64. This route is considered as a secondary access route into the development site.

2.3 The site occupies farmland straddling Old Foss Beck, between Stockton Lane to the north, and Bad Bargain Lane to the south. It is bounded to the west by residential areas, to the north and south by small pasture fields and to the east by larger scale arable fields stretching to the A64 York Outer Ring Road.

2.4 The farm building group of Apple Tree Farm is located off Bad Bargain Lane in the south west corner of the site, and the farm building group of Sugar Hill Farm is accessed via a private track approximately 100m from Stockton Lane in the northern part of the site.

2.5 The site is an irregular shape, covering an area of 46.3 hectares, aligned roughly north/south at an elevation of 12-14m AOD. There are direct frontages and existing field access points off Stockton Lane and Bad Bargain Lane.

2.6 The proposed layout can be sub-divided into 14 sections. The shorter northern boundary runs North West for 280m from the current edge of the urban area of York, along the southern side of Stockton Lane, beyond the access track to Sugar Hill Farm, before turning to follow the rear of residential properties for 100m as far as the Old Foss Beck. The site boundary follows the beck south for 200m+ before crossing the watercourse and then following the adjacent filed boundary south and then west. It then runs south for 400m+to Bad Bargain lane at the SE corner of the site. The southern boundary follows Bad Bargain Lane South West for 600m+ back towards the edge of the urban area of York where it takes in the farm building group and a small series of paddocks at Apple Tree Farm and Apple Tree Cottage.

2.7 From the SW corner of the TW site the western boundary runs 170m northwards along the eastern side of a triangular field and along the rear of properties on Bramley Garth for a further c200m to Old Foss Beck. It follows the beck North East for 235m before resuming its northerly direction along a field boundary for 170m to the rear of properties on the south side of Beckwith Hill View. It then heads east for 240m adjacent to the gardens of Beck Hill View before heading in a northerly direction once more to meet Stockton Lane at the North West corner of the site.

2.7 The northern section of the site mainly to the north of the Old Foss Beck is subdivided into seven small/ medium fields, paddock and curtilage areas associated with Sugar Hill Farm, and a narrow strip of land to the immediate east of the adjoining residential properties, further subdivided into horse paddocks.

2.8 To the south of the beck, the site's south east quadrant is comprised of a single large arable field, between the Old Foss Beck and Bad Bargain Lane. In the south west quadrant there are four small fields, and a series of paddocks surrounding the farm building group at Apple Tree Farm.

2.9 Field boundaries are largely defined by intact, mature hedgerows to c6m high. There is some hedgerow planting lining the north side of the beck, but the southern side is open and unshaded. A number of small tree copses are located to the rear of Galtres Avenue, Springfield Road, Bad Bargain Lane, and to the rear of Bramley Garth on the western site boundary of the site, which have a significant influence on the western part of the site. A row of mature Lombardy poplars line the access track to Sugar Hill Farm. Native hedgerow trees are scattered along the hedgerows.

2.10 The surrounding topography is comprised of mainly low-lying land with the highest point in the locality being 19m AOD. The study area and site itself is flat or very gently undulating, at an elevation of 12-15m AOD. Topography is therefore not a significant constraint on this site.

2.11 The landform of the site is flat and straddles the course of the Old Foss Beck which meanders in a southwest direction from the southern side of Strensall Common. The beck continues across the site to meet the mid-point of the western boundary, where it becomes Tang Hall Beck, later draining into the Foss River.

2.12 Other water features on the site are comprised of shallow field drains which follow many of the field boundaries. The beck is subject to some flood risk but this is primarily located adjacent to the line of the watercourse where existing defences are in place around areas within Zone 3 that have potential for overspill. There is potential to use areas for surface water attenuation in the open spaces of the proposed development to compensate for any areas of development that enter into flood risk areas next to the course of the beck.

Taylor Wimpey

3. ACCESS

Overall Strategy

3.1 The Taylor Wimpey land holding forms a northern alternative to, the Council's proposed ST7 allocation. At present as proposed by CYC, the ST7 allocation only provides direct highway connections to Bad Bargain Lane and Murton Way.

3.2 A large part of the Council's ST7 allocation is located north of Bad Bargain Lane and the inclusion of the Taylor Wimpey land will provide a direct frontage on to Stockton Lane, thus ensuring that much better north-south vehicular connections are possible. It will allow traffic destined for the City Centre to be spread to two main radial routes and reduce north-south traffic flows through existing residential areas.

3.3 A northern shift in this alternative Taylor Wimpey land will allow a high quality access on to Stockton Lane to be delivered, capable of accommodating traffic flows generated by the full ST7 allocation when taking account of additional access to the south off Murton Way.

3.4 An additional benefit is that Stockton Lane provides easy onward connections to the A64/A1237 York outer ring road such that longer distant traffic movements can easily access the strategic road network, reducing impacts of development traffic in established residential areas.

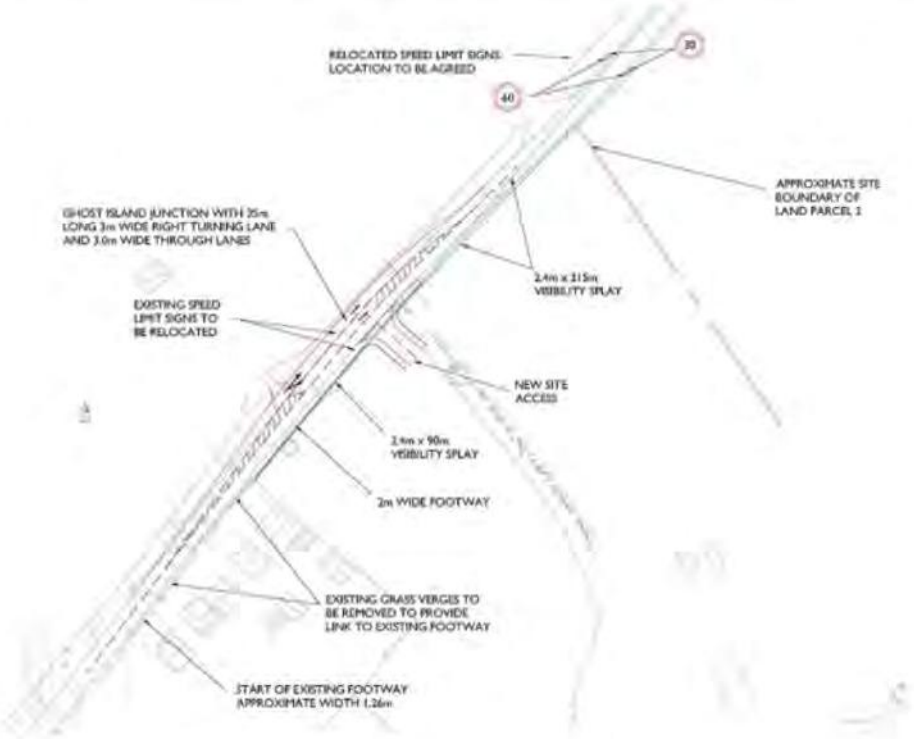
3.5 Overall, the alternative ST7 Taylor Wimpey land offers very significant benefits in terms of highway connectivity, assisting with the delivery of the ST7 allocation.

Taylor Wimpey Site Access

3.6 The site has frontages to the local road network at its northern boundary with Stockton Lane, to its southern boundary with Bad Bargain Lane and to Bean's Way.

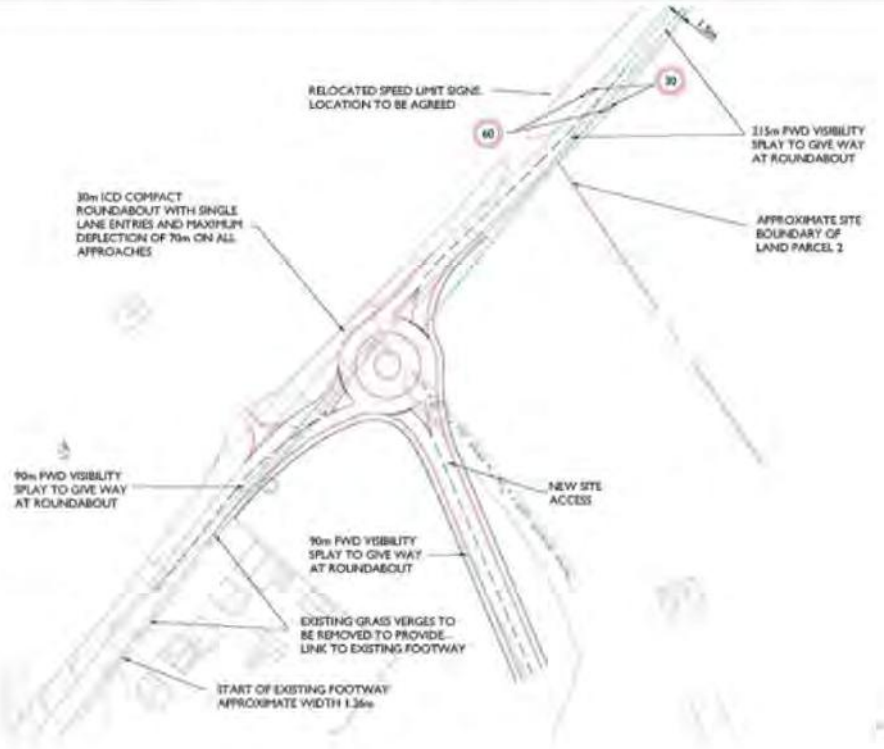
Stockton Lane Priority Junction Option

Extract from Transport Appraisal – Appendix A: Site Access Drawings (I-Transport)



Stockton Lane Roundabout Option

Extract from Transport Appraisal – Appendix A: Site Access Drawings (I-Transport)



3. ACCESS

3.7 A vehicular access strategy for the Taylor Wimpey ST7 site is proposed as follows:

- Stockton Lane to provide the main vehicular access;
- Bad Bargain Lane to provide emergency vehicles access;
- Bad Bargain Lane may provide an opportunity for secondary vehicular access; and,
- Bean's Way may provide an opportunity for secondary or emergency vehicle access.

3.8 Stockton Lane is generally 6.0 metres wide with a verge of 1-2 metres along the frontage and between 4 and 6 metres on the opposite side of the road. The speed limit changes along the frontage from 60mph to the east to 30 mph to the west. Stockton Lane connects at its western end via a roundabout junction to the radial A 1036 Heworth Green which then provides direct connections to York city centre. To the east, Stockton Lane provides good connections (via Hopgrove Lane S) to the A64/A1237 outer ring road system and wider strategic road network.

3.9 Bad Bargain Lane is generally 3.0 metres wide along the frontage with varying verge widths. Near Bramley Garth, to the west of the frontage, it widens to about 5.0 metres and provides a 1.8 metre footpath along its northern side. A section of Bad Bargain Lane is identified as a bridleway within the Public Right of Way network.

3.10 Bean's Way is a residential estate road which connects to Stockton Lane and terminates in a cul - de5ac which provides a potential connection to the Taylor Wimpey site. Bean's Way could be extended into the site area to provide secondary or emergency vehicular access.

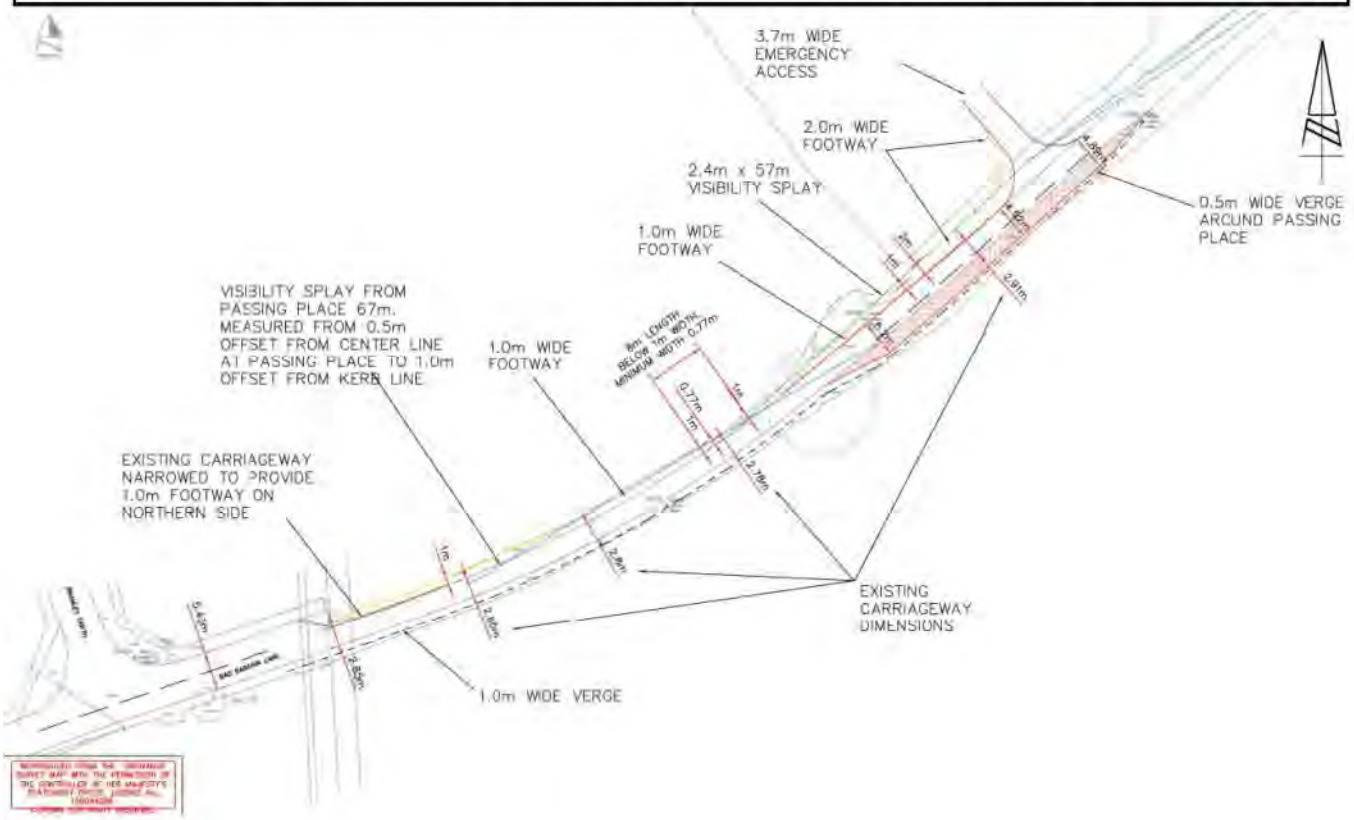
Access Designs

3.11 Preliminary designs of the potential Stockton Lane main vehicular access have been prepared based upon a topographical survey and taking account of the geometric characteristics of the existing highway network, speed limits and design standards.

3.12 The exact form of the access will be determined following a Transport Appraisal and liaison with City of York Council but the figures herein demonstrate that access is deliverable.

Bad Bargain Lane Emergency or Potential Secondary Vehicle

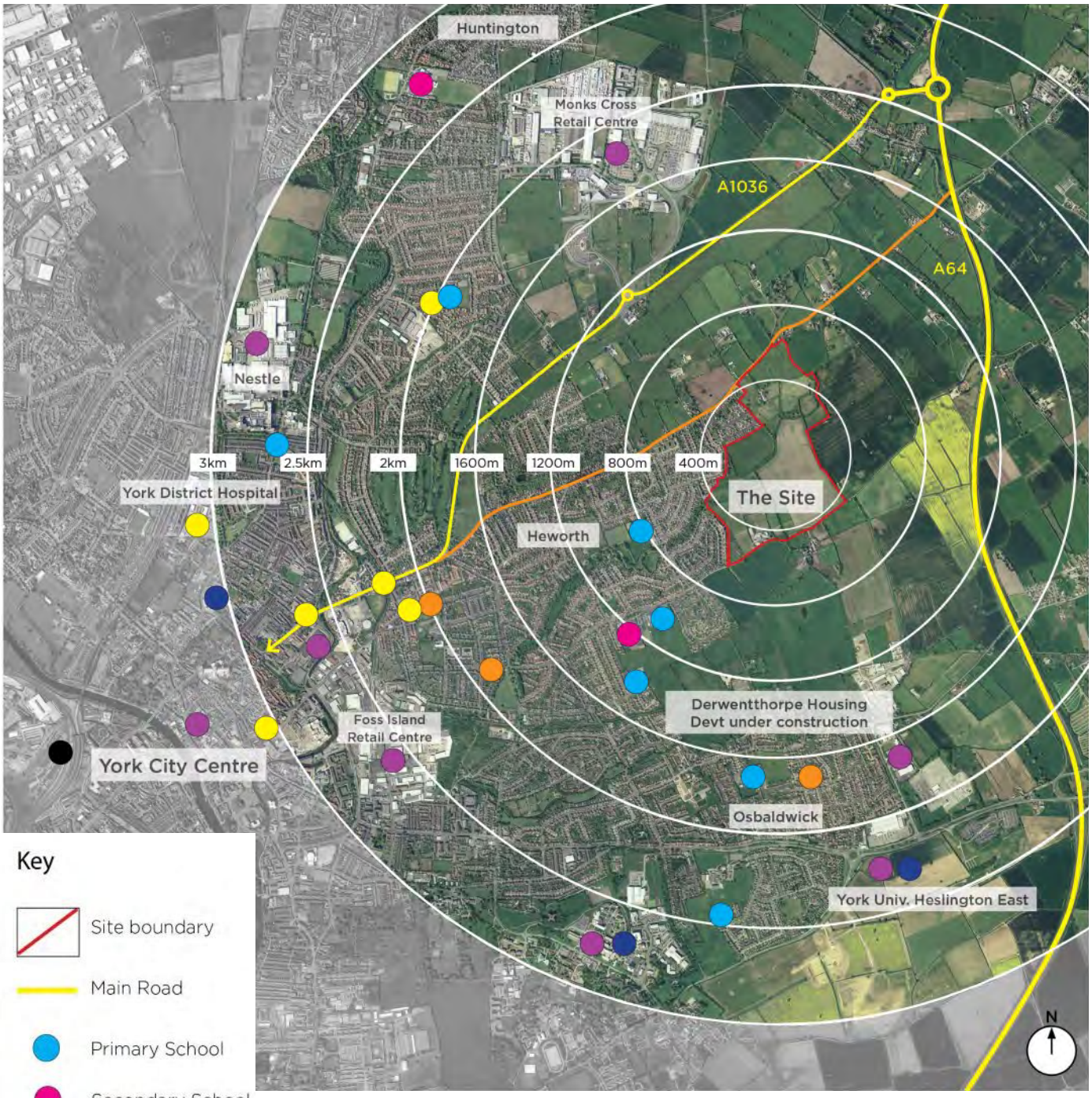
Extract from Transport Appraisal – Appendix A: Site Access Drawings (I-Transport)



Taylor Wimpey

4. SUSTAINABILITY AND INTEGRATION

Services and Facilities Plan



Key

- Site boundary
- Main Road
- Primary School
- Secondary School
- University Campus
- Medical Facility
- Local Shops
- Employment area
- York Rail Station

Taylor Wimpey

Local Services

4.1 The nearest existing convenience stores are on retail parades in Heworth and a single small store is located on Bad Bargain Lane. The site is well located to access larger retail areas including Monks Cross Shopping Park to the north, Foss Island Retail Park to the west and York city centre to the west.

4.2 Monks Cross Shopping Park includes 2 superstores, leisure facilities and a range of high street multiples in large store formats and is approximately 1.2km to the north of Stockton Lane. The Foss Islands area includes a variety of retail warehouses and four food stores, and is approximately 2.2km to the west of the site. York city centre has a wide range of department stores, multiples, high street stores and leisure facilities and is a high ranking centre in the regional retail hierarchy. York city centre is approximately 3km to the west of the site and can be easily accessed by public transport and cycle.

4.3 It is anticipated that local convenience and retail provision will be required to support the provision for local day to day shopping needs to support the development of new local centres within some of the strategic allocations including ST7 Land to the East of Metcalf Lane.

4.4 The site is very well located in relation to existing and expanding areas of employment, in particular York city centre, Monks Cross Business Park and the University of York, all strategic employment locations in the Local Plan Preferred Options (April 2013) and which already provide many thousand employment opportunities across a range of manufacturing, education and service companies.

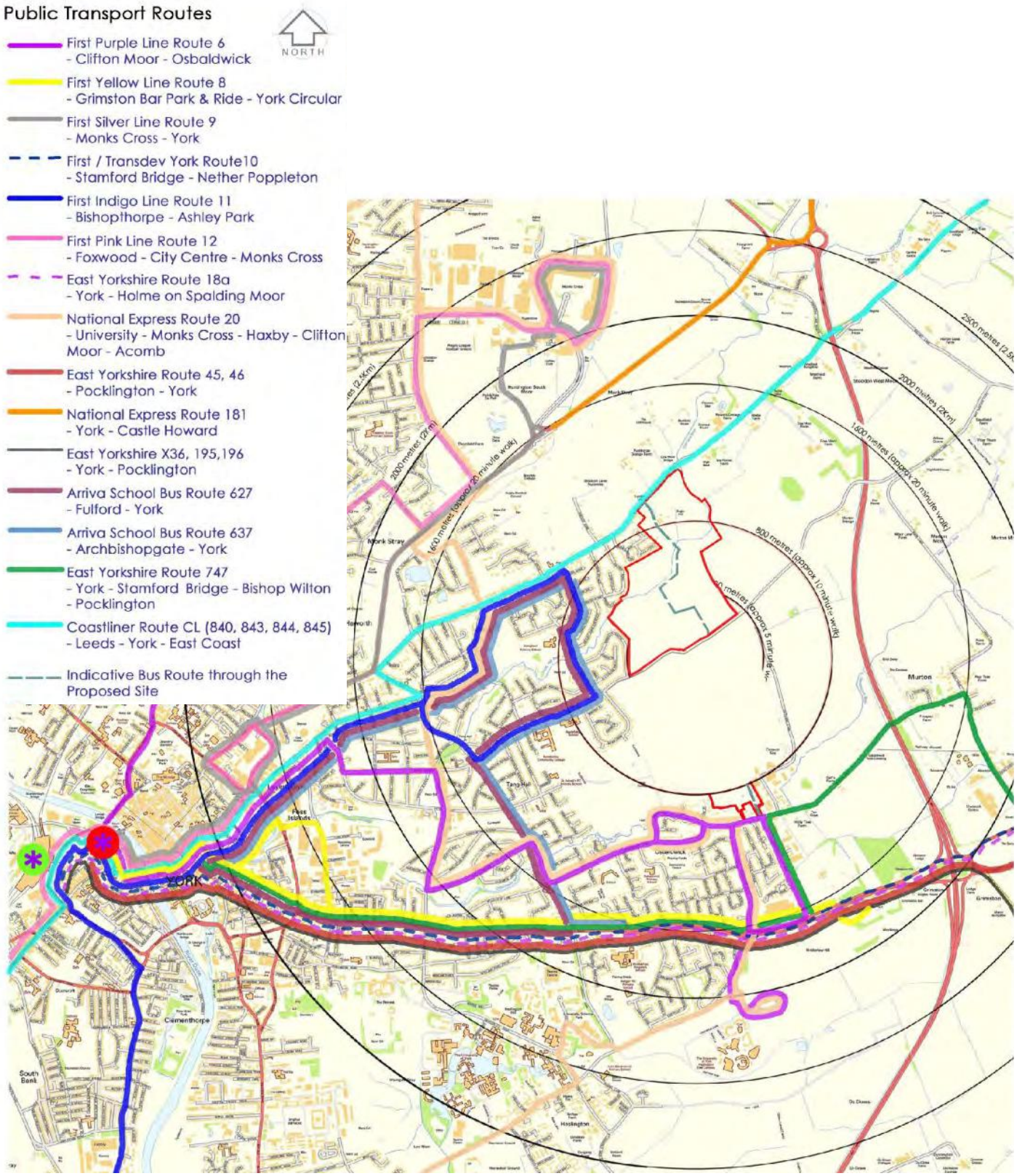
4.5 York is a very compact city currently contained by the outer ring road and this facilitates ease of commuting by all transport modes. The travel distances involved to existing and future employment locations are on average one quarter of the national average travel to work distances in major city regions in this country.

Public Transport

4.6 The site has good access to existing public transport routes into York City Centre and other destinations. The Yorkshire Coastliner bus services run along Stockton Lane to the north of the site, and provide journeys from to the East Coast via Tadcaster, York and Malton. The number 11 bus service from Ashley Park to Bishopthorpe via the city centre runs along Ashley Park Road to the west of the site. These bus services referred to here all link to the main transport Interchange in the city centre adjacent to York railway station. Therefore there is excellent connectivity with opportunities to travel further afield in the local and national rail network.

4.7 York also benefits from a park and ride scheme with parking facilities available in close proximity to the outer ring road at Monks Cross Retail Park, Poppleton Bar and Rawcliffe Bar. These facilities are served by key bus routes which reduce the number of car journeys into York City Centre and promote the use of public transport and cycling as more sustainable modes of transport.

4.8 York is well suited to cycling as a result of its relatively flat terrain and has a well- established cycling Infrastructure. The ST7 site is well placed to take full advantage of the existing cycling network, being a 10-15 minute cycle ride away from the City Centre. There are cycle routes near the site including on Meadlands and Metcalf Lane which make cycling



York Bus Routes Plan

Taylor Wimpey

Education

4.9 The site has good access to local schools. The nearest primary school is Hempland Primary School on Whitby Avenue, approximately 450m to the west of the site boundary. There are two other primary schools within 800m; Osbaldwick and St Alreads RC. The nearest secondary school is Burnholme Community College on Bad Bargain Lane, approximately 700m to the west of the site boundary. It is acknowledged in the Strategic Sites Preferred Options Appraisal (April 2013) that a new primary school will be required and that there may also be some potential for this site to support other primary schools which currently have capacity. The combination effects arising between this site and that of an existing residential permission for around 500 homes (currently under construction) would also need to be taken into consideration to plan for adequate secondary education provision.

4.10 York University is approximately 3km to the south of the site and York St John University is approximately 2.8km to the west. The universities directly provide more than 3,500 jobs and both universities plan to expand. York University in particular has significant expansion plans for its new campus and technology park at Heslington East which will have a major job creation impact in relatively close proximity to this strategic housing allocation.

Healthcare

4.11 The site has good access to existing healthcare facilities. The nearest GP surgery is Dr Burgess Medical Centre on Whitby Drive, approximately 1.2km from the site. Alternative GP surgeries can be found in Heworth at the East Parade Medical Centre and the Priory Medical Group, less than 2.5km from the site. The nearest dentist to the site is the Clock House Dental Practice on Heworth Village, approximately 1.2km from the site.

Sustainability Appraisal Outcomes

4.12 The Sustainability Appraisal Outcomes was produced by City of York Council and Amee and published alongside the Local Plan preferred options in April 2013. This evidence base document includes an appraisal of how the strategic sites identified in the Local Plan performed in relation to the sustainability appraisal objectives. For the strategic site ST7, the following impacts were assessed:

> **Very Positive Impact** To meet the diverse housing needs of the population in a sustainable way (objective 1) and conserve or enhance green infrastructure, bio-diversity, geo-diversity, flora and fauna for accessible high quality and connected natural environment (objective 8).

Positive Impact Improve the health and well-being of York's population (objective 2), create jobs and deliver growth of a sustainable, low carbon and inclusive economy (objective 4), help deliver equality and access for all (objective 5), reduce the need to travel and deliver a sustainable integrated transport network (objective 6), to minimise greenhouse gases that cause climate change and deliver a managed response to its effects (objective 7), and improve water efficiency and quality (objective 10).

Negative Impact Use land resources efficiently and safeguard their quality (objective 9).

Could have a positive or negative impact depending on how it is implemented Improve the health and well-being of York's population (objective 2), improve education, skills development and training for an effective workforce (objective 3), help deliver equality and access to all (objective 5), reduce the need to travel and deliver a sustainable integrated transport network (objective 6), to minimise greenhouse gases that cause climate change and deliver a managed response to its effects (objective 7), improve water efficiency and quality (objective 10), reduce waste generation and increase level of reuse and recycling (objective 11), improve air quality (objective 12), minimise flood risk and reduce the impact of flooding to people and property in York (objective 13), conserve or enhance York's historic environment, cultural heritage, character and setting (objective 14), and protect and enhance York's natural and built landscape (objective 15).

4.13 The sustainability appraisal demonstrates that the development of this site would mostly have very positive or positive impacts on sustainability objectives. The site did not score very negative impact for any of the objectives, and negative impact on only one objective. It was considered that there are a number of objectives where the development could have a positive or negative impact depending on how it is implemented. We have further appraised our more specific framework proposals contained in the master plan against these sustainability objectives in order to arrive at a more detailed assessment of positive and negative impacts.

5. OPPORTUNITIES AND CONSTRAINTS

Flood Risk

Key

- Site Boundary
- Flood zone 2
- Flood zone 3a
- Flood Zone 3a Defended
- Flood zone 3b

Flood Risk and drainage

5.1 An appraisal of the flood risk across the site has been undertaken which has identified that the principal risks of flooding to the site are from the Old Foss Beck/ Tang Hall Beck and the road drainage network along Stockton Lane to the north. A Flood Risk Assessment will be undertaken in order to influence the design solution for the site, however, initial appraisals confirm that there are no major issues which would impede the delivery of the site in terms of flood risk. There is also feasibility to provide surface water storage and attenuation areas on site to compensate for any development areas that impinge upon existing flood risk surrounding the becks.

Taylor Wimpey

5.2 Transport and Accessibility Opportunities and Constrain

Opportunities

1. The proposal promotes an alternative northern ST7, which is of sufficient size to support significant improvements in bus services and to provide a comprehensive range of on-site facilities and services, both helping to reduce reliance on the car.
2. The Taylor Wimpey ST7 site allows a connection to Stockton Lane, facilitating north south bus services as well as better patterns of traffic distribution, lessening impacts.
3. Additional bus patronage can be generated by the potential development to support the ongoing viability of existing services and provide demand for new and improved public transport services.
4. The site can be served by a single main access junction with Stockton Lane as well as secondary and emergency accesses.
5. Good connections to the strategic road network can be made via Stockton Lane / Hopgrove Lane South and Malton Road to minimise the passage of traffic through established urban areas.
6. An extensive network of on-site footways and cycle ways can be provided to promote active travel with its associated health and environmental benefits.
7. The opportunity for the creation of an internal road network established upon the principles of Manual for Streets to ensure a safe slow speed road environment in which priority for pedestrians and cyclists is established.
8. The site is located within a 10-15 minutes cycle ride of York City Centre where a range of employment, educational, health and recreational uses are available.
9. Provision of the new main site access onto Stockton Lane can act as a gateway feature to provide road safety benefits.
10. The provision of linkages through the site for pedestrian / cyclist connections between Stockton Lane and Bad Bargain Lane, maximising the connectivity of the potential ST7 allocation.
11. Potential additional demand for the Monks Cross Park and Ride scheme given the limited availability and high cost of parking in York City Centre.

12. The potential to extend the footpath along Stockton Lane to the site, providing pedestrian connectivity for existing residential dwellings currently without pedestrian facilities.

13. The implementation of a Travel Plan will assist in reducing single occupancy private vehicle external site movements and promote a range of sustainable transport options.

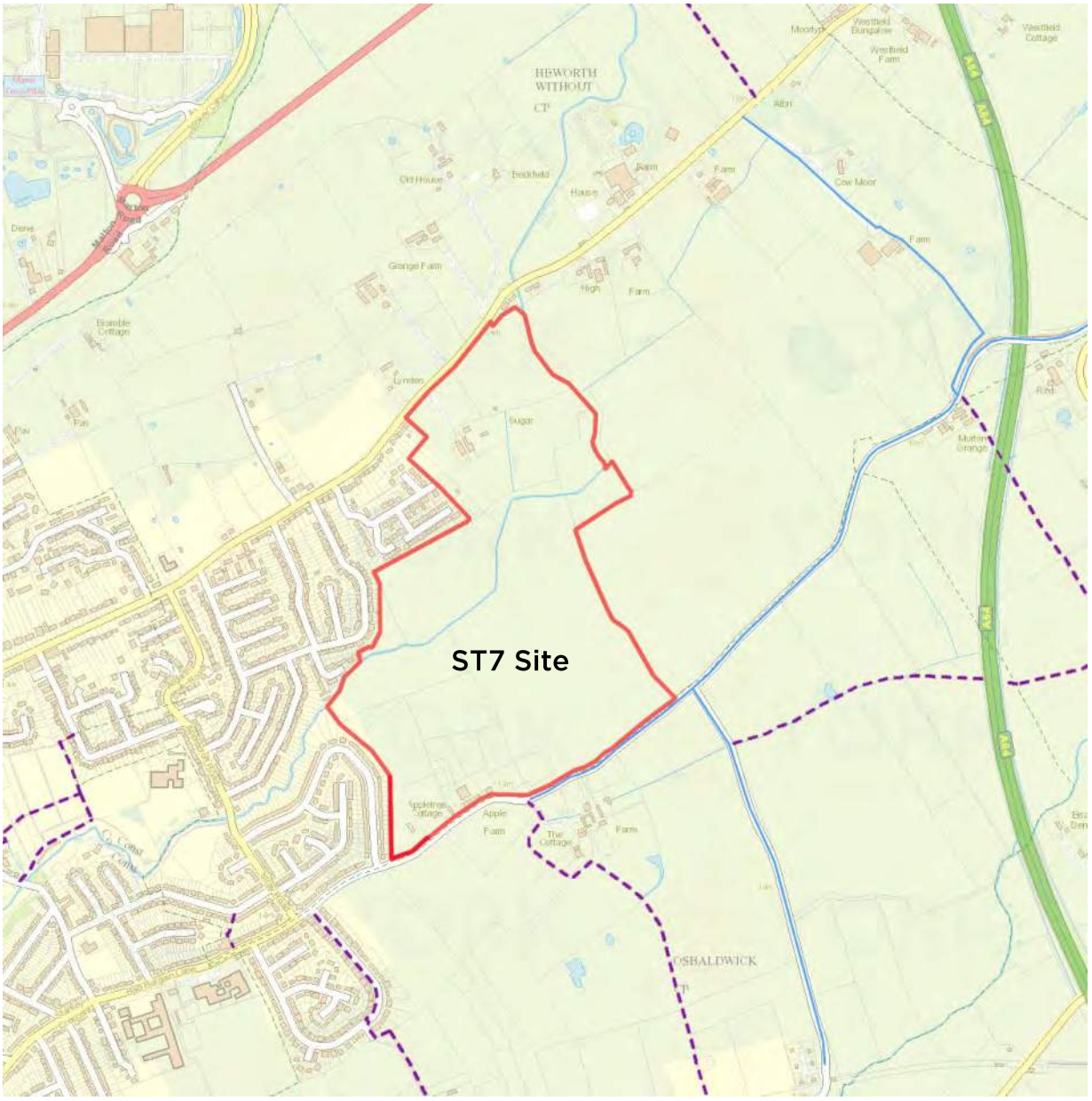
14. There is the potential for many trips generated by the site to be made by non-car modes.

Constraints

1. The existing 60 mph speed limit on Stockton Lane along the site frontage requires extensive junction visibility splays for any priority controlled site access junction, albeit it is considered feasible to relocate the speed limit and introduce a 'gateway' feature, reducing speeds and thus reducing visibility requirements.

2. Taylor Wimpey do not control land along a small section of Bad Bargain Lane. This provides a constraint to widening a short section of Bad Bargain Lane.

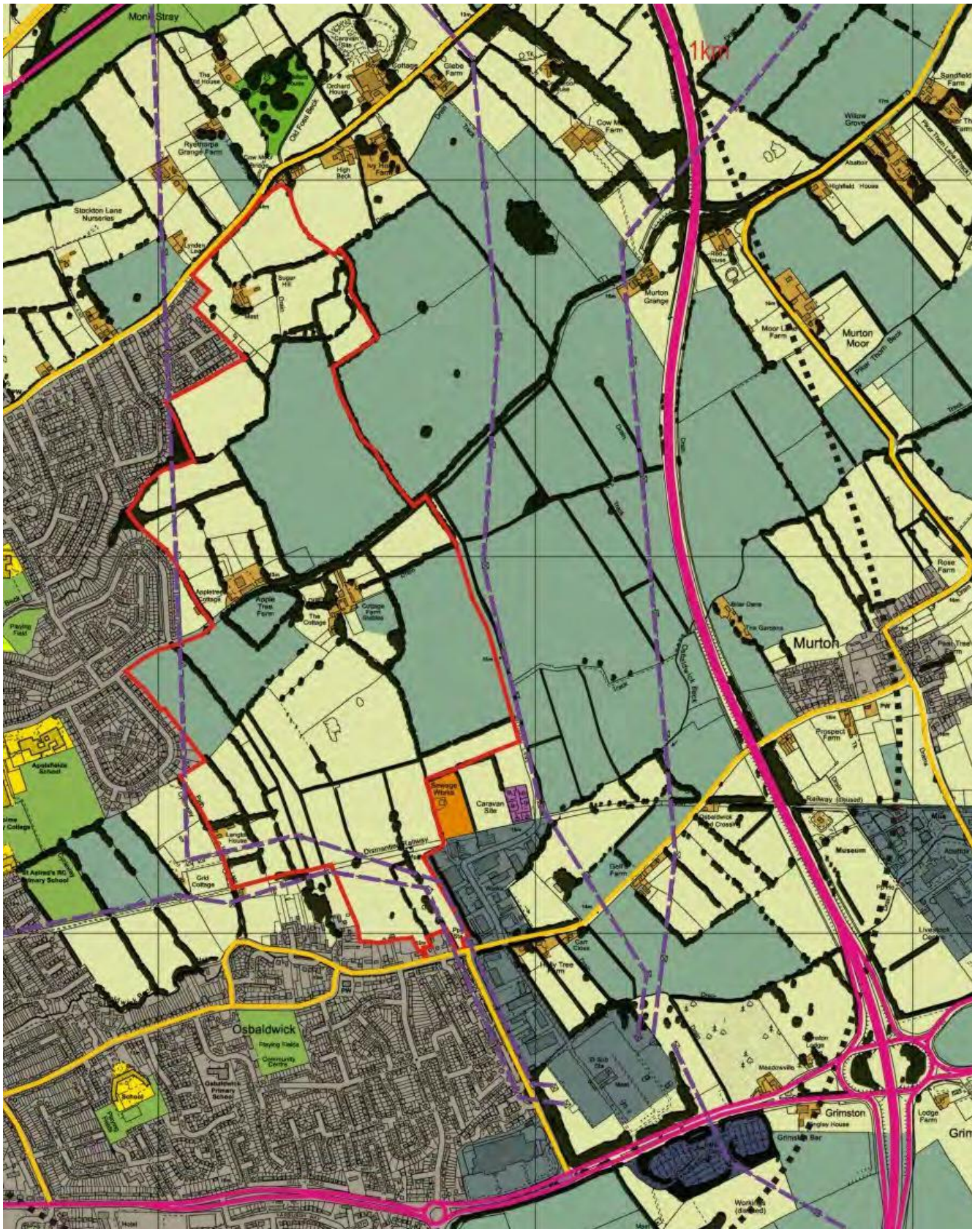
Public Rights of Way



Public Footpath

Taylor Wimpey

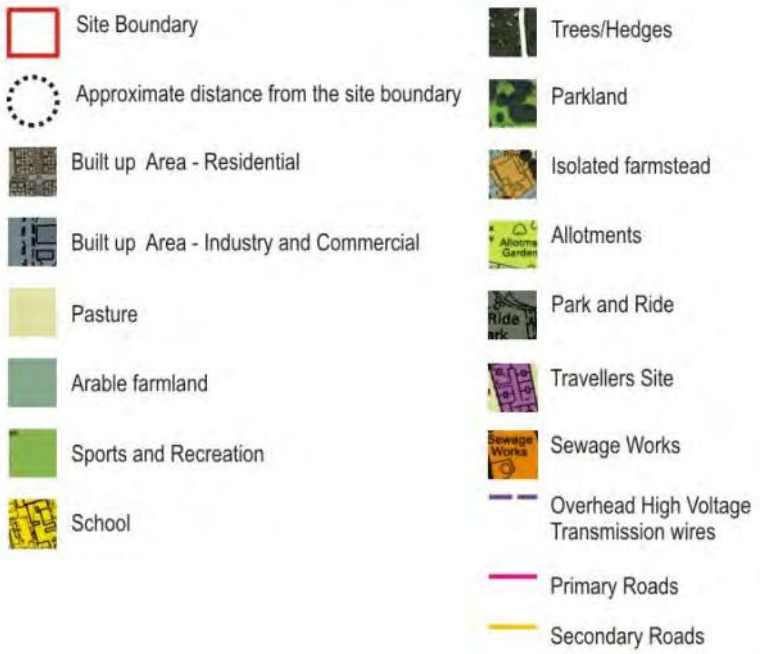
Landscape Context (Extract from HS2 Landscape Planning LVIA July 2013)



Landscape Character

6.1 Landscape Character can be enhanced by a landscape strategy for the site which:-

- Restores the existing network of mixed native hedgerows, to improve habitat connectivity through the development, and increases native hedgerow trees in existing hedges.
- Maintains, enhances and expands the mosaic of habitats along the floodplain of Old Foss Beck.
- Protects and enhances small patches of semi-natural habitat, ponds and ditches to provide important stepping stones through the developed landscape for species to use, adding diversity to the landscape and extra features of interest.
- Increases recreation and access across the locality where access is currently limited
- Encourages the creation of new woodlands, prioritising planting to increase, buffer and link existing patches of habitat.
- Creates and expands wetland habitats to increase water storage within the Old Foss Beck floodplain and slow down the movement of water in the system, holding back water in peak flow events to reduce flood risk further downstream.



Taylor Wimpey

Views

6.2 As a result of the site being relatively flat, in a flat landscape, and because the predominant field boundary type is mature hedgerow at a height of c6m, there are few long views in the locality. Intermittent views of the minster and church spire at Holy Trinity Church, Heworth are available from the eastern side of the large field unit in the South East quadrant. All other views from the site are internal, and limited to adjacent properties. High voltage transmission lines cross the landscape from North to South - 1 at the site's western edge and 2 in the strip of land to the East between the site and the A64. Because of their vertical scale the pylons are often visible as a visual detractor, over the intervening hedgerows.

6.3 Views into the site are rare. The site is enclosed on its western side by the rear of residential properties at the current edge of suburban York. Most of the properties are linked and there are few views from the surrounding streets. The exceptions are Stockton Lane and Bad Bargain Lane. Stockton Lane passes by the site's northern boundary (a 280m long frontage). Because of road alignment and screening roadside hedgerows to the East, views are only available over less than 100m of carriageway at the site boundary. The poplar trees that line the access road to Sugar Hill Farm are a local landmark.

6.4 Bad Bargain Lane is a bridleway passing the site's southern boundary. However, views into the site are heavily filtered by strong hedgerows, with only an occasional glimpse into the site through gaps in the hedge or over field gates. In medium distance views from the East, the built form of development would be visible above the screening hedgerow up the eastern boundary.

Landscape and Visual Impact Assessment

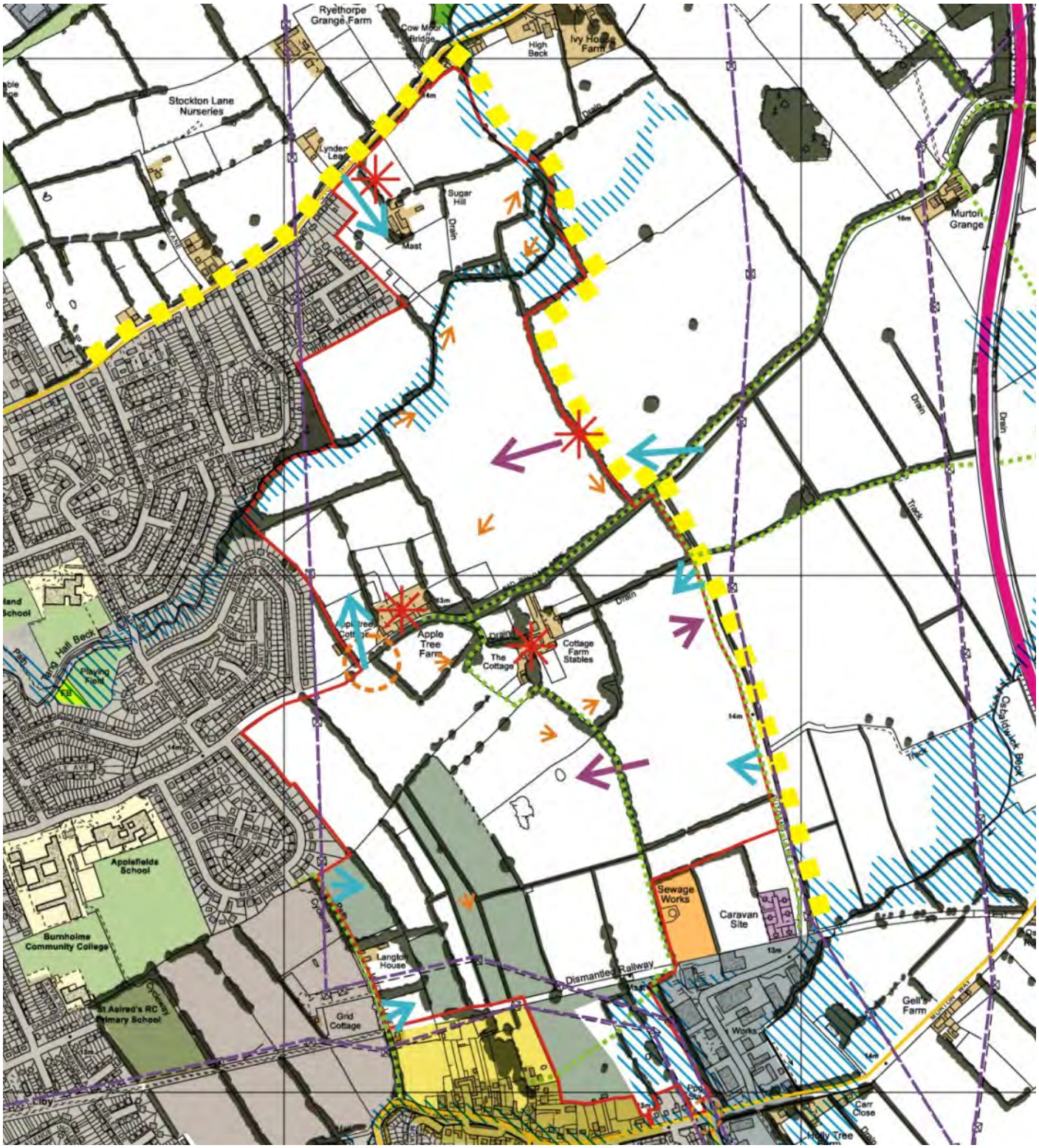
6.5 A landscape and visual impact assessment (LVIA) conducted by HS2 Landscape partnership in January 2014 found that Moderate or Substantial Effects are significant and the Landscape Strategy and from it the Masterplan, should be carefully detailed to ensure that wherever possible, adequate mitigation measures are deployed to minimise as far as possible the perception of adverse effects.

6.6 The following recommendations were set out in HS2's LVIA documents and are summarised as follows:-

1. Create a primary entrance gateway off Stockton Lane as the interface between countryside to North and the new urban area. Enhance existing edge of York with a new purpose designed transitional landscaped edge;
2. Create a new Green Belt edge to the site's eastern boundary contiguous with strong existing hedgerows at the western edge of large scale fields West of the A64;
3. Retain field hedgerows to act as the core of green infrastructure and to create habitat linkages across the site, linking North and South, and East and West;
4. Retain a broad swath of land along the course of Old Foss Beck as open space, to act as an important green corridor in accordance with City of York Local Plan Preferred Options Policy GI 6
5. Avoid built form in flood risk areas which could usefully be incorporated into the green infrastructure as open space, or planted with a range of habitat types;
6. Create a linear open space network based on existing valuable landscape features (Old Foss Beck and field hedgerows) and focussed on retaining views of York minster where available;
7. Create an enhanced green edge to the southern and eastern boundaries with publically accessible open space, planting and lower development density/massing/height to soften the proposed built form when seen in views towards the site, and to create a transition between suburban areas and the countryside;
8. Utilise links to existing suburban areas wherever possible. Create linear landscapes routes;
9. Create Sustainable Urban Drainage scheme linked to Old Foss Beck. Utilise as habitat creation areas and;
10. Enhance existing hedgerows by inter-planting where required and supplementary tree and shrub planting to define green corridors and provide a sense of place.

7. GREEN BELT ANALYSIS

Landscape Analysis (Extract from HS2 Landscape Planning LVIA July 2013)



Site Boundary

Built up Area-Tight grain acts as a strong visual barrier. Untidy settlement edge with a variety of hedge and fence types, garden clutter and waste

Built up Area - Large scale industrial and commercial buildings act as a visual barrier and visual detractor in some views

Trees/Hedgerows as a visual barrier and also an important amenity/habitat/landscape resource to form the core of a Green infrastructure for the site.

Flood Risk areas - valuable open space/habitat/amenity resource

Isolated farmstead - usually screened by vegetation and outbuildings

Built up Area - Proposed Derwenthorpe Development

Sports and Recreation

Parkland

School

Sewage Works

Allotments

Travellers Site

Ridge and Furrow Field Pattern

Osbaldwick Conservation Area

A64 Major Trunk Road - dual carriageway

Primary Roads

Secondary Roads

Public Footpath/ Bridleway

Transmission Cables - Visual Detractor

Views Out

Visual Landmark

Views In

Principal potential site access points

Internal Views

Potential Defensible Green Belt Boundary

Taylor Wimpey

7.1 The City of York Local Plan Preferred Options Report notes that "The detailed inner boundaries have never been formally approved (and) this will be an important role for the Local Plan." The proposed boundaries are shown on the proposals map. Care was taken to follow readily recognisable physical features that are likely to endure such as streams, hedgerows, footpaths and highways.

The Green Belt Appraisal (2003) identified areas of open land outside York's built up areas that are most valuable in terms of the historic character and setting of the city. These are:

- areas which retain, reinforce and extend the pattern of historic green wedges;
- areas which provide an impression of a historic city situated within a rural setting;
- the setting of villages whose traditional form, character and relationship with the surrounding agricultural landscape of which is substantially unchanged; and
- areas which prevent the coalescence of settlements to retain their individual identity.

7.2 The Taylor Wimpey ST7 site does not interfere with any of these areas and has the capacity to absorb sensitive development. We recognise that the protection of the Green Belt is an overriding planning consideration and one, which, in the case of most forms of development, strongly mitlgates against the granting of planning permission.

7.3 The existing Green Belt between Stockton Lane and Old Foss Beck utilises the current urban edge. However, the current edge has not been carefully considered and as a result has an untidy appearance which we believe can be enhanced by development. We strongly feel that development in accordance with the Landscape Strategy, by careful master planning and sensitive detailed design, can meet and exceed all of the objectives for Green Belt set out in the Preferred Options Report. The landscape Strategy proposes an alternative Green Belt boundary, chosen with the same aims as those illustrated in the Preferred Options Report, but allowing for development to be concentrated in an area north of Bad Bargain Lane.

7.4 The northern part of the site, between Stockton Lane and the channel of Old Foss Beck, is protected as Green Belt in the City of York Local Plan Preferred Options. However the existing urban edge is visually scrappy - in particular the approach along Stockton Lane. An opportunity exists through development, to shift the edge eastwards, and by careful masterplanning and detailed design create a new, strong, defensible, landscaped edge following the line of Old Foss Beck and strong existing field boundary hedgerows down the site's eastern boundary between Stockton Lane and Bad Bargain Lane. Sensitively detailed, this northern part of the site provides the opportunity to

incorporate significant areas of open space and new planting, and the Stockton Lane/Old Foss Beck frontage to create an enhanced interface between built form and the countryside - a fitting transitional gateway to both York and the new development.

7.5 The sensitive treatment of that part of the site fronting onto Stockton Lane is a key to the success of this proposal. It is acknowledged that the site frontage has a localised visual amenity role, and the landscape strategy for development of the site should aim to:-

- Provide the approach into York from Stockton on the Forest with a landscape led and properly considered urban edge, rather than an untidy 'edge of development' as currently exists;
- provide open space of the site frontage;
- Improve public access by linking that open space on the frontage to the provision of public access and nature conservation along the course of the Old Foss Beck, and on to Bad Bargain Lane on the southern side of the site, and
- Retain trees and hedgerows with amenity/biodiversity value, as the core Green Infrastructure proposals.

8. MASTERPLAN

Indicative Masterplan Layout

Key

- Site Boundary
- Main Vehicular Entrance
- Main Vehicular Circulation
- Minor Vehicular Circulation
- Potential Bus Routes
- Existing Public Footpaths
- Proposed Public Footpaths
- Wartercourse
- Proposed Housing Cell
- Open space
- Flood zone 2
- Potential location for educational facilities

Taylor Wimpey

8.1 The Taylor Wimpey alternative site Masterplan is heavily influenced by the landscape and visual opportunities and constraints, and by the landscape strategy and recommendations as set out in the landscape and visual appraisal previously submitted by HS2 Landscape Partnership (January 2014). It was developed as part of an iterative process to minimise perceived loss of visual amenity or harm to existing landscape features and character, in order to maximise the opportunities provided by the site's landscape setting. The result is a development with the potential to fulfil a housing need in an area largely previously identified in the councils Preferred Option Plan, but which has improved access, does not impinge on the setting of any Conservation Areas and which provides significant planning gain in terms of improved public access, strong green infrastructure and the creation of a new purpose designed, defensible Green Belt.

8.2 This ST7 alternative has the potential to make a better connection to Stockton Lane making better use of public transport links to the City Centre.

8.3 This ST7 proposal has the ability to deliver a viable “garden city” sustainable urban extension which provides for circa 750 dwellings.

Taylor Wimpey

Taylor Wimpey

9. SUMMARY

9.1 Taylor Wimpey have studied the Council's proposals for the 2016 Consultation ST7 site. While Taylor Wimpey welcome the Council's recognition that the area east of Osbaldwick to be a suitable location for new housing, Taylor Wimpey propose a more logical and viable alternative for ST7 as outlined in this brochure

9.2 The Taylor Wimpey alternative ST7 provides for a more logical link to existing facilities and high frequency bus service off Stockton Lane.

9.3 The layout promoted in this document has the ability to provide circa 750 dwellings at a density of 35 dwellings per hectare. It makes provision for playspace, ecological corridors, landscaping and public rights of way.

Taylor Wimpey

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Taylor Wimpey

APPENDIX 2

City of York Local Plan Publication Draft

Technical Report on Housing Issues

Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd and Bellway Homes

March 2018

LICHFIELDS

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1.0 Introduction

1.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the City of York Local Plan Publication [LPP] Draft Consultation (March 2018).

1.2 Specifically, this report updates our September 2017 Technical Report on Housing Issues and provides a critique of the Objective Assessment of Housing Needs [OAHN] set out in the City of York Strategic Housing Market Assessment [SHMA] Assessment Update (September 2017, prepared by GL Hearn) following previous representations on behalf of the Companies on the 2016 SHMA and 2016 SHMA Addendum.

1.3 It also provides high level comments on the Council's housing land supply based on the evidence set out in the following documents:

1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);

2 The City of York Local Plan Publication Draft (March 2018);

3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 to 30th September 2017); and,

4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).

1.4 Lichfields considers that on the basis of the contents of this report, the City of York Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the emerging Local Plan.

1.5 The remainder of this report is set out as follows:

1 **Section 2.0** - This section considers the approach which needs to be taken to calculating Objectively Assessed Housing Need [OAHN] and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;

2 **Section 3.0** – This section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update;

3 **Section 4.0** - Provides a critique of the September 2017 SHMA Assessment Update. This Section sets out the extent to which the document fulfils the necessary requirements previously discussed and whether it represents the full, objectively assessed housing need for the City of York. **Appendix 1** sets out Lichfields' assessment of Market Signals in the City of York;

4 **Section 5.0** - Considers the approach which needs to be taken to assessing housing land supply and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;

5 **Section 6.0** – Provides an overview of the Council's housing supply evidence;

6 **Section 7.0** – Identifies the relevant housing requirement figures to be used for both the 5-year assessment and the plan period assessment;

7 **Section 8.0** - Assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base;

8 **Section 9.0** - Assesses the housing supply against the OAHNs for York identified by the Council and by Lichfields; and,

9 **Section 10.0** Summarises the key issues within the Councils evidence base and sets out why it is not compliant with the requirements for an OAHN calculation and housing land supply.

2.0 Approach to Identifying OAHN

Introduction

2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This will provide the benchmark against which the SHMA Assessment Update will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

Policy Context

National Planning Policy Framework

2.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework which sets out the presumption in favour of sustainable development:

> *"For plan-making this means that:*
>
> - *LPAs should positively seek opportunities to meet the development needs of their area;*
> - *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."* [1]

2.3 The Framework goes on to set out that in order to 'boost significantly' the supply of housing, LPAs should:

> *"use their evidence base to ensure that their Local Plan meets 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 framework..."* [2]

2.4 The Framework sets out the approach to defining such evidence which is required to underpin a local housing requirement. It sets out that in evidencing housing needs:

> *"LPAs should have a clear understanding of housing needs in their area. They should:*
>
> - *prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
> - *meets household and population projections, taking account of migration and demographic change;*

[1] Framework - §14
[2] Framework - §47

- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community...; and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand..."*[3]

2.5 Furthermore, the core planning principles set out in the Framework[4] indicate that a planned level of housing to meet objectively assessed needs must respond positively to wider opportunities for growth and should take account of market signals, including housing affordability.

Draft National Planning Policy Framework

2.6 The Framework draft text for consultation was published in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government's objective of 'significantly boosting the supply of homes', it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§60].

2.7 In particular:

> *"In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account".* [§61]

2.8 The draft also makes it clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§62].

2.9 Paragraphs 68 - 78 also set out how Councils should identify and maintain a five years' worth of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this draft document, it is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, paragraph 209 to Annex 1 of the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework's publication. *"in these cases the examination will take no account of the new Framework"*.

2.11 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation ('*Planning for the right homes in the right places*', September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

[3] Framework - §159
[4] Framework - §17

National Planning Practice Guidance

2.12 The Framework is supplemented by the Practice Guidance which provides an overarching framework for considering housing needs, but also acknowledges that:

> *"There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need"*[5].

2.13 The Guidance states that household projections published by CLG should provide the starting point estimate of overall housing need[6].

2.14 Although the Practice Guidance notes that demographic trends should be applied as a starting point when assessing the OAHN, it goes on to state that consideration should also be given to the likely change in job numbers. This supports the importance that the Framework[7] places on the economy and the requirement to *"ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals"*. A failure to take account of economic considerations in the determination of the OAHN would be inconsistent with this policy emphasis.

2.15 The Inspector at the Fairford Inquiry[8] recognised the role of economic factors in the assessment of the OAHN for Cotswold District:

> *"The Council has not provided a figure for OAN which takes account of employment trends. The Council argues that the advice in the PPG does not require local planning authorities to increase their figure for OAN to reflect employment considerations, but only to consider how the location of new housing or infrastructure development could help address the problems arising from such considerations. I disagree. In my view, the PPG requires employment trends to be reflected in the OAN, as they are likely to affect the need for housing. They are not "policy on" considerations but part of the elements that go towards reaching a "policy off" OAN, before the application of policy considerations. There is no evidence that the Council's figures reflect employment considerations" [IR. §19].*

2.16 This view reflects the position expressed by the Inspector (and confirmed by the Secretary of State) in the Pulley Lane Inquiries in Droitwich Spa[9]. The Inspector's report (which was accepted by the SoS) states that:

> *"The Council's case that "unvarnished" means arriving at a figure which doesn't take into account migration or economic considerations is neither consistent with the (Gallagher) judgment, nor is it consistent with planning practice for deriving a figure for objectively assessed need to which constraint policies are then applied. Plainly the Council's approach is incorrect. Clearly, where the judgement refers to 'unvarnished' figures (paragraph 29) it means environmental or other policy constraints. There is nothing in the judgement which suggests that it is not perfectly proper to take into account migration, economic considerations, second homes and vacancies"*. [IR. §8.45]

2.17 Housing need, as suggested by household projections, should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Relevant signals may include land prices, house prices, rents, affordability (the ratio between lower quartile house prices and the lower quartile income or earnings can be

[5] Practice Guidance – ID:2a-005-20140306
[6] Practice Guidance – ID:2a-015-20140306
[7] Framework - §158
[8] Land South of Cirencester Road, Fairford (PINS Ref No: APP/F1610/A/14/2213318) (22 September 2014).
[9] Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085) and Land north of Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (PINS Ref No: APP/H1840/A/13/2199426) (2 July 2014).

used to assess the relative affordability of housing), rate of development and, overcrowding[10]:

> *"Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections."* [11]

2.18 In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be[12].

2.19 The Guidance recognises that market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period[13].

2.20 The Practice Guidance concludes by suggesting that the total need for affordable housing should be identified and converted into annual flows by calculating the total net need (subtracting total available stock from total gross need) and converting total net need into an annual flow.

2.21 The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments:

> *"An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.*[14]*"*

Draft Planning Practice Guidance

2.22 Following on from the draft Framework, on 9th March 2018 MHCLG published its draft Planning Practice Guidance for consultation. This provides further detail on 6 main topic areas: viability; housing delivery; local housing need assessments; Neighbourhood Plans; Plan-making and Build-to-rent.

2.23 Regarding housing delivery, the draft Practice Guidance sets out how local authorities should identify and maintain a 5-year supply of specific deliverable sites, bringing the Guidance into line with recent Ministerial statements and High Court Judgements. In particular, it clarifies that along with older peoples' housing, all student accommodation can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market.

2.24 Furthermore, LPAs should deal with deficits or shortfalls against planned requirements within the first 5 years of the plan period (i.e. the 'Sedgefield' approach to backlog).

2.25 In terms of the Local Housing Need Assessment, this takes forward the approach set out in CLG's September 2017 consultation on "*Planning for the right homes in the Right Places*". The proposed approach to a standard method for calculating local housing need, including transitional arrangements, is set out and as before, consists of three components. The starting point would continue to be a demographic baseline using the latest CLG household projections

[10] Practice Guidance – ID:2a-019-20140306
[11] Practice Guidance – ID:2a-020-20140306
[12] Practice Guidance – ID:2a-020-20140306
[13] ibid
[14] Practice Guidance – ID: 2a-029-20140306

(over a 10-year time horizon), which is then modified to account for market signals (the median price of homes set against median workplace earnings). The modelling proposes that each 1% increase in the ratio of house prices to earnings above 4 results in a ¼% increase in need above projected household growth.

2.26 The uplift is then capped to limit any increase an authority may face when they review their plan:

a *"for those authorities that have reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40 per cent above the average annual requirement figure currently set out in their plan; or*

b *for those authorities that have not reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above whichever is higher of the projected household growth for their area over the 10 years (using Office for National Statistics' household projections), or the annual housing requirement figure set out in their most recent plan if one exists."* [page 25]

2.27 The various stages are set out in Figure 2.1.

Figure 2.1 Proposed methodology for determination of OAHN

Source: Lichfields

2.28 In terms of the ability of LPAs to deviate from this proposed new methodology, this is discouraged unless there are compelling circumstances not to adopt the approach. For example:

"There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household

projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method. Where an alternative approach identifies a need above the local housing need assessment method, the approach will be considered sound, unless there are compelling reasons to indicate otherwise." [page 26]

2.29 As to whether LPAs can identify a lower level of need, as York City Council is suggesting:

"Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities. In such circumstances, the Planning Inspector will take the number from the standard method as a reference point in considering the alternative method." page 26]

2.30 Lichfields notes the following with regard to the weight to be can be attached to MHCLG's proposed new method:

1 **Status of the document:** MHCLG's document is currently out for consultation, has yet to be finalised and may be subject to significant numbers of objections from interested parties;

2 **Proposed Transitional Arrangements:** As noted in the draft Framework above, the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework's publication.

Recent Legal Judgements

2.31 There have been several key recent legal judgments of relevance to the identification of OAHN, and which provide clarity on interpreting the Framework:

1 'St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610' referred to as "Hunston";

2 '(1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283' referred to as "Solihull";

3 'Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370' referred to as "Satnam"; and,

4 'Kings Lynn and West Norfolk Borough Council v (i) Secretary of State for Communities and Local Government and (ii) Elm Park Holdings [2015] EWHC 1958' referred to as "Kings Lynn".

Hunston

2.32 "Hunston" [EWCA Civ 1610] goes to the heart of the interpretation of the Framework[15]. It relates to an appeal decision in respect of a scheme predominantly comprising housing on a Green Belt site. Its relevance is that it deals with the question of what forms the relevant benchmark for the housing requirement, when policies on the housing requirement are absent, silent or out of date as referred to in the Framework[16].

2.33 Hunston establishes that §47 applies to decision-taking as well as plan-making and that where policies for the supply of housing are out of date, objectively assessed needs become the relevant benchmark.

2.34 Sir David Keene in his judgment at §25 stated:

> *"… I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), "as far as is consistent with the policies set out in this Framework" remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:*
>
> > *"…to ensure that their Local Plan meets 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 this Framework."*
>
> *"That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure."*

2.35 Crucially Hunston determined that it is clear that constraints should not be applied in arriving at an objective assessment of need. Sir David Keene in Hunston goes on to set out that [§§26-27]:

> *"… it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done… It seems to me to have been mistaken to use a figure for housing requirements below the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure."*
>
> *"It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement."*

Solihull

2.36 "Solihull" [EWHC 1283] is concerned with the adoption of the Solihull Local Plan and the extent to which it was supported by a figure for objectively assessed housing need. Although related to

[15] Framework - §47
[16] Framework - §14

plan-making, it again deals with the Framework[17] and draws upon, and reiterates, the earlier Hunston judgment.

2.37 The judgment of Hickinbottom J in Solihull sets out a very useful summary of the staged approach to arriving at a housing requirement, providing some useful definitions of the concepts applied in respect of housing needs and requirements [§37]:

> *"i) **Household projections**: These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. They provide useful long-term trajectories, in terms of growth averages throughout the projection period. However, they are not reliable as household growth estimates for particular years: they are subject to the uncertainties inherent in demographic behaviour, and sensitive to factors (such as changing economic and social circumstances) that may affect that behaviour..."*
>
> *"ii) **Full Objective Assessment of Need for Housing**: This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection."*
>
> *"iii) **Housing Requirement**: This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a "policy on" figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured."*

2.38 Whilst this is clear that a housing requirement is a "policy on" figure and that it may be different from the full objectively assessed need, Solihull does reiterate the principles set out in Huston, namely that where a Local Plan is out of date in respect of a housing requirement (in that there is no Framework-compliant policy for housing provision within the Development Plan) then the housing requirement for decision taking will be an objective assessment of need [§88]:

> *"I respectfully agree with Sir David Keene (at [4] of Hunston): the drafting of paragraph 47 is less than clear to me, and the interpretative task is therefore far from easy. However, a number of points are now, following Hunston, clear. Two relate to development control decision-taking.*
>
> *i) "Although the first bullet point of paragraph 47 directly concerns plan-making, it is implicit that a local planning authority must ensure that it meets the full, objectively assessed needs for market and affordable housing in the housing market, as far as consistent with the policies set out in the NPPF, even when considering development*

[17] Framework - §14 & §47

control decisions."

ii) "Where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need."

2.39 Solihull also reaffirms the judgment in Hunston that full objectively assessed needs should be arrived at, and utilised, without the application of any constraining factors. At §91 of the judgment the judge sets out:

"... in the context of the first bullet point in paragraph 47, policy matters and other constraining factors qualify, not the full objectively assessed housing needs, but rather the extent to which the authority should meet those needs on the basis of other NPPF policies that may, significantly and demonstrably outweigh the benefits of such housing provision."

Satnam

2.40 "Satnam" [EWHC 370] highlights the importance of considering affordable housing needs in concluding on full OAHN. The decision found that the adopted OAHN figure within Warrington's Local Plan was not in compliance with policy in respect of affordable housing because (as set out in §43) the assessed need for affordable housing need was never expressed or included as part of OAHN.

2.41 The decision found that the "*proper exercise*" had not been undertaken, namely:

"(a) having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;"

(b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47."

2.42 In summary, this judgment establishes that full OAHN has to include an assessment of full affordable housing needs.

Kings Lynn

2.43 Whilst "Satnam" establishes the fact that full OAHN must include affordable housing needs, "Kings Lynn" [EWHC 1958] establishes how full affordable housing needs should be addressed as part of a full OAHN calculation. The judgment identifies that it is the function of a SHMA to address the needs for all types of housing including affordable, but not necessarily to meet these needs in full. The justification of this statement is set out below in §35 to §36 of the judgment.

"At the second stage described by the second sub-bullet point in paragraph 159, the needs for types and tenures of housing should be addressed. That includes the assessment of the need for affordable housing as well as different forms of housing required to meet the needs of all parts of the community. Again, the PPG provides guidance as to how this stage of the assessment should be conducted, including in some detail how the gross unmet need for affordable housing should be calculated. The Framework makes clear these needs should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being

developed. It is no doubt for this reason that the PPG observes at paragraph ID 2a-208-20140306 as follows:

> *"i The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."*

"This consideration of an increase to help deliver the required number of affordable homes, rather than an instruction that the requirement be met in total, is consistent with the policy in paragraph 159 of the Framework requiring that the SHMA "addresses" these needs in determining the FOAN. They should have an important influence increasing the derived FOAN since they are significant factors in providing for housing needs within an area."

2.44 The judgment is clear that the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (at a given percentage). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have "*little or no prospect of delivering* [it] *in practice*". Therefore, it is clear from this judgment that although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be 'addressed' is necessary as part of the full OAHN calculation. This reflects the Framework[18].

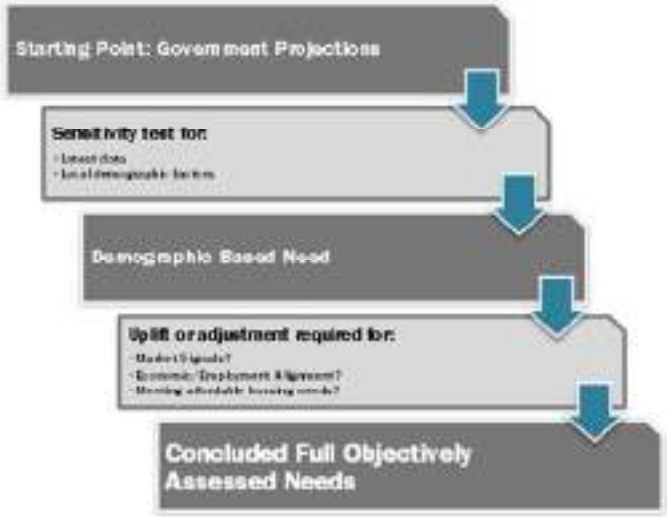
Conclusion

2.45 It is against this policy context that the housing need for the City of York must be considered. In practice, applying the Framework and Practice Guidance to arrive at a robust and evidenced OAHN is a staged and logical process. An OAHN must be a level of housing delivery which meets the needs associated with population, employment and household growth, addresses the need for all types of housing including affordable and caters for housing demand.

2.46 Furthermore, a planned level of housing to meet OAHN must respond positively to wider opportunities for growth and should take account of market signals, including affordability. This approach has been supported by the recent Legal Judgements summarised above. This approach is summarised in Figure 2.2.

[18] Framework - §158

Figure 2.2 The Framework and Practice Guidance Approach to Objectively Assessing Housing Needs



Source: Lichfields based upon the Framework / Practice Guidance

3.0 City of York Council's OAHN Evidence

Introduction

3.1 Before setting out a critique of CYC's housing OAHN evidence base, it is important to recognise that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current draft Local Plan has been, it is not unfair to say, glacial.

3.2 The development plan for York comprises two policies[19] and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan.

3.3 The Council published the '*York Local Plan - Preferred Options*' document for consultation in summer 2013, followed by a 'Further Sites' consultation for six weeks in summer 2014 which included potential new sites and changes to the boundaries of some of the sites originally identified. Following these consultations, a *'Publication Draft Local Plan and Proposals Map'* was considered by the Local Plan Working Group [LPWG] and by Cabinet in September 2014[20]. With the intention of progressing a Framework compliant Local Plan, the Cabinet resolved to carry through the LPWG's recommendations and approve the Local Plan Publication Draft for public consultation, subject to amendments circulated at the Cabinet meeting and to instruct officers to report back following the consultation with a recommendation on whether it would be appropriate to submit the Publication Draft for public examination.

3.4 However, at the Full Council on 9 October 2014[21] a resolution was made to halt the public consultation on the Local Plan Publication Draft in order to reassess and accurately reflect objectively assessed housing requirements. The resolution also instructed officers to produce a report on the housing trajectory to be brought back to the next meeting of the LPWG in November 2014 along with the relevant background reports. The intention was for the report to allow the LPWG to agree an accurate analysis of the housing trajectory that is objective, evidence based and deliverable. The analysis was to be used to "*inform housing allocations and a new proposed Local Plan to be brought back to the next LPWG for discussion and recommendation to Cabinet in November.*"

3.5 The Council published the following 'further work' on the Local Plan relating to housing needs since the Full Council resolution to halt the Publication Draft Local Plan in 2014:

1 In December 2014, the LPWG considered a report on '*Housing Requirements in York*' which was based on two background documents produced by Arup[22]. The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of 926dpa[23];

2 In September 2015 the LPWG considered an update on the '*Objective Assessment of Housing Need*' [OAHN] report produced by Arup[24] and a report on '*Economic Growth*'[25]. The Arup report concluded that the housing 'requirement' should be in the range of 817

[19] Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre
[20] Cabinet Meeting Thursday 25 September, 2014 - Minutes
[21] Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th October, 2014
[22] Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)
[23] Local Plan Working Group 17 December 2014 - Minutes
[24] Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)
[25] York Economic Forecasts – Oxford Economics (May 2015)

dwellings per annum [dpa] to 854dpa between 2012 and 2031. The LPWG's recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;

3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA][26]. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.

4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However in June 2016 GL Hearn produced an Addendum[27] to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.

5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled 'Introduction and Context to objective Assessment of Housing Need' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15 year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

> *"…Hearn's conclusions were 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 considerations."*

3.6 As a result of this approach, the February 2018 City of York Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

> *"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."*

3.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*" [§3.3].

3.8 The remainder of this section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update.

[26] GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment
[27] GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

Overview of the City of York SHMA

3.9 The emerging City of York Local Plan is currently underpinned by three key housing need documents:

1 City of York Strategic Housing Market Assessment [SHMA], prepared on behalf of CYC by GL Hearn in June 2016;

2 City of York SHMA Addendum, prepared on behalf of CYC by GL Hearn in June 2016; and,

3 City of York September 2017 SHMA Assessment Update prepared on behalf of CYC by GL Hearn.

3.10 These documents follow on from previous reports prepared to inform the emerging Local Plan including the '*City of York Council Housing Requirements in York Evidence on Housing Requirements in York: 2015 Update*' (August 2015) prepared by Arup and the '*North Yorkshire Strategic Housing Market Assessment*' (November 2011) prepared by GVA.

3.11 A review of these documents and Lichfields' previous submissions on the City of York SHMA (June 2016) and the SHMA Addendum (June 2016) has been provided below in order to provide the context to the issues raised in this Technical Report.

City of York SHMA (June 2016)

3.12 GL Hearn states that the SHMA was prepared '*essentially to sensitivity check*' the Arup August 2015 Housing Requirements in York report. However, it departs significantly from the Arup approach and undertakes an entirely new set of modelling using the 2012-based SNPP and 2012-based SNHP for the period 2012-2032. The subsequent Addendum was prepared to understand the implications on the earlier SHMA analysis of the publication of the 2014-based Sub-National Population Projections [SNPP] on 25th May 2016.

3.13 The SHMA concludes (Section 2.0) that the HMA which covers the City of York also extends to include Selby. However:

> "*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*" [§2.106]

3.14 GL Hearn undertook a number of demographic modelling scenarios including the 2012-based SNPP; long term migration trends and 2012-based SNPP adjusted to take into account the (higher) 2014 MYE. GL Hearn concluded that the SNPP "*is a sound demographic projection from a technical perspective*" [page 83], although they attached greater weight to a higher figure of 833 dpa based on a projection which takes into account the 2013 and 2014 Mid-Year Population Estimates [MYE] and rolls forward the SNPP.

3.15 The SHMA concluded that one of the most noteworthy findings from the analysis was the relatively small increase in the population aged 15-29 (which includes the vast majority of students):

> "*Whilst over the 2001-2014 period this age group increased by 12,600, there is only projected to be a 2,500 increase over the 20-years to 2032. Such a finding is consistent with this age group not being expected to see any notable changes at a national level in the future...At the time of writing York University was not expecting significant increases in the student population, whilst St Johns was only expecting a modest increase. With this knowledge, and the age specific outputs from the SNPP we can have reasonable confidence that the SNPP is a realistic projection.*" [§§4.31-4.32]

3.16 The projections are set out in Table 3.1.

Table 3.1 Summary of the City of York SHMA (June 2016) Range of Scenarios (2012-2032)

	Change in Households	Dwellings per annum (2012-2032	Job growth per annum (2012-2032)
2012-based SNPP	15,093	783 dpa	(not provided)
2014-based	18,458	958 dpa	
UPC adjusted	12,676	658 dpa	
10-year migration	13,660	709 dpa	
2012-based SNPP (as updated)	**16,056**	**833 dpa**	
OE Baseline	15,019	780 dpa	609
OE Re-profiling			635
OE – higher migration	15,685	814 dpa	868
YHREM	15,356	797 dpa	789

Source: City of York SHMA (June 2016)

3.17 The analysis also considered future economic growth performance by accessing forecasts from Oxford Economics [OE] and Experian (via the Yorkshire and the Humber Regional Economic Modelling [YHREM]). The forecasts range from 609 jobs per annum (OE baseline) to 868 (OE higher migration).

3.18 The GL Hearn modelling concluded that this would support a level of population growth broadly in line with the 2012-based SNPP generating between 780-814dpa, which it considered to be below the level of need identified from the most recent MYE data:

> *"On balance there is no justification for an uplift to housing numbers in the City to support expected growth in employment" [page 87].*

3.19 The SHMA proceeds to identify a relatively high level of affordable housing need, of 573dpa, above the 486dpa need identified by GVA in the 2011 SHMA. It states:

> *"The analysis undertaken arguably provides some evidence to justify considering an adjustment to the assessed housing need to address the needs of concealed households, and support improvements [sic] household formation for younger households; although any adjustment will also need to take account of any future changes already within the household projections (e.g. in terms of improving household formation). The issue of a need for any uplift is considered alongside the analysis of market signals which follows." [§6.112]*

3.20 However, the SHMA concludes that whilst the affordable housing need represents 69% of the need identified in the demographic-led projections, it is not appropriate to directly compare the need as they are calculated in different ways:

> *"The analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need."*
>
> *"However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing*

concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing." [page 115]

3.21 GL Hearn's market signals analysis in the SHMA indicates that there are affordability pressures in the City of York:

1 Lower quartile to median income ratio is around 7.89 (compared to 6.45 nationally);

2 House prices are also very high and tripled in the pre-recession decade. Private rental levels in York, at £675pcm, which are higher than comparator areas and nationally (£600pcm in England);

3 Over-occupied dwellings increased by 52% between 2001 and 2011: "which is high relative to that seen at a regional or national level" [§8.34].

4 Housing delivery in York:

"*...has missed the target each year since 2007*" [§8.38].

3.22 In this regard, GL Hearn concludes that:

"*It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time.*" [§8.99]

3.23 To consider what level of uplift might be appropriate, GL Hearn sought to assess the degree to which household formation levels had been constrained for younger age groups, and what scale of adjustment to housing provision would be necessary for these to improve. This was derived on the assumption that household formation rates of the 25-34 age group would return to 2001 levels by 2025 (from 2015). This resulted in an increase in the annual housing provision of 8 homes per annum across the City for each of the aforementioned scenarios.

3.24 The SHMA confirms that this sensitivity analysis represents "*the market signals adjustment*" [§8.111], although in the light of GL Hearn's conclusions concerning affordable housing needs (see above), this 8dpa uplift would also appear to be geared towards improving access to housing for younger people in the City.

3.25 The SHMA therefore concludes that applying an 8dpa uplift to the 833dpa preferred demographic scenario results in an overall housing OAHN of 841dpa over the 2012-2032 period.

SHMA Addendum (June 2016)

3.26 The Addendum revisits parts of the earlier City of York SHMA analysis following the publication of the 2014-based SNPP by ONS on 25th May 2016. The report found that the latest projections suggest a higher level of population growth, at levels around 28% higher than in the 2012-based SNPP.

3.27 GL Hearn's analysis states that the difference between the 2014-based SNPP and the 2012-based SNPP "*is around 4,000 people, with around the same number being an additional increase in the 15-29 age group (4,200 of the difference)*" [§1.10].

3.28 GL Hearn considers that the growth in the younger age group is likely to reflect the strong growth in the student population in the City between 2008 and 2014 as a result of a new campus opening (the University of York expanded by 3,500 students over the period). The Update quotes an ONS response to CYC during the consultation to the latest projections, which suggests that some locally specific issues (such as the recorded outflow of male students from the city of York) may be under-estimated and should be treated with care.

3.29 This is in contrast to GL Hearn's previous conclusions on the 2012-based SNPP (as set out in the earlier 2016 SHMA), where they considered that the 2012-based SNPP was a realistic projection because it forecast limited growth in the 15-29 age group going forward.

3.30 GL Hearn revisited the modelling using a revised long term migration trend and the 2014-based SNPP (Table 3.2).

Table 3.2 Summary of the city of York SHMA Addendum (June 2016) Range of Scenarios (2012-2032)

	2012-based SNHP Headship Rates		+ uplift to the 25-34 age group headship rates
	Change in Households	Dwellings per Annum	
2012-based SNPP	15,093	783	**792**
2012-based SNPP (updated)	16,056	833	**841**
2014-based SNPP	17,134	889	**898**
10-year Migration Trend	13,457	698	**706**

Source: City of York SHMA Addendum (June 2016)

3.31 Using the latest available data and including a "*market signals adjustment*" [§1.32] of 8dpa as contained in the SHMA "*and recognising concerns around the impact of historic student growth, this addendum identifies an overall housing need of up to 898dpa*". [§1.20].

3.32 An update to the affordable housing need model increases the '*bottom line estimate of affordable housing need*' from 573dpa to 627dpa.

3.33 The Addendum draws the following conclusions on OAHN:

> "*There are concerns relating to historic growth within the student population and how this translates into the SNPP projections. This looks to be a particular concern in relation to the 2014-based SNPP where there is a relatively strong growth in some student age groups when compared with the 2012-based version (which looks to be sound for those particular age groups). Some consideration could be given to longer term dynamics although this does need to recognise that the evidence suggests some shift in migration patterns over the more recent years – a 10 year migration trend using the latest available evidence calculates a need for 706dpa, although as noted this will not fully reflect some of the more recent trends. This projection is therefore not considered to be an appropriate starting point for which to assess housing need although it can be used to help identify the bottom end of a reasonable range.*
>
> "*Given that the full SHMA document identifies an OAN for 841dpa which sits comfortably within this range set out in this addendum (706dpa – 898dpa) it is suggested that the Council do not need to move away from this number on the basis of the newly available evidence – particularly given the potential concerns about the impact of student growth in the 2014-based SNPP and also longer term trends not reflecting the most recent trends.*" [§§1.33-1.34].

Lichfields Previous SHMA Representations

3.34 A review of the June 2016 Strategic Housing Market Assessment [SHMA], and the subsequent SHMA Addendum (June 2016) was submitted by Lichfields (then branded as Nathaniel Lichfield & Partners) on behalf of the Companies in September 2016 in response to the City of York Local Plan – Preferred Sites Consultation.

3.35 This review provided objective evidence on the local need and demand for housing in the City of York and its Housing Market Area [HMA]. It established the scale of need for housing in the

City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of Lichfields' HEaDROOM framework.

3.36 More specifically it:

1 Considered the approach which needs to be taken to calculating OAHN and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;

2 Provided a critique of the 841 dwellings per annum [dpa] identified as the City of York's OAHN in the June 2016 Strategic Housing Market Assessment [SHMA] for the City, and the subsequent SHMA Addendum which recommended a broader OAHN range of 706dpa to 898dpa and considered whether they represent the full, objectively assessed housing need for the City of York;

3 Set out the approach taken by Lichfields to define a new OAHN for the City of York, using the latest demographic evidence and economic forecasts and affordable housing needs;

4 Provided an analysis of market signals in the City;

5 Identified a revised OAHN for the City of York, based on Lichfields' PopGroup modelling; and,

6 Summarised the key issues within the SHMA and subsequent Addendum and sets out why it is not compliant with the requirements for an OAHN calculation.

3.37 The review concluded that the SHMA documents make a number of assumptions and judgements which Lichfields considered to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the recommended OAHN was not robust and was inadequate to meet need and demand within the HMA.

3.38 The review noted that there were a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841dpa OAHN figure currently being pursued by CYC is not soundly based. In particular:

1 The demographic modelling downplayed the robustness of the 2014-based SNPP which were not supported by the evidence in other aspects of the document;

2 As a result, the Council's 841dpa OAHN figure was actually below the demographic starting point in the latest 2014-based SNHP of 853hpa even before any adjustments were made;

3 Adjustments to headship rates had been conflated with the uplift for market signals. The SHMA did not apply a separate uplift for market signals, but instead made an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal adjustment to the demographic starting point before market signals are considered. As a result, there was no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;

4 A 'black-box' approach had been taken to the economic-led modelling, with key evidence relating to how the job projections had been factored into any PopGroup model being unpublished; and,

5 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This was despite the SHMA and Addendum indicating a level of affordable housing need (of 573dpa and 627dpa respectively) which would only be met well in excess of the concluded OAHN.

3.39 In combination, the judgements and assumptions applied within the SHMA sought to dampen the level of OAHN across the City of York. Fundamentally, it was considered that the OAHN(s) identified in the SHMA and Addendum failed to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

3.40 Lichfields undertook its own analysis of housing need for the City of York. Based on the latest demographic data, and through the use of the industry standard PopGroup demographic modelling tool, it was Lichfields' view that the OAHN for York was at least 1,125dpa, although there was a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255dpa (rounded).

3.41 If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420dpa, although due to uncertainties regarding the level of international net migration into York it was considered that less weight should be attached to this figure.

3.42 This allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework[28] by significantly boosting the supply of housing. It would also reflect the Framework[29], which seeks to ensure the planning system does everything it can to support sustainable development.

September 2017 SHMA Assessment Update

3.43 The stated purpose of GL Hearn's Assessment Update is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2014-based SNHP and the 2015 Mid-Year Estimates (both published June 2016).

3.44 The Assessment Update also reviews the latest evidence on market signals within the City. The report states that this is not a full trend-based analysis but rather a snapshot of the latest evidence to be read in conjunction with the full SHMA document. As such, the report does not revisit the affordable housing need for the City, nor does it update analysis on the mix of housing required or the needs for specific groups.

3.45 The report [§2.2] finds that over the 2012-32 period, the 2014-based SNPP projects an increase in population of around 31,400 people (15.7%) in York. This is somewhat higher than the 2012-based SNPP (12.2%) and also higher than the main 2016 SHMA projection (which factored in population growth of 13.7%).

3.46 The report [§2.11] states that the official population projections (once they are rebased to include the latest 2015 MYE) indicate a level of population growth which is higher than any recent historic period or any trend based forecast of growth. It should therefore be seen as a positive step to consider these as the preferred population growth starting point.

3.47 The analysis [§2.17] finds that by applying the headship rates within the 2014-based SNHP the level of housing need would be for 867dpa – this is c.4% higher than the figure (833dpa) derived in the 2016 SHMA for the main demographic based projection.

Table 3.3 Projected Household Growth 2012-32 - Range of demographic based scenarios

	Change in households	Dwellings (per annum)
2014-based SNPP	17,120	867
2014-based SNPP (+MYE)	17,096	866

Source: SHMA Assessment Update (September 2017)

3.48 The report [§2.19] notes that within the SHMA, analysis was also undertaken (as part of the

[28] Framework - §47
[29] Framework - §19

market signals analysis) to recognise a modest level of supressed household formation – this essentially took the form of returning the household formation/headship rates of the 25-34 age group back to the levels seen in 2001 (which is when they started to drop). With an uplift to the household formation rates of the 25-34 age group, the housing need (when linked to 2014-based projections when updated) increases to 873dpa. When the mid-year estimates are factored in, the housing need decreases slightly to 871dpa.

Table 3.4 Projected Household Growth 2012-32 - Range of demographic based scenarios (with uplift to headship rates for 25-34 age group)

	Change in households	Dwellings (per annum)
2014-based SNPP	17,232	873
2014-based SNPP (+MYE)	17,209	871

Source: SHMA Assessment Update (September 2017)

3.49 The SHMA Assessment Update [§§5.3-5.4] states:

> *"Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support."*
>
> *"There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871dpa. This should be seen as the demographic conclusions of this report".*

3.50 GL Hearn therefore clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this 'demographic conclusion' of 871dpa does not appear to have been carried forward by GL Hearn through to the next steps of calculating the resultant housing need, as summarised below.

3.51 With regard to market signals and affordable housing the Assessment Update [§3.19] notes that:

> *"On balance, the market signals are quite strong and there is a notable affordable housing need. Combined these would merit some response within the derived OAN. This is a departure from the previous SHMA and the Addendum which did not make any market signals or affordable housing adjustment."*

3.52 The report considers a single adjustment to address both of these issues on the basis that they are intrinsically linked. The Assessment Update [§3.28] states:

> *"Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence."*

3.53 With regard to this matter the Assessment Update [§§5.6-5.7] draws the following conclusions:

> *"In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32*

period."

"The level of housing need identified is someway higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy".

3.54 Lichfields agrees with making an adjustment for demographic and household formation rates to get to 871dpa. However, it is illogical to then revert back to the unadjusted projections of 867dpa and then apply the adjustment for market signals and affordable housing to this lower, discredited figure.

3.55 Moving on, GL Hearn models a series of economic growth forecasts. In this regard, they conclude that the level of housing associated with the economic growth projections are lower than the 867/871dpa demographic need, the Assessment Update considers that there is no justification for an uplift to housing numbers in the City to support the expected growth in employment.

3.56 As such, the report concludes that by applying a 10% uplift to the demographic starting point of 867dpa results in an OAHN of 953dpa for York City for the 2012-2032 period. However, as noted above, the Council has inserted an 'Introduction and Context to Objective Assessment of Housing Need' to the front of the Assessment Update which contests the need for any adjustment to the 2014-based SNHP figure.

3.57 It notes that Members of the Council's Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867dpa.

4.0 Critique of the SHMA Update

Introduction

4.1 The Companies have serious concerns and wish to raise strong objections to the way in which the Council has chosen to identify an OAHN of 867dpa and the subsequent identification of this need as the housing requirement in Policy SS1 of the LPP. As noted above, the 'Introduction and Context to Objective Assessment of Housing Need' (inserted by the Council at the front of the SHMA Update Assessment) states [page 2]:

> *"Members of the Council's Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted."*

> *"Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were 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 considerations."*

4.2 This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that OAHN is 'policy off' and does not take into account supply pressures. The judgment of Hickinbottom J in Solihull sets out the definition of OAHN [§37]:

> *"Full Objective Assessment of Need for Housing: This is the objectively assessed need for housing in an area, leaving aside policy considerations (Lichfields emphasis). It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection."*

4.3 With regard to this matter, the SHMA Assessment Update [§§5.8-5.9] clearly states:

> *"The official projections should be seen a starting point only and housing delivery at this level (867dpa) would only meet the demographic growth of the City. It would not however address the City's affordability issues."*

> *"Without the 10% uplift for market signals/affordable housing need the City's younger population would fail to form properly. This would result in greater numbers residing with parents or friends or in share accommodations such as HMOs."*

4.4 GL Hearn is therefore clear that the 867dpa figure is not an appropriate OAHN. On one level, it is the incorrect demographic starting point in any case, which according to GL Hearn's work is 871dpa following suitable adjustments to the 2014-based SNHP to incorporate the 2015 MYE and accelerated household formation rates. On the second level, there is an array of evidence, which we examine in further detail below, that York City is one of the least affordable local authority areas in Northern England. A market signals uplift of 10% is the very least that would

be appropriate, and indeed we provide evidence that suggests that an even higher uplift, of 20% should actually be applied.

4.5 It is therefore not acceptable for the Council to ignore its own housing expert's advice. The Council's approach to identifying an OAHN of 867dpa, as set out in the front section of the SHMA Assessment Update, is policy-on driven and is therefore contrary to the guidance provided by the Courts. The calculation of OAHN should be based on the normal 'policy-off' methodology.

4.6 Notwithstanding these points, the remainder of this section provides a detailed critique of GL Hearn's SHMA Assessment Update.

Starting Point and Demographic-led Needs

Population Change

4.7 The Practice Guidance[30] sets out that in assessing demographic-led housing needs, the CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS' latest Mid-Year Estimates [MYEs][31].

4.8 The SHMA Assessment Update applies the 2014-based SNPP which projects an increase in population of around 31,400 people (15.7%) in York. This is higher than the 2012-based SNPP (12.2%) and also higher than the main SHMA projection (which had population growth of 13.7%). It also considers longer term migration trend using the latest available evidence from the 2014-SNPP and the 2015 Mid-Year Estimate.

4.9 The SHMA Assessment Update considers housing need based on the (then) latest CLG 2014-based household projections over the period 2012 to 2032.

4.10 The Companies agree with the overall principle of taking the 2014-based SNPP as the demographic starting point and rebasing population growth off the latest Mid-Year Population Estimates.

4.11 However, it is important to note that the household projections upon which York's OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG's household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the 'Institutional population').

4.12 As summarised by CLG in its 2014-based household projections Methodological Report (July 2016), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments, also termed the 'institutional' population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:

> "*The institutional population is subtracted from the total resident population projections by age, sex and marital status to leave the private household population, split by sex, age and marital status in the years required for household projections.*" [page 12]

4.13 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn's methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

[30] Practice Guidance - ID 2a-015-20140306
[31] Practice Guidance - ID 2a-017-20140306

Household Formation Rates

4.14 The Practice Guidance[32] indicates that in respect of household projections:

> *"The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice..."*
>
> *"...The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demographic and household formation which are not captured in past trends...rates may have been supressed historically by under-supply and worsening affordability of housing..."*

4.15 The SHMA Assessment Update notes that there is no material difference 2014-based SNHP headship rates and the household formation rates from the 2012-based version.

4.16 The SHMA [§2.19] accepts that there has been a level of supressed household formation arising from the 25-34 age group and in relation to this matter states [§§5.3-5.4]:

> *"Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support."*
>
> *"There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871 dpa. This should be seen as the demographic conclusions of this report."*

4.17 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below.

4.18 Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.

Market Signals

4.19 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

> *"Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities."* [§17]

4.20 The Practice Guidance[33] requires that the housing need figure as derived by the household

[32] Practice Guidance - ID 2a-015-20140306
[33] Practice Guidance - ID 2a-019-20140306

projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance[34] highlights the need to look at longer terms trends and the potentially volatility in some indicators.

4.21 The Practice Guidance also sets out that:

> *"...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability..."*[35].

4.22 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.23 The SHMA Assessment Update (Section 3) examines a range of market signals as set out in the Practice Guidance, comparing the City of York to Ryedale, Hambleton, Yorkshire and the Humber region and England. It states that the update is a targeted update to the market signals section looking using recently published data, not a full update, as many of the datasets used have not been updated since publication of the SHMA. Attached at Appendix 1 is Lichfields' own assessment of market signals in City of York which has been used for comparison purposes.

4.24 The findings of the SHMA Assessment Update can be summarised (with Lichfields' commentary included) as follows:

1 **Land Prices** – No analysis has been presented, as was the position on the 2016 SHMA. As noted in our market signals assessment in Appendix 1, CLG land value estimates suggest a figure of £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

2 **House Prices –** The 2016 SHMA outlined significant house price growth in the HMA between 2011 and 2007. By Q4 2014 house prices in York had reached £195,000 and by Q2 2016 this had increased to £225,000. The Assessment Update notes that, based on 2016 data, the average (median) house price in York was £215,000, compared to £148,000 across the Yorkshire and Humber region. Our market signals analysis in Appendix 1 suggests that the average (median) house price in York in 2016 was £220,000 compared to £199,995 for the North Yorkshire region. It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.

   As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York's median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

3 **Rents** – The Assessment Update [§3.8] notes that the most recent data shows that England has grown to £650 (+8%), while York has seen median rental prices increase to £700 (+4%). In contrast rents in the region only grew by 1% to £500 per month. The Assessment Update [§3.9] finds that the most recent data shows a strong upward trend in the number of rental transactions in York although they have been falling over the last six months. In York rental transactions are currently 73% higher than in September 2011, showing a

[34] Practice Guidance - ID 2a-020-20140306
[35] ibid

continued return to the longer term trend than seen in the previous SHMA. By comparison, in Yorkshire and the Humber rental volumes are still slightly above (6%) past figures. Nationally, over this period there has been a slight downward trend.

Our market signals analysis in Appendix 1 shows that Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures. High and increasing private sector rents in an area can be a further signal of stress in the housing market.

4 **Affordability** – The Assessment Update [§3.10] acknowledges the affordability issues faced within the HMA with the Median Ratio being 8.3 times earnings in 2015 (compared to 7.6 nationally), whilst the Lower Quartile [LQ] ratio is 8.9 times earnings (compared to 7.0 nationally). However, it does not discuss this stark indicator of supply/demand imbalance, preferring to note instead that much of the growth in (un)affordability took place prior to 2005, with limited changes to affordability in the past decade[§3.11].

Lichfields' market signals analysis in Appendix 1 shows that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price in York City was approximately 9.0-times the LQ workplace-based income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Our analysis shows the over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%).

The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

5 **Rates of Development** – the Practice Guidance is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. The Assessment Update [§3.13] examines housing completions data for York dating back to 2004/05 and sets these against the annual housing target from 2004/05 to 2015/16. With the exception of the last year, housing delivery in York has missed the target each year since 2007. Overall delivery targets for these years was missed by 20% which equals 2,051 units below the target level. GL Hearn notes [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the report which uses a demographic projection based analysis to establish the level of housing need moving forward.

The Assessment Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-

delivery is 1,793 dwellings over the past 12 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

6 **Overcrowding** - No analysis has been presented. Our market signals analysis in Appendix 1 shows overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011). From our analysis we also note that when compared against neighbouring Yorkshire districts, York is the worst performing district regarding the rate of change in overcrowded households.

4.25 In response to both market signals and affordable housing need, the Assessment Update advocates a 10% uplift to the OAN [§3.31].

4.26 Lichfields agrees that based on the market signals analysis there are clear housing market pressures, particularly regarding affordability within the HMA. The Practice Guidance[36] is clear that any market signals uplift should be added to the demographic-led *needs* as an additional *supply* response which could help improve affordability, and further goes on to clarify that:

> *"...plan makers <u>should not attempt to estimate the precise impact of an increase in housing supply.</u> Rather they should increase planned supply by an amount that, on reasonable assumptions...could be expected to improve affordability..."* (Lichfields emphasis)

4.27 The Practice Guidance[37] is also clear that:

> *"...the more significant the affordability constraints...and the stronger the other indicators of high demand... the larger the improvement in affordability needed and, therefore the larger the additional supply response should be."*

4.28 Whilst it is not clear cut from the Practice Guidance how an upwards adjustment should be calculated, some recent Local Plan Inspector's findings have provided an indication as to what might be an appropriate uplift. The Inspector's Report into the Eastleigh Borough Local Plan (11th February 2015)[38] provide interpretation of the Practice Guidance in terms of a reasonable uplift on demographic-led needs in light of market signals:

> *"It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the "modest" pressure of market signals recognised in the SHMA itself."* [§§40-41].

4.29 The Eastleigh Inspector ultimately concluded that a modest uplift of 10% is a reasonable proxy for quantifying an increase from purely demographic based needs to take account of 'modest' negatively performing market signals. Furthermore, Inspectors have used figures of up to 20% for 'more than modest' market signal indicators, notably in the case of Canterbury, where the

[36] Practice Guidance - ID:2a-020-20140306
[37] Practice Guidance - ID:2a-o20-20140306
[38] http://www.eastleigh.gov.uk/pdf/ppi_Inspectorsreport12Feb15.pdf

Inspector concluded that:

> *"Taking these factors in the round it seems to me that 803dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs."*[39]

4.30 From the indicators set out by Lichfields in Appendix 1, as shown in Table 4.1, and from the commentary and analysis undertaken by GL Hearn, we consider that the current levels of market stress should be considered more severe than the 'modest' uplift the SHMA suggests. An application of other approaches (discussed above) would suggest an uplift of 20% could be appropriate for the City of York.

4.31 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and, the adverse outcomes that are occurring because of this. The performance of York against County and national comparators for each market signal is summarised in Table 4.1. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.

Table 4.1 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
Better = performing the same or better against the average
~ = data not available

4.32 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values and under delivery, causing affordability difficulties. The GL Hearn analysis is an improvement from the 2016 SHMA and clearly is an improvement from the Council's approach to identifying an OAHN of 867dpa, but even so, is inadequate to address the current housing crisis. For the aforementioned reasons a 20% uplift is preferable.

4.33 Whilst it can only be applied limited weight at the current time, Lichfields also note that the CLG methodology, based on the median workplace based affordability ratio, would suggest an uplift of 27% for market signals.

4.34 GL Hearn also conflates market signals and affordable housing in the 10% uplift, which is a fundamental misreading of the Practice Guidance, and should be addressed separately (see below for affordable housing commentary).

[39] Canterbury District Council Local Plan Examination August 2015, Inspector's Letter and Note on main outcomes of Stage 1 Hearings, paragraph 26.

Economic Growth

4.35 With regards to considering the need to uplift a housing figure to take account of the economic potential of the local authority, the Framework sets out the following:

> *"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system." [§19]*

4.36 The SHMA Assessment Update presents no alternative to the work in the June 2016 SHMA. It states [§4.3] that the housing need required to meet the economic growth is lower than the demographic need. Furthermore evidence of more recent forecasts suggests that the economic growth will be even lower than anticipated. Therefore GL Hearn considers that on balance, there is unlikely to be any justification for an uplift to housing numbers in the City to support expected growth in employment. The Update states that the uplift for market signals would see the likelihood for an economic uplift reduce.

4.37 Lichfields considers that this approach fails to address the concerns raised in our previous submissions on behalf of the Companies to the Preferred Sites Consultation. Included in those submissions was 'Technical Report 1' which noted that June 2016 SHMA presents a supressed picture of likely economic growth, drawing upon economic forecasts produced in 2014, which are outdated. The submission noted that we could only provide a limited analysis on the robustness of GL Hearn's assessment of the implications of the job forecasts as they had not set out their assumptions in detail, and we reserved the right to review these assumptions if/when they were provided by GL Hearn.

4.38 Given that the SHMA Assessment Update provides no further information on this matter it has not been possible for Lichfields to make any further analysis at this stage. On this basis, the concerns raised on behalf of the Companies in Technical Report 1 still stand, particularly as the LPP Policy SS1 identifies a specific target to provide sufficient land to accommodate an annual provision of around 650 new jobs to support sustainable economic growth.

Affordable Housing Needs

4.39 In line with the Framework[40], LPAs should:

> *"…use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing…"*
>
> *"…prepare a SHMA which…addresses the need for all types of housing, including affordable."*

4.40 The Practice Guidance[41] sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:

> *"…considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments…an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes."*

4.41 As set out in Section 2.0, two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. 'Satnam' establishes that affordable housing needs are a component part of OAHN, indicating that the 'proper exercise' is to identify the full

[40] Framework - Paragraphs 47 and 159
[41] Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. 'Kings Lynn' builds on 'Satnam', identifying that affordable housing needs "*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*" [§36] This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

4.42 The SHMA Assessment Update states that it does not review affordable housing need but the situation is unlikely to have changed significantly from the 2016 SHMA. The 2016 SHMA identified a net affordable housing need of 573 homes per annum or 12,033 dwellings over the 2012-2033 period. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

4.43 The SHMA Assessment Update [§3.3] suggests that large parts of this need are either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).

4.44 It further states [§§3.17-3.18] that:

> "*The City of York Council currently have an affordable housing policy of up to 30%. The SHMA identified a net affordable housing need of 573 dwellings. Based on this level of need and the current policy the City would require to deliver 1,910 dwellings per annum. To put this in context the City has only delivered more than 1000 homes once since 2004-5. Using a lower policy target would result in an even higher need.*"
>
> "*While there is clearly an affordable housing issue in the City may of the households in need are already in housing (just housing that is not suitable for some reason such as overcrowding) and therefore do not generate a need for additional dwellings*".

4.45 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. With regard to this matter the SHMA Assessment Update states [§3.28]:

> "*Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.*"

4.46 In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.

4.47 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion.

Addressing Affordable Housing Needs

4.48 Having identified the affordable housing needs, the Practice Guidance requires an assessment of its likely delivery to consider whether there is a need to uplift or adjust the OAHN and planned housing supply in order to address affordable housing needs. This is what the 'Satnam' judgment calls the 'proper exercise' and is undertaken by the 2016 SHMA within Figure 30. This concludes that to meet affordable housing need in full the City of York would need to deliver 573dpa. At a delivery rate of 30% of overall housing, this means that the City would need to deliver 1,910dpa to address affordable housing needs in full.

4.49 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It

has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

> *"…This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed." [§35]*

This is also consistent with the Practice Guidance[42] which sets out the assessment of *need "does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur."*

4.50 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.

4.51 The SHMA ultimately does not use the identified acute affordable housing needs in a way in which it has "*an important influence in increasing the derived F[ull] OAN*" as per the Kings Lynn judgment.

4.52 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand the general 'direction of travel' of defining OAHN and what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.

4.53 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure (953dpa) should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).

4.54 Given the significant affordable housing need identified in City of York Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

MHCLG Standardised Approach to OAHN

4.55 As noted in Section 2, MHCLG has recently published for consultation the draft Planning Practice Guidance, which sets out the standard method for calculating local housing need, including transitional arrangements first set out in "*Planning for the right homes in the Right Places*"..

4.56 Whilst relatively limited weight can be attached to this document at present given its consultation status, for the City of York, if adopted as MHCLG proposes, the approach would mean that the OAHN over the period 2016-2026 is 1,070 dpa.

4.57 This is based on an annual average level of household growth of 844 dpa between 2016 and 2026, uplifted by a very substantial 27% to address the fact that the latest median workplace-based affordability ratio is 8.3.

[42] Practice Guidance - ID:2a-003-20140306

Conclusions on the City of York's Housing Need

4.58 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is fundamentally flawed. This is a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.

4.59 There are a number of significant deficiencies in the SHMA Assessment Update which means that even the higher 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:

1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic conclusion of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.

2 The Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.

3 Given the significant affordable housing need identified in City of York Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN.

4.60 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:

1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to 871 dpa.

2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871 dpa re-based demographic starting point, this would indicate a need for 1,045 dpa.

The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;

The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045 dpa set out above. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range should be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level

of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is **7.5% higher** than the MHCLG proposed standardised methodology figure of 1,070 dpa.

4.61 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

4.62 It is emphasised again that CLG's household projections explicitly exclude the housing needs of students living in halls of residence. GL Hearn has used the latest CLG 2014-based household projections to underpin its housing OAN for York. The market signals adjustment it makes does not address the separate specialised housing needs of students, which would be additional to the target identified.

5.0 Approach to Assessing Housing Land Supply

Introduction

5.1 This section sets out the requirements of the Framework and the Practice Guidance in establishing the supply of housing land to meet the housing needs of an area. This will provide the benchmark against which the SHLAA and emerging Local Plan will be assessed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of a housing supply calculation in a legal context.

Policy Context

National Planning Policy Framework

5.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework[43] which sets out the presumption in favour of sustainable development.

5.3 The Framework[44] stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and, in that context, the Framework requires LPAs to:

> *"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
>
> *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15..."* [45]

5.4 There is therefore a need for the Council to identify both a 5-year supply and a longer-term supply as part of the preparation of the Local Plan.

5.5 For the purpose of the supply assessment, the Framework advises that only deliverable sites should be included within the first 5-years. To be considered deliverable:

> *"...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing*

[43] Framework - §14
[44] Framework - §47
[45] Framework - §47

plans." [46]

5.6 The Framework states that for the period 5-15 years developable sites may be included, which are sites that are:

> *"…in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."* [47]

5.7 The Framework sets out the approach to defining such evidence which is required to underpin a local housing supply. It sets out that in evidencing housing supply:

> *"LPAs should have a clear understanding of housing needs in their area. They should:*
>
> …
>
> *"…prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period."* [48]

National Planning Practice Guidance

5.8 The Practice Guidance[49] provides further guidance on how an assessment of the housing supply is to be undertaken. It urges LPAs to assess the suitability, availability and achievability of sites, including whether the site is economically viable, to determine whether a site can be considered deliverable over the plan period.

5.9 In this context the Practice Guidance makes it clear that a site will be considered available when:

> *"…there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions."* [50]

5.10 The Practice Guidance indicates that a site is considered achievable for development where:

> *"…there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period."* [51]

5.11 The LPA, when preparing a Local Plan, is urged to use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. The Practice Guidance suggests that this may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites

[46] Framework – Footnote 11
[47] Framework – Footnote 12
[48] Framework - §159
[49] Practice Guidance – ID:3-018-20140306
[50] Practice Guidance – ID:3-020-20140306
[51] Practice Guidance – ID:3-021-20140306

allowance should be made for several developers to be involved. The Practice Guidance[52] makes it clear that the advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.

5.12 The Practice Guidance[53] accepts that a windfall allowance may be justified if a local planning authority has compelling evidence as set out in the Framework. In addition, it states that:

> *"Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area (using the same criteria as set out in paragraph 48 of the National Planning Policy Framework)."* [54]

5.13 The Practice Guidance requires LPAs to collate this above information and present it in an indicative trajectory which:

> *"...should set out how much housing and the amount of economic development that can be provided, and at what point in the future. An overall risk assessment should be made as to whether sites will come forward as anticipated."* [55]

5.14 In relation to the assessment of whether sites are deliverable within the first 5-years the Practice Guidance[56] indicates that deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5-years. It goes on to state:

> *"...planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe."* [57]

Recent Legal Judgments

5.15 The High Court decision in the case of Exeter City Council and Secretary of State[58] is relevant to York as it considers the appropriateness of including student accommodation in the calculation of the housing supply in accordance with the Framework. Exeter is a University City similar to York and included student accommodation within their housing land supply.

5.16 The Inspector who determined the appeal[59] considered the inclusion of student accommodation in the 5-year supply based on the Practice Guidance which states:

> *"All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double counting."*[60]

[52] Practice Guidance – ID:3-023-20140306
[53] Framework - §48
[54] Practice Guidance – ID:3-024-20140306
[55] Practice Guidance – ID:3-025-20140306
[56] Practice Guidance – ID:3-031-20140306
[57] Practice Guidance – ID:3-031-20140306
[58] Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin)
[59] Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771]
[60] Practice Guidance – ID:3-036-20140306

5.17 The Inspector, in her decision letter, stated:

> *"The Council submit that the provision of student accommodation releases housing that would otherwise be occupied by students and thereby indirectly releases accommodation within the housing market. For this reason it believes that all student accommodation should be included within the housing delivery and housing land supply figures. This view is not consistent with the PPG because it is not based on any assessment of the extent to which the provision of student accommodation has released general market housing."*

5.18 She went on:

> *"Where student population is relatively stable, and the number of general market dwellings occupied by students declines as a consequence of the provision of student accommodation, I consider the inclusion of such accommodation as part of the housing supply would be consistent with the guidance within the PPG. However, within Exeter, due to the considerable increase in the number of students relative to the provision of purpose-built student accommodation, there has not been a reduction in the number of general market dwellings occupied by students. On the contrary, there has been a significant increase..."* [61]

5.19 The High Court agreed that the Council did not set out any specific evidence to justify that the development of student accommodation would release housing to the market elsewhere. It stated that:

> *"...it simply relied upon paragraph 3.38 of the PPG in support of its proposition that, irrespective of the extent (if any) that student accommodation was included in the housing requirement figure adopted."* [62]

5.20 As a consequence, the High Court stated that the Appeal Inspector:

> *"... was correct not to accede to the Council's submission that all student accommodation supplied should or could be set off against the housing requirement. She was correct not to be persuaded by the Developers' contention that she could not under any circumstances take into account student accommodation. She was correct to look at the facts of this case and determine whether, on the evidence before her, there was any basis for taking any of the new student accommodation into account ... she properly accepted (in paragraph 47) that, although there was currently no evidence to show that the provision of student accommodation has released housing into the general market in Exeter, the situation may in the future change if (e.g.) the delivery of student accommodation significantly exceeded the increase in student population."*[63]

Conclusion

5.21 It is against this policy context that the proposed housing supply should be considered. In practice, applying the Framework and Practice Guidance to achieve a robust supply that will meet the needs of the community is an evidence based process which should use transparent and justifiable assumptions on lead-in times, delivery rates and density. In addition, it should be clear that the sites are available and achievable over the plan period.

5.22 In the case of York, there are inherent dangers in including student housing in the supply if there is no evidence that there has been a reduction in the number of general market dwellings

[61] Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771] - §44 & §47
[62] Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin) - §37
[63] Ibid - §44

occupied by students as a direct result of the provision of purpose-built student accommodation.

6.0 Council's Housing Supply Evidence

Introduction

6.1 Detailed representations on the Council's housing land supply evidence were submitted on behalf of the Companies to the City of York Local Plan - Preferred Sites Consultation (in 'Technical Report 2: Housing Supply'). These representations concluded the following:

1 The Council had not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence had therefore been produced to demonstrate the Council's housing supply position.

2 The assessment of the balance between the housing requirement and supply demonstrated that there was a significant shortfall for both the plan period and 5-year period. In these circumstances, the emerging plan was not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.

3 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that would deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

These concerns have not been addressed and reference is accordingly made below in Lichfields' assessment of the Council's latest evidence.

6.2 Before considering the adequacy of the Council's supply, it is important to consider the nature and extent of the Council's evidence base in relation to the supply. Evidence on the Council's supply is contained in a number of different places:

1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);

2 The City of York Local Plan Publication Draft (March 2018);

3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 and 30th September 2017); and,

4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).

Housing Completions

6.3 The Council has provided detailed site by site delivery figures for the past five monitoring years (2012/13 to 2016/17). In addition, the Council's annual completion figures since 2007/08 are contained in the September 2017 Half Year Housing Monitoring Update.

6.4 The Council has included student specific accommodation within their completions figures and their forward supply figures. Based on recent High Court decisions it is clear that robust evidence must be provided to justify the inclusion of student accommodation in the housing supply, specifically that the accommodation will release housing into the general market.

6.5 York Council has not provided any evidence to demonstrate that the provision of additional student accommodation would result in the release of housing into the market as required by national policy. Furthermore, the Council's June 2016 SHMA outlines that the York St John University is, over the next five years, seeking to "*grow our student numbers from 6,400 to 7,300*"[64]. This reflects an aim to achieve growth in student numbers of 14.1% by 2020.

[64] City of York, June 2016 Strategic Housing Market Assessment, §10.71

6.6 Based on national policy, the recent High Court decision coupled with the expected growth in student numbers in York, it is considered that it is inappropriate to include student accommodation within the Council's supply. This is because there is no justification regarding how it will result in the release of current housing into the general housing market.

6.7 In this context, the Council has included the delivery of 124 units in monitoring year 2012/13 from the site at 6-18 Hull Road. However, a total of 97 of the units are not self-contained and share communal/living areas. As such, these bedspaces cannot contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. That said, we have included the delivery of 27 units from this site as they are self-contained studio apartments which could be sold on the open market at some stage in the future.

6.8 The Council has also included the delivery of 91 units in the monitoring year 2016/17 for the site at Hallfield Road. The majority of the units on this scheme are not self-contained and share communal/living areas. As such, these bedspaces cannot also contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. However approximately 9% of these units are studio apartments which could be sold on the open market at some stage in the future, so we have included 8 units from this scheme on this basis.

6.9 Table 6.1 sets out the Council's past completion figure and provides a cumulative running total since 2012/13. It also sets out Lichfields' assumed completions figures and provides a running total.

Table 6.1 Housing Completions

Year	Council Position		Lichfields' Position	
	Comp.	Cum +/-	Comp.	Cum +/-
2012/13	482	482	385	385
2013/14	345	827	345	730
2014/15	507	1,334	507	1,237
2015/16	1,121	2,455	1,121	2,358
2016/17	977	**3,432**	894	**3,252**
Totals	**3,432**		**3,252**	

Source: City of York Council

2017 SHLAA

6.10 The Framework[65] sets out that local planning authorities should prepare a SHLAA to establish assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. Furthermore, the Practice Guidance[66] outlines that the assessment of land availability is an important step in the preparation of Local Plans. The provision of an up to date SHLAA approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.

6.11 The Council has published its City of York Strategic Housing Land Availability Assessment

[65] Framework - §159
[66] Practice Guidance - ID: 12-018-20140306

September 2017. This document supersedes previous versions of the SHLAA to present the sites assessed for their development potential to form part of the evidence base for York's Local Plan. The 2017 SHLAA accompanied the Local Plan Pre Publication [LPPP] Draft, setting out the methodology for site selection in the plan, and detail of which sites have been allocated.

Site Selection

6.12 The 2017 SHLAA outlines the previous consultation undertaken by City of York Council in relation to site identification and consultation/engagement. It states [§2.3.1] that a two stage suitability process was undertaken in order to sieve out the potential sites most suitable for development:

1 Stage 1: Sustainable Location Assessment which uses the shapers set out in the emerging Spatial Strategy to assess potential site suitability. The SHLAA states that the methodology was also informed by work on the Sustainability Appraisal.

2 Stage 2: Technical Officer Group which considers more site specific suitability of sites which successfully passed Stage 1 and determined whether they should progress as development sites. The SHLAA states that any sites which were wholly or partly removed from the site selection process following the Stage 1 analysis will be given the opportunity to respond to the assessment with supporting evidence.

6.13 Further details on the scoring process and methodology used are provided in Annex 3 of the SHLAA. As the site selection and criteria assessment process was developed in 2013, the SHLAA indicates that subsequent guidance on Impact Risk Zones for SSSIs, Flood Risk and Agricultural Land Value has been taken into consideration. It also explains the basis on which the availability and deliverability of sites has been determined.

6.14 The SHLAA [§§2.5.1-2.5.2] outlines how the availability of sites has been determined. It states:

> *"The majority of sites assessed were received through the Call for Sites process or subsequent Local Plan consultations. Through this process we asked that landowner details were provided to us to ensure that we could confirm availability and that the site had a willing landowner. We also asked for details of whether the site had been promoted commercially or by an agent as well as when the site would be become available for development. Since 2012, the availability of sites has been reconfirmed through consultation."*
>
> *"For the allocated sites set out in the Section 3.3, availability of the site has been confirmed and the timescales reflect our understanding of when the site will be brought forward in the plan period".*

6.15 The SHLAA [Section 2.6] sets out a series of archetypes which have been used to determine the scale of potential development on sites less than 5ha (non-strategic sites). It notes that for Strategic Sites (over 5 ha) a bespoke approach is taken to reflect the site characteristics and detailed work undertaken.

Housing Supply

6.16 A summary of housing completions and permissions for the period April 2016 to March 2017 is provided.

6.17 The SHLAA identifies a windfall allowance of 169 dwellings per annum and states that windfalls will be included from year 4 of the trajectory. Included at Annex 5 of the SHLAA is City of York Local Plan Windfall Allowance Technical Paper (2017) which explains how the windfall figure has been derived.

6.18 The SHLAA does not provide any detailed calculation to demonstrate how a 5-year housing land

supply is achieved. This is wholly unacceptable and does not demonstrate the deliverable 5 year housing land supply as required by national guidance.

City of York Local Plan Publication Draft [LPP]

6.19 The Council published its LPP in February 2018 for pubic consultation. Policy H1 identifies the sites which have been allocated to meet the housing requirement set out in Policy SS1 over the plan period 2017/18 to 2032/33 (867dpa).

6.20 Table 5.1 in the LPP identifies the sites which have been allocated in the LPP and provides the estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1 -10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.

6.21 The LPP (Figure 5.1 and Table 5.2) provides housing trajectories for the period April 2017 to March 2033 (16 years) against the identified housing target of 867dpa. The LPP [§5.6] states that the trajectory shows there is an adequate supply to meet the objectively assessed need throughout the plan period. However, there is a lack of detailed evidence on the supply to demonstrate this position.

6.22 Lichfields notes that the period March 2017 to April 2018 has been identified as Year '0', rather than Year '1', which would be the usual approach. Years 0 to 4 (rather than Years 1 to 5) is therefore the period against which the Framework requirement of achieving a 5-year supply would be assessed.

6.23 The information provided in the trajectories is high level. They do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure. In addition, there is a lack of evidence in the SHLAA on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations.

6.24 With regard to providing a rolling 5 year supply of deliverable sites the LPP [§5.9] states:

> "*The Council accepts that there has been persistent under delivery of housing as defined in the NPPF and consequently has included enough land in the early years of the trajectory to ensure there is a 20% buffer in the 5 year supply. This land has been brought forward form later in the plan period. Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed. This does not mean that overall more land has been allocated in the plan, what it does mean is that the development trajectory (see Figure 5.1) ensures that in the early years of the plan additional land is available to address previous under delivery*".

However, as with the SHLAA, the LPP does not provide any detailed calculation to demonstrate how the 5-year housing land supply is achieved.

6.25 With regard to site yield and delivery, the LPP [§5.12] notes that the yield for each of the strategic sites has been established through working with site promoters to produce an individual assessment of the yield for each site. For non-strategic sites the LPP refers to the yield archetypes identified in the SHLAA [§2.6.2].

6.26 With regard to the delivery and phasing of allocated sites the LPP [§§5.13-5.14] states:

> "*Each allocated site has been assessed for its likelihood of being delivered to ensure that we are satisfied that each site is likely to come forward for development during the plan period, although ultimately this can be dependent upon external factors such as finance*

availability for house builders, mortgage availability for purchasers and the aspirations of landowners. In all cases there have been discussions with the land owner about their current plans. We have at this stage placed each allocated site within a timescale of short (1-5 years), medium (6-10 years), long term (11-15 years) or life time of the plan (1-21 years). The timescale of each site is an indication of when we think the site is likely to come forward and reflects the timescale put forward by the landowner or developer in the discussions referred to above, the requirement to develop the most sustainable sites within a settlement first and viability".

"The phasing of sites is important for the successful delivery of the plan's priorities and sites should only come forward in different phases if they would not prejudice the delivery of other allocated sites. For example where the construction of essential infrastructure is linked to the delivery of a package of sites, these sites will need to be brought forward in an orderly fashion to ensure the infrastructure is in place to mitigate the impacts of development".

6.27 As with the SHLAA, there is a lack of evidence in the LPP on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations. This is a flawed approach which does not meet the requirements of national guidance.

Conclusion

6.28 The Council has compiled and recently published housing completions figures for the past ten monitoring years as well as published detailed site by site completion figures for the past 5 years. However, the Council's housing land supply figures do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total delivery figure for each site without detailed reasoning on the methodology for deriving this figure.

6.29 Insufficient information has also been provided on the assumptions used to derive the Council's proposed delivery in the LPP and associated evidence base documents. There is a distinct lack of evidence on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations.

6.30 Furthermore, the Council includes several student sites in its future supply, which is inappropriate, as there is no justification regarding how these developments will result in the release of housing into the general housing market as required by the Practice Guidance. In particular, no robust evidence has been provided to clearly demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, the Council's land supply figures risk being severely distorted.

7.0 Housing Requirement

Introduction

7.1 The Framework[67] and Practice Guidance require LPAs to demonstrate a developable 5-year supply and a deliverable supply for the period 5-15 years. This requires an understanding of the relevant housing requirements for each of these time periods.

7.2 This Technical Report sets out a critique of the Council's OAHN and the need to increase the target to meet the needs of the local community. This section briefly sets out the relevant figures to be used for both the 5-year assessment and the plan period assessment.

Plan Period Housing Requirement

7.3 The Council's SHMA Assessment Update seeks to provide the evidence to justify the housing requirement for the City of York Local Plan. It sets the Plan period as 2012-2032.

7.4 This Technical Report sets out the flaws in the SHMA Assessment Update and the Council's approach in rejecting the 953 dpa figure recommended in the SHMA Assessment Update. It requests that the OAHN is recalculated using an appropriate methodology. Lichfields considers that the Council's SHMA makes a number of flawed assumptions and judgements and does not properly respond to the requirements of policy and guidance. As a result, the proposed OAHN set out in the SHMA is not robust and is inadequate in meeting the need and demand for housing.

7.5 Even so, the Council has resolved to reject the OAHN of 953 dpa set out in the SHMA update and adopt a figure of 867 dpa, based on the latest revised SNHP published by ONS and MHCLG with no adjustment for market signals or affordable housing. By way of contrast, MHCLG's standard methodology produces an OAHN figure of 1,070 dpa, significantly higher than adopted by the Council which again demonstrates the inappropriateness of the Council's approach.

7.6 As noted in Section 4, Lichfields considers that the OAHN for York is **at least 1,150 dpa**. To be robust however, for the purposes of this report, we have also used GL Hearn's 953 dpa OAHN figure to calculate the City's 5YHLS.

5-Year Housing Requirement

Annual Requirement

7.7 When calculating the 5-Year Housing Requirement the annual average requirement should be used. As there is disagreement over the appropriate OAHN with the Council preferring a housing requirement of 867 dpa rather than their own housing evidence which suggests a need for 953 dpa figure in the SHMA Update, with Lichfields recommending a yet higher figure (1,150 dpa). All three are used in this assessment.

7.8 We would note that whichever figure is used, it does not include the specific needs of students living in halls of residence, which would be additional as these are explicitly excluded from the CLG's household projections.

[67] Framework - §47

Under Supply

7.9 The Practice Guidance[68] indicates that LPAs should aim to deal with any under supply within the first 5-years of the plan period where possible. Table 7.1 sets out the net completions recorded by the Council since 1st April 2007 compared to the now withdrawn RS for Yorkshire and the Humber requirement which the Council has been using in the absence of an adopted Local Plan. Table 7.1 shows the failure of York to deliver housing to meet the needs of the community.

Table 7.1 Housing Completions 2007/08 - 2016/17

Year	Target	Comp.	+/-	Cum +/-
2007/08	650	523	-127	-127
2008/09	850	451	-399	-526
2009/10	850	507	-343	-869
2010/11	850	514	-336	-1,205
2011/12	850	321	-529	-1,734
2012/13	850	482	-368	-2,102
2013/14	850	345	-505	-2,607
2014/15	850	507	-343	-2,950
2015/16	850	1,121	+271	-2,679
2016/17	850	977	+127	**-2,552**
Totals	**8,300**	**5,748**	**-2,552**	

Source: York Housing Monitor Update for Monitoring Year 2016/17

7.10 The Council has produced a Half-Year Monitoring Update for 2017/18 (1st April 2017 to 30th September 2017). This indicates that net completions over this period have totalled 1,036 dwellings.

7.11 However, as details of the full monitoring year 2017/18 are not yet available it is not possible to include this latest dataset in the analysis.

7.12 Table 7.2 sets out the net completions recorded by the Council since 1st April 2012 compared to the Council's requirement and the Lichfield's target. In this context it should be noted that the Lichfield completions exclude the student accommodation (180 units) previously included in the Council's delivery figures for the reasons set out in Section 6.0. The table shows the failure of York to deliver sufficient housing to meet the emerging OAHN.

[68] Practice Guidance - ID:3-035-20140306

Table 7.2 Housing Completions

Year	Council Position				SHMA OAHN				Lichfield Position			
	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-
2012/13	867	482	-385	**-385**	953	482	-471	**-471**	1,150	385	-765	**-765**
2013/14	867	345	-522	**-907**	953	345	-608	**-1,079**	1,150	345	-805	**-1,570**
2014/15	867	507	-360	**-1,267**	953	507	-446	**-1,525**	1,150	507	-643	**-2,213**
2015/16	867	1,121	+254	**-1,013**	953	1,121	168	**-1,357**	1,150	1,121	-29	**-2,242**
2016/17	867	977	+110	**-903**	953	977	24	**-1,333**	1,150	894	-256	**-2,498**
Totals	**4,335**	**3,432**	**-903**		**4,765**	**3,432**	**-1,333**		**5,750**	**3,252**	**-2,498**	

Source: York Housing Monitoring Update for the Year 2016/17 / Lichfields analysis

Application of the Buffer

7.13 Judgements on the appropriate Framework buffer (i.e. 5% or 20%) to apply turns on whether there is a record of "*persistent under delivery*".

7.14 In this case, the Council has under-delivered in 8 of the past ten years when compared to the previous housing target and the emerging Local Plan (see Tables 7.1 & 7.2). A ten year period is considered to represent an entire economic cycle and an appropriate period for considering past delivery. This results in a substantial shortfall which needs to be quickly rectified. It is therefore appropriate to apply a 20% buffer to help address the significant delivery failings. This approach aligns with the Framework[69] objective to "*boost significantly*" the supply of housing and ensure that objectively assessed housing needs are met.

7.15 In respect of applying the buffer, it should be applied to both the forward requirement and the under supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.

7.16 There have been a number of appeal decisions supporting this approach. In particular, the appeal in Droitwich Spa[70] where the Inspector indicated that the buffer should be applied to the forward requirement and under supply. He stated:

> "*It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall...*" [§8.46]

The Secretary of State supported this approach in his decision letter.[71]

7.17 Table 7.3 sets out respective positions in relation to the 5-year requirement.

[69] Framework - §47
[70] Land at Newland Road and Primsland Way, Droitwich Spa (SoS Decision 02.07.14 – Ref: APP/H1840/A/13/2199085)
[71] ibid – DL §14

Table 7.3 5-Year Housing Requirement

	Council		SHMA OAHN		Lichfields	
	Calc.	**Total**	**Calc.**	**Total**	**Calc.**	**Total**
Policy Requirement (2017-2022)	867 dpa x 5	4,335	953 dpa x 5	4,765	1,150 dpa x 5	5,750
Under Supply (2012-2017)	4,335 – 3,432	903	4,765 – 3,432	1,333	5,750 – 3,252	2,498
Buffer at 20%	(4,335 + 903) x 0.2	1,048	(4,765 + 1,333) x 0.2	1,220	(5,750 + 2,498) x 0.2	1,650
Total Requirement		**6,286**		**7,318**		**9,898**
Annual Requirement	**6,286 / 5**	**1,257**	**7,318 / 5**	**1,464**	**9,898 / 5**	**1,980**

Source: Lichfields

7.18 On this basis, the 5-year requirement ranges from **6,286** to **9,898** dwellings.

Conclusion

7.19 The SHMA Update sets out an OAHN for York of 953 dpa; however, the Council has ignored this figure and adopted 867dpa for the plan period. Lichfields considers that an OAHN of 1,150 dpa is more appropriate. Even this figure explicitly excludes the needs of students living in purpose-built halls of residence.

7.20 The appropriate plan period is for this assessment is 2012-2032. We have set out the Council's past completion data and consider that a 20% buffer is required due to the persistent under delivery of housing in the City over the past 10 years.

7.21 When using the Council's OAHN and factoring in backlog and an appropriate buffer it is concluded that the annual housing requirement over the next 5-years is 6,286 (1,257 dpa), rising to 7,318 (1,464 dpa) using the SHMA's OAHN. Using Lichfields' OAHN figure would result in an annual requirement of 9,898 (1,980 dpa) over the next 5-years.

8.0 Housing Land Supply

Introduction

8.1 This section assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base.

8.2 Before considering the individual components of the supply some initial points on the assumptions made by the Council on deliverability, particularly in relation to lead-in times and delivery rates. In this context it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community's need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

Lead in Times

8.3 From the information released to date by York City Council it is impossible to decipher the Council's assumed lead in times for the proposed housing allocations outlined in the LPP.

8.4 Whilst housebuilders aim to proceed with development on site as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matter and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed design for infrastructure, mobilise the statutory utilities and commence development).

8.5 Another fundamental element in calculating appropriate lead-in times is the size and scale of the site. As a generality, smaller sites can commence the delivery of units before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure development which must be delivered in advance of the completion of units.

8.6 Table 8.1 sets out our general methodology in terms of lead-in times. We have split the methodology by site size and stage in the planning process.

Table 8.1 Lead-in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

Source: Lichfields

8.7 We provide a detailed breakdown in Table 8.2 to Table 8.5 of the lead-in times and the factors that have been taken into account. The tables, breakdown the lead in times for a typical site of up to 250 units. Obviously, the larger site categories would take long to come forward as given the additional complexities in relation to negotiate S.106 contributions, discharge conditions

and put in place the necessary on-site infrastructure.

8.8 We have incorporated a period between the grant of outline planning permission and the formulation of the scheme to allow for market assessments and board approvals. Finally, if the outline permission has been secured by a land promoter or a landowner the site would need to be marketed during this period. This period has not been included but would add between 6 months to 9 months to the delivery.

8.9 On the sites with no current planning application, the timetable assumes there is a willing developer/landowner who wishes to commence the preparation of an application immediately. However, this is not always the case and a draft allocation in a Local Plan does not necessarily mean the process of securing planning permission is commenced immediately.

Table 8.2 Full Planning Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Full Permission						
Discharge of Pre-Commencement Conditions	3	2				5
Site Commencement				3	6	9
Overall Time to 1st Completion						**14***

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.3 Outline Planning Permission - lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Permission						
Reserved Matters and Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						**19***

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.4 Application Pending Outline Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep. of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Application		4	3			7
Market Assessment						3
& Board Approval	6	4				10
Reserved Matters and/or Discharge of Pre-Commencement Conditions				3	6	9
Overall Time to 1st Completion						**29***

Source: Lichfields

Notes: * rounded to 30 months for the purposes of calculating a delivery trajectory.

Table 8.5 No Planning Application - Lead-in Times (site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Application	6	4	3			13
Market Assessment						
& Board Approval						3
Reserved Matters and/or Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						**35***

Source: Lichfields

Notes: * rounded to 36 months for the purposes of calculating a delivery trajectory.

8.10 The lead-in times set out in these tables are likely to be an underestimate based on the recent report by Barratt Homes and Chamberlin Walker.[72] The report notes that:

> *"New data for 2017 presented in this report, from Barbour ABI, indicates that 'post-planning permission' development timescales (C+D) have increased markedly: on sites of 20 homes or more it now takes at least 4.0 years on average from the grant of detailed planning permission to site completion, compared to the earlier LGA estimates of 1.7 to 3.2 years."*

In these circumstances the Council must set out clearly the lead-in times that are assumed and demonstrate that they are sound and robust. This is clearly not the case with the current evidence base.

Delivery Rates

8.11 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity. In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average

[72] The Role of Land Pipelines in the UK Housebuilding Process (September 2017) Barratt Homes & Chamberlin Walker

annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

8.12 Generally, in York on sites with a capacity of between 250 units and 500 units there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not exponentially to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.13 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery exponentially but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

Table 8.6 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

8.14 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

8.15 The 2017 SHLAA (page 20) sets out the density assumptions for each residential archetype.

8.16 It is considered that, the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.

8.17 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.

8.18 The Council has not provided sufficient information to back up their assumptions and we consider that these development densities should be revised downwards to ensure that the capacity of sites is not artificially inflated. Assumptions on development densities in the

absence of specific developer information should air on the side of caution and we consider that the details in the 2017 SHLAA are at variance with this principle.

Components of the Housing Supply

8.19 The components of the Council's supply are set out in the LPP. The LPP does not set out a delivery trajectory for each site and only sets out the expected delivery from each site over the plan period.

8.20 The information provided in the trajectory in the LPP is high level. It does not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure.

8.21 As set out above, the Council includes several student sites in its future supply which is inappropriate as no robust evidence has been provided to demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, including student accommodation in the supply is flawed and risks severely distorting the figures.

Sites with Planning Permission

8.22 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.

8.23 The LPP [§5.3] indicates that, as at 11th April 2017, there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan. However, the Council has not identified these sites nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.

Allocations

8.24 Table 5.1 of the LPP identifies the housing and strategic sites which are proposed for allocation. It provides an estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1 -10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.

8.25 The Council has not provided a detailed delivery trajectory for each of the Potential Strategic Housing Allocations and Potential General Housing Allocations. The Council has simply provided a figure for the total dwellings to be provided for the plan period without any justification on clarification on the assumptions used to derive the delivery figure. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.

8.26 The estimated phasing in LPP Table 5.1 indicates that a number of large strategic sites are to commence delivery in Year 1. With regard to this matter, Lichfields would like to express a degree of caution in relation to resourcing issues at the Council. The Council are assuming that a significant number of large planning applications will be submitted and determined concurrently in a relatively short space of time. It is not clear if the Council has fully considered

the resourcing issues associated with dealing with all these application at the same time. In our experience, the Council's Department may not have sufficient capacity to deal with a number of major applications at the same time.

8.27 Based on the information provided, Lichfields also consider there are a number of sites where the delivery of development has been substantially overestimated by the Council, including the examples below.

Sites ST14 Land to West of Wigginton Road & ST15 Land to West of Elvington Lane

8.28 The estimated phasing in LPP Table 5.1 indicates that sites ST14 (Land to West of Wigginton Road) and ST15 (Land to West of Elvington Lane) will begin to deliver in Year 1 (2018/19). Lichfields consider this anticipated early delivery to be unrealistic for a number of reasons:

1 The sites are located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.

2 A clear strategy is needed to deliver the sites during the plan period. Both are in multiple ownerships and the siting of each allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.

3 In view of their size and complexity much work will be needed to develop masterplans and establish viability of the developments to be progressed through the planning system.

4 Detailed masterplans will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.

5 Given the scale and location of the developments the schemes will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology and transportation and historic character of the City.

6 The sites are isolated and there is no existing infrastructure capable of accommodating the proposed level of development. Both sites do not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Their development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the developments.

7 The proposed sites are not obviously sustainable in that they are not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocations do not become satellite, dormitory communities wholly reliant on private transport for every journey away from the home.

8.29 The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.

8.30 We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

Windfalls

8.31 The Council clams that 169dpa will be delivered on windfall sites from Year 3 of the trajectory (2020/21) and provides justification for their windfall allowance in its Windfall Allowance Technical Paper (2017).

8.32 The Framework[73] sets out the local planning authorities may make allowance for windfall sites in the 5-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.

8.33 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate outwith the first 5-year period. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3 and double counting sites with permission. It does not account for any potential delays to the build out sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 5 (2022/23) onwards.

8.34 The Council consider that an annual windfall of 169dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites.

8.35 However, the figure of 169 dwellings has only been achieved four times over the past 10 years and only twice since the base date of the new plan period (2012). This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.

8.36 In relation to the delivery on sites of <0.2ha, Lichfields consider that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed by the change in definition of previously developed land (June 2010) to remove garden sites. In addition, the Council started to request small sites to make contributions towards affordable housing provision and required rural sites with a capacity of more than 15 units to provide on-site affordable housing. This has made the provision of units on small sites less attractive to the market. Since the policy change and the introduction of affordable housing contributions the quantum of completions on windfall sites in York has plummeted. As a consequence, the future supply from this source should only consider the average completion rate since 2009/10 of 33dpa.

8.37 In relation to the delivery from conversions, the average completion figure in the past three years is largely dependent on recent changes to permitted development rights. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in York will not be converted. As such the average conversion rate from 2007/08 to 2013/14 of 64dpa should be used.

8.38 Based on the above assessment it is considered that the proposed windfall allowance should be reduced from 169dpa to 100dpa (rounded up from 97) which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council's trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 5 (2022/23) to ensure no double counting.

8.39 It is considered that the Council's information does not adequately justify a windfall allowance of 169dpa and does not provide sufficient certainty that this figure will be achieved over the plan period. We reserve the right to revise our position on windfalls if the Council prepares and releases further justification.

[73] The Framework, §48

Conclusion

8.40 Lichfields has undertaken an analysis of the Council's evidence base documents and consider that the evidence provided by the Council is not sufficient to demonstrate that the dwelling requirement over the plan period and a 5-Year supply will be achieved. It is also considered that some of the proposed delivery rates on sites are unfounded and unrealistic.

9.0 Balance of the Requirement and Supply

Introduction

9.1 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position, as required by the Framework. In these circumstances, it can only be assumed that the Council considers that it can demonstrate an adequate housing supply in the initial 5-year period and over the plan period. However, no evidence has been produced to demonstrate this position.

9.2 As a consequence, this section sets out an assessment of the housing supply against the three OAHNs for York (set out in Section 4).

5-Year Supply

Adequacy of Supply

9.3 The five year supply has been assessed against the Council's LPP housing target of 867 dpa; the SHMA Update's OAHN of 953 dpa; and Lichfields OAHN (1,150 dpa). The requirement is then compared to the Council's supply figures. The assessments in both cases make provision for the backlog and 20% buffer for persistent under delivery as calculated in Section 7. The calculation of Lichfields' position excludes any windfall allowance for the reasons we have set out in this Technical Report. As the Council has not provided adequate evidence to show how committed, allocated sites, student housing etc. factor into the housing supply, it has not been possible to fully assess the supply position and make further amendments. However, on the basis of our comments above, it is likely that this would reduce the housing supply considerably. Table 9.1 sets out the relative positions.

Table 9.1 5-Year Housing Land Supply Position using the Council's and Lichfields' OAHNs

Housing Requirement (2017-2022)		**York Assumed Position**		**SHMA OAHN**		**Lichfields' Position**	
Local Plan OAHN (dpa)			867		953		1,150
5 Year Requirement	2017-2022		4,335		4,765		5,750
Backlog	2012-2017	903		1,333		2,498	
Framework Buffer	20%	1,048		1,220		1,650	
Sub Total		1,951	1,951	2,553	2,553	4,148	4,148
5-year Requirement	**2017-2022**		**6,286**		**7,318**		**9,898**
Annual 5-year requirement			**1,257**		**1,464**		**1,980**
Housing Supply (2017-2022)							
Projected Housing Completions including Windfall Allowance from Year 3 (windfall allowance excluded from Lichfields' Position)			5,902		5,902		5,769
Total Supply	**2017-22**		**5,902**		**5,902**		**5,769**
Difference (Undersupply expressed as a minus)			**-384**		**-1,416**		**-4,129**
5-Year Supply Expressed as Years of Residual Annual Requirement			**4.70**		**4.03**		**2.91**

Source: Lichfields Analysis

9.4 The table demonstrates that even when comparing the likely delivery within the 5-year period to the Council's OAHN, there is not an adequate supply of housing land. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.

9.5 In addition, for the reasons we have raised in the previous section, the Council's 5-year supply figure of 5,902 dwellings is considered to be optimistic and all of this supply is unlikely to come forward over the 5-year period, which would further exacerbate the supply shortfall. Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere is not in accordance with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence.

Implications of the 5-Year Supply Position

9.6 The Council has a significant shortage of housing land in the first 5-years. This is a significant issue for the Council which means the plan is not 'sound' in its current form. It is therefore imperative that additional sites are allocated for housing to tackle this issue. These should be sites without any immediate constraints that can be delivered quickly once the plan is adopted.

The Plan Period Supply

9.7 There is also a significant shortfall of housing over the Plan period, when assessed against the Lichfields OAHN of 1,150 dpa and the 2,498 dwelling shortfall in delivery for the period 2012 to 2017 identified in Table 7.2 (a total figure of 20,898 dwellings over the Plan period 2012 to 2033). LPP Table5.2 indicates a supply of 18,839 dwellings which is equivalent to a shortfall of 2,059 dwellings over this period.

Conclusion

9.8 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.

9.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.

9.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.

9.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

9.12 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available, particularly regarding student housing needs.

10.0 Summary

Context

10.1 The Framework sets out that LPAs should use their evidence base to ensure they 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 Framework.

10.2 The SHMA Assessment Update makes a number of assumptions and judgements which Lichfields considers to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the concluded OAHN is not robust and is inadequate to meet need and demand within the HMA.

Conclusions on the City of York's Housing Need

10.3 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.

10.4 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:

1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.

2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.

3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.

10.5 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:

1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates

amongst younger age cohorts takes the demographic starting point to 871dpa.

2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871dpa re-based demographic starting point, this would indicate a need for 1,045dpa.

The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;

3 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is 7.5% higher than the MHCLG proposed standardised methodology figure of 1,070 dpa.

10.6 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework [§47] by significantly boosting the supply of housing. It would also reflect the Framework [§19], which seeks to ensure the planning system does everything it can to support sustainable development. We would note that these figures do not include the need for specialised student accommodation, which would be additional.

Conclusions on Housing Land Supply

10.7 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.

10.8 Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere does not accord with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence

10.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.

10.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.

10.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

10.12 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves that right to update the above evidence as and when further information becomes available.

Appendix 1: Lichfields Market Signals Assessment

LICHFIELDS

Appendix 1

Our ref 50642/03/MW/CR
Date 19th March 2018

Subject Lichfields Market Signals Assessment

1.0 Market Signals

Introduction

1.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

"Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities." [§17]

1.2 The Practice Guidance requires market signals to be assessed against comparator locations . The analysis in the following sections focuses on comparing the City of York and other Local Authorities and England to benchmark their performance against trends both across the wider region and nationally.

1.3 The Guidance sets out six key market signals[1]:

1 land prices;

2 house prices;

3 rents;

4 affordability;

5 rate of development; and,

6 overcrowding.

1.4 It goes on to indicate that appropriate comparison of these should be made with upward adjustment made where such market signals indicate an imbalance in supply and demand, and the need to increase housing supply to meet demand and tackle affordability issues:

"This includes comparison with longer term trends (both in absolute levels and rates of change) in the housing market area; similar demographic and economic areas; and nationally. Divergence under any of these circumstances will require upwards adjustment to planned housing numbers compared to ones based solely on household projections".

"In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in

[1] 2a-019-20140306

affordability needed and, therefore, the larger the additional supply response should be."[2]

1.5 The Practice Guidance sets out a clear and logical 'test' for the circumstances in which objectively assessed needs (including meeting housing demand) will be in excess of demographic-led projections. In the context of the Framework and the Practice Guidance, the housing market signals have been reviewed to assess the extent to which they indicate a supply and demand imbalance in the City of York and other comparable local authorities and therefore indicate that an upwards adjustment should be made over the demographic-led baseline already identified.

Housing Market Indicators

1.6 In the context of The Framework and the Practice Guidance, each of the housing market signals have been reviewed to assess the extent to which they indicate an imbalance between supply and demand in the City of York.

Land Prices

1.7 CLG has published a document entitled '*Land value estimates for policy appraisal*' (February 2015) which contains post permission residential land value estimates, per hectare for each Local Authority. For York this figure is £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

House Prices

1.8 The Practice Guidance[3] identifies that longer term changes in house prices may indicate an imbalance between the demand for and supply of housing. Although it suggests using mix-adjusted prices and/or House Price Indices, these are not available at local authority level on a consistent basis, and therefore for considering market signals in York, price paid data is the most reasonable indicator.

1.9 Land Registry price paid data displays the median prices in York, alongside North Yorkshire and England as of 2016 (Table 1.1). These median prices illustrate lower prices in York compared to national rates, but higher prices than in the surrounding sub-region.

Table 1.1 Median Dwelling price, York (2016)

	Median Dwelling Price 2016
York	£220,000
North Yorkshire	£199,995
England	£224,995

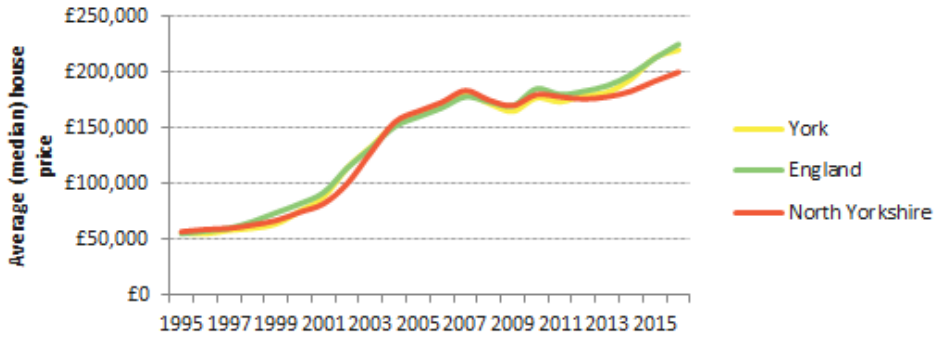
Source: ONS Price Paid Data

1.10 CLG publishes series data on median house prices based on the same Land Registry price paid data series. This currently runs from 1996 to 2016. This longitudinal analysis is illustrated in Figure 1.1, which indicates that the City of York has seen virtually identical levels of house price growth to the national average since 1999. The figure remains slightly below the England

[2] 2a-020-20140306
[3] 2a-019-20140306

average at present, but is above the North Yorkshire median.

Figure 1.1 Median House Prices



Source: ONS Price Paid Data

1.11 In 2016 median house prices in York were just 2% lower than the national average, whilst the City ranked as being the 166th most expensive place to live in England (out of 326 districts).

1.12 It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.

1.13 As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York's median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

Affordability

1.14 The CLG's former SHMA Practice Guidance defines affordability as a '*measure of whether housing may be afforded by certain groups of households*'[4]. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].

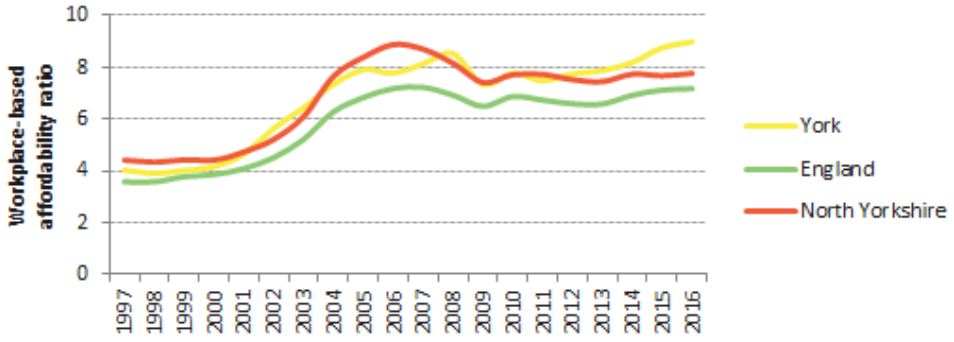
1.15 The Practice Guidance concludes that assessing affordability involves comparing costs against a household's ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings.

1.16 Using CLG affordability ratios, Figure 1.2 illustrates that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price

[4] Annex G

in York City was approximately 9.0-times the LQ (workplace-based) income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Figure 1.2 Ratio of house price to lower quartile earnings



Source: ONS Affordability Data

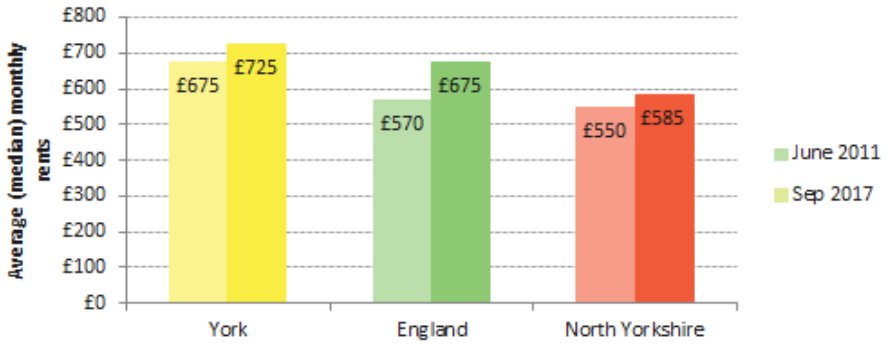
1.17 It can be seen in Figure 1.2 that over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%). Indeed, across the whole of northern England, only Manchester City has experienced a higher rate of increase in its affordability ratio than York.

1.18 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

1.19 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures (Figure 1.3).

Figure 1.3 Median Monthly Rents



Source: VOA Private Rental Market Statistics

Rate of Development / Under delivery

1.20 The rate of development is intended to be a supply-side indicator of previous delivery. The Practice Guidance states that:

> *"…if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan"*[5]

1.21 York has never had an adopted Local Plan, hence the only relevant previous 'planned supply' figure is the target within the former Yorkshire and the Humber RS up to 2012. Thereafter, we have compared delivery against the household projections and its preferred OAHN range, as set out in Table 1.2.

Table 1.2 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2015/16

Year	Net Housing Completions	Council's OAHN (867 dpa)	
		'Need'*	+/-
2004/05	1,160	640	+520
2005/06	906	640	+266
2006/07	798	640	+158
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	867	-385
2013/14	345	867	-522
2014/15	507	867	-360
2015/16	1,121	867	+254
2016/17	977	867	110
Total	**8,612**	**10,295**	**-1,683**

Source: ARUP (August 2015): Evidence on housing Requirements in York: 2015 Update, Table 4 and City of York Half Year Housing Monitoring Update for Monitoring Year 2017/181
*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

[5]Section 2a-019-20140306

1.22 It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-delivery is 1,683 dwellings over the past 13 years.

1.23 Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

Overcrowding and Homelessness

1.24 Indicators on overcrowding, sharing households and homelessness demonstrate un-met need for housing within an area. The Practice Guidance suggests that long-term increases in the number of such households may be a signal that planned housing requirements need to be increased.

1.25 The Guidance states that indicators on:

"…overcrowding, concealed and sharing households, homelessness and the number in temporary accommodation demonstrate unmet need for housing. Longer term increases in the number of such households may be a signal to consider increasing planned housing numbers…"[6]

1.26 The Census measures overcrowding based on a standard formula, which measures the relationships between members of a households (as well as the number of people in that household) to determine the number of rooms they require. A rating of -1 or less indicates a household has one fewer room than required, +1 or more indicates a household has one or more rooms than needed. At the national level, affordability issues in recent years, as well as a shortfall in housing supply, have meant that people are either willing to accept sub-optimal living conditions (e.g. living in a smaller home to manage costs) or are forced into accepting such housing outcomes (e.g. are priced out of the market and have to share with friends/family).

1.27 Table 1.3 illustrates that overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011).

[6] Section 2a-019-20140306

Table 1.3 Overcrowding: Household Room Occupancy Rating

	2001			2011		
	Total Households	**-1 room occupancy or less**	**-1 room occupancy or less (%)**	**Total Households**	**-1 room occupancy or less**	**-1 room occupancy or less (%)**
York	76,926	3,887	**5.1%**	83,552	5,930	**7.1%**
England	20,451,427	1,457,512	**7.1%**	22,063,368	1,928,596	**8.7%**

Source: Census 2001 / Census 2011
Note: The definition of the Census 'bedroom standard' is slightly different from the 'occupancy rating' that informs the Government's Under-Occupancy Charges, i.e. the Census states that 'two persons of the same sex aged between 10 and 20' can occupy one bedroom, whilst the Under Occupancy Charge changes this to 'any two children of the same sex aged under 16'. It is possible that if the Government's policy continues into the long term, then changes will be made to the categorisation of the Census's Occupancy Rating to bring the two datasets into line.

1.28 The Census also recorded the number of concealed families (i.e. where there is more than one family present in a household). Nationally, this rose significantly between 2001 and 2011, at least in part due to the impact of the recession on younger households' ability to afford their own home. This meant that many younger people, including families, remained in the family home for longer than might have been expected in the past, either through choice (to save money) or through necessity.

1.29 At the time of the 2011 Census, 1.9% of all families in England were concealed; this represented 275,954 families. This is a rise compared to 2001 when 1.2% of families were concealed. In York, a lower percentage of families were concealed (1.1%) than nationally (1.9%). However, this represents a higher proportional rise, of almost two thirds, from the 2001 figure. This is presented in Table 1.4.

Table 1.4 Concealed Families in York, Yorkshire and Humber and England 2001-2011

	Concealed Families		Change (percentage points)	Change in %
	2001	2011		
York	330 (0.7%)	586 (1.1%)	+0.43	+65.7%
Yorkshire and the Humber	15,890 (1.1%)	25,410 (1.7%)	+0.57	+51.1%
England	161,254 (1.2%)	275,954 (1.9%)	+0.69	+59.2%

Source: Census 2011/2011

1.30 The levels of overcrowding and concealed households in York are moderate when compared with the national and regional averages but have increased at a higher rate (albeit from a lower base). While the level of overcrowding and number of concealed households is not so significant as to conclude that there is severe market pressure, it nevertheless highlights inadequacy reducing flexibility in the housing market.

1.31 The levels of overcrowding are likely to be a symptom associated with restricted incomes in York, with people either willing to accept sub-optimal living conditions (e.g. living in smaller houses to manage costs) or forced into accepting such housing outcomes (e.g. are priced out and have to share with friends/family). In such circumstances, overcrowding and concealed households may be indicative of insufficient supply to meet demand.

1.32 Table 1.5 indicates that York has a comparatively low number of homeless people in priority need, of just 97 (or 1.1 per 1,000 households), which is less than half the national rate. The fall in homelessness levels in the City has also been much more pronounced than elsewhere in England over the past ten years, although broadly comparable to Yorkshire and the Humber as a whole.

Table 1.5 Number accepted as being homeless and in priority need 2006/07-2016/17

	Homeless and in Priority Need		% Change	Absolute Change
	2006/07	2016/17		
York	213 (2.70 / 1,000 H'holds)	97 (1.1 / 1,000 H'holds)	-54%	-1.60 / 1,000 H'holds
Yorkshire and the Humber	8,220 (3.87 / 1,000 H'holds)	3,670 (1.60 / 1,000 H'holds)	-55%	-2.27 / 1,000 H'holds
England	73,360 (3.48 / 1,000 H'holds)	59,110 (2.54 / 1,000 H'holds)	-19%	-0.94 / 1,000 H'holds

Source: CLG Live Table 784: Local authorities' action under the homelessness provisions of the Housing Acts (P1e returns)

Synthesis of Market Signals

1.33 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and the adverse outcomes that are occurring because of this.

1.34 The performance of York against County and national comparators for each market signal is summarised in Table 1.6. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.

1.35 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values causing affordability difficulties.

Table 1.6 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis
Footnote: Worse = performing worse against the average
Better = performing the same or better against the average
~ = data not available

1.36 To draw meaningful conclusions on the extent to which these market indicators show housing market stress within the City of York and a level of supply that is not meeting demand, the Practice Guidance suggests that comparisons of absolute levels and rates of change in such indicators should be made with comparator areas and nationally. For this reason, York has been compared and ranked against other local authority areas, and England as a whole.

1.37 These comparator areas have been chosen on the following basis:

1 Other nearby areas within the wider Yorkshire and the Humber Region:

a East Riding

b Hambleton

c Harrogate

d Hull

e Leeds

f Ryedale

g Selby

h Wakefield

2 The Practice Guidance also states that market signals must be compared with authorities which are not necessarily close geographically, but which share characteristics in terms of economic and demographic factors. These authorities have been chosen by examining the 'OAC Supergroup Area Classification Map', produced by the ONS in 2015, which groups each local authority into various socio-economic classifications. York, as a 'Coast and Heritage' authority, has been compared with other communities similarly classified within this ranking and which share similar socio-economic characteristics:

a Bath and North East Somerset

b Canterbury

c Cheltenham

d Colchester

e Lancaster

f Scarborough

g Taunton Deane

h Worcester

1.38 England has been used as the final comparator for both sets of tables. A comparison across the range of housing market signals within the authorities identified above is presented in Table 1.7 and Table 1.8. A higher ranking in these tables suggests a worse, or comparatively poorer-performing, housing market for that indicator.

Table 1.7 York Market Signals Comparator Table [Neighbouring Authorities

	House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
Rank	2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
Worsening housing market outcomes												
1	Harrogate	Harrogate	York	Ryedale	Ryedale	gston upon Hull, Cit	Ryedale	Ryedale	gston upon Hull, Cit	York	England	England
2	England	York	Harrogate	Harrogate	Harrogate	ast Riding of Yorkshi	Harrogate	York	Ryedale	Harrogate	Leeds	Leeds
3	Hambleton	England	Ryedale	York	York	Wakefield	York	gston upon Hull, Cit	York	England	Harrogate	gston upon Hull, City of
4	York	Hambleton	Selby	Hambleton	ast Riding of Yorkshi	England	Hambleton	England	ast Riding of Yorkshi	Leeds	gston upon Hull, Cit	Harrogate
5	Ryedale	Ryedale	England	England	England	Ryedale	Selby	ast Riding of Yorkshi	England	Hambleton	York	Ryedale
6	Selby	Selby	Hambleton	Selby	gston upon Hull, Cit	York	England	Harrogate	Wakefield	Ryedale	Ryedale	Selby
7	Leeds	ast Riding of Yorkshi	gston upon Hull, Cit	ast Riding of Yorkshi	Selby	Harrogate	ast Riding of Yorkshi	Selby	Selby	Selby	Selby	York
8	ast Riding of Yorkshi	Leeds	ast Riding of Yorkshi	Leeds	Wakefield	Leeds	Leeds	Hambleton	Leeds	Wakefield	ast Riding of Yorkshi	ast Riding of Yorkshire
9	Wakefield	Wakefield	Leeds	Wakefield	Leeds	Selby	Wakefield	Wakefield	Harrogate	ast Riding of Yorkshi	Hambleton	Hambleton
10	gston upon Hull, Cit	gston upon Hull, Cit	Wakefield	gston upon Hull, Cit	Hambleton	Hambleton	gston upon Hull, Cit	Leeds	Hambleton	gston upon Hull, Cit	Wakefield	Wakefield
11												
12												
13												
14												
Better housing market outcomes												
	ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		

	Overcrowded households			Concealed families			~			~		
Rank	2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
Worsening housing market outcomes												
1	Leeds	York	England	England	gston upon Hull, Cit	England						
2	England	England	Leeds	Leeds	England	Leeds						
3	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	Selby	gston upon Hull, City of						
4	York	Leeds	York	Wakefield	Leeds	Wakefield						
5	Wakefield	Harrogate	ast Riding of Yorkshi	Selby	Wakefield	ast Riding of Yorkshire						
6	Harrogate	Selby	Wakefield	York	York	York						
7	Selby	ast Riding of Yorkshi	Harrogate	Hambleton	Hambleton	Selby						
8	ast Riding of Yorkshi	Wakefield	Selby	ast Riding of Yorkshi	ast Riding of Yorkshi	Harrogate						
9	Ryedale	Hambleton	Hambleton	Harrogate	Harrogate	Hambleton						
10	Hambleton	Ryedale	Ryedale	Ryedale	Ryedale	Ryedale						
11												
12												
13												
14												
Better housing												
	Census			Census								

Table 1.8 York Market Signals Comparator Table ['Coast and Heritage' Authority Comparisons]

Rank	House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
	2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
1	and North East Som	and North East Som	Canterbury	and North East Som	and North East Som	Lancaster	Canterbury	Canterbury	York	and North East Som	Lancaster	Lancaster
2	Canterbury	Canterbury	York	Canterbury	Canterbury	and North East Som	and North East Som	York	England	Canterbury	and North East Som	and North East Somerset
3	Cheltenham	Colchester	Colchester	York	York	England	York	and North East Som	Lancaster	York	England	England
4	Colchester	Cheltenham	and North East Som	Colchester	Colchester	Canterbury	Cheltenham	England	Canterbury	Colchester	Colchester	Colchester
5	England	York	England	Taunton Deane	England	York	Colchester	Cheltenham	Cheltenham	Cheltenham	Worcester	Worcester
6	York	England	Lancaster	Worcester	Lancaster	Colchester	Taunton Deane	Lancaster	and North East Som	England	Cheltenham	Scarborough
7	Taunton Deane	Taunton Deane	Cheltenham	Cheltenham	Scarborough	Scarborough	Worcester	Worcester	Worcester	Taunton Deane	Scarborough	Cheltenham
8	Worcester	Worcester	Taunton Deane	England	Worcester	Worcester	England	Colchester	Scarborough	Worcester	Canterbury	Taunton Deane
9	Lancaster	Lancaster	Scarborough	Scarborough	Taunton Deane	Taunton Deane	Scarborough	Scarborough	Colchester	Lancaster	York	Canterbury
10	Scarborough	Scarborough	Worcester	Lancaster	Cheltenham	Cheltenham	Lancaster	Taunton Deane	Taunton Deane	Scarborough	Taunton Deane	York
11												
12												
13												
14												
	ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		

Worsening housing market outcomes

Better housing market outcomes

Rank	Overcrowded households			Concealed families			~			~		
	2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
1	England	York	England	England	England	England						
2	Cheltenham	Colchester	York	Worcester	Canterbury	York						
3	Canterbury	Cheltenham	Colchester	Canterbury	York	Canterbury						
4	Colchester	England	and North East Som	Scarborough	Taunton Deane	Colchester						
5	York	Worcester	Canterbury	Lancaster	Scarborough	and North East Somerset						
6	and North East Som	and North East Som	Cheltenham	Taunton Deane	Worcester	Taunton Deane						
7	Worcester	Taunton Deane	Worcester	York	Colchester	Scarborough						
8	Scarborough	Canterbury	Taunton Deane	and North East Som	Lancaster	Lancaster						
9	Taunton Deane	Scarborough	Scarborough	Cheltenham	and North East Som	Worcester						
10	Lancaster	Lancaster	Lancaster	Colchester	Cheltenham	Cheltenham						
11												
12												
13												
14												
	Census			Census								

Worsening housing market outcomes

Better housing

1.39 It is clear from this analysis that the housing market in the City of York is increasingly dysfunctional, with a very steep level of house price growth in recent years leading to significant affordability challenges generating adverse outcomes for residents who need to access the housing market. The comparative analysis suggests that when compared against neighbouring Yorkshire districts, York has experienced the highest rate of house price growth over the period 1999 to 2016, at levels significantly above the national average at a rate higher than the national level of growth. Only Harrogate and Hambleton have higher house prices, whilst only Harrogate and Ryedale have higher affordability ratios.

1.40 Median rental levels are also the highest of all the comparator Yorkshire authorities and the City has the highest rate of change of overcrowded households.

1.41 The performance of York's housing market relative to comparable authorities further afield (Table 1.8) which share similar socio-economic characteristics also suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.

1.42 The Practice Guidance, as well as providing general economic principles, points towards such factors as indicating that additional supply, over and above that solely needed by demographic change, may need to be delivered in order to address affordability and to reverse adverse housing market trends within the HMA.

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APPENDIX 3

JohnsonMowat
Planning & Development Consultants

Forward Plans Team

Planning Services

City of York Council

West Offices

Station Rise

York, YO1 6GA

30 October 2017

Dear Sir/Madam

City of York Local Plan, Pre-Publication Draft September 2017

Response in relation to Cumulative Impact of Policy and Implications for CIL

The response is provided on behalf of our client **Taylor Wimpey UK Ltd**.

This response is provided as an 'Interim' response on the topic of 'viability' insofar as it relates to the strategic residential site ST7 (and any overlap on ST8) and the implications of the policy requirements of the Plan and the potential for a CIL.

The site specific policies for ST7 is SS9. In addition, there are numerous policies in the Local Plan that may have financial implications for these strategic sites but information on whether or not they apply and to what extent is not outlined in the Plan. The Council's supporting September 2017 Viability and CIL document produced by Peter Brett Associates (PBA) is helpful but equally inconclusive on many critical matters.

The PBA Report at Table 3.1 (page 14-27) provides a summary of policies where 'developer contributions' are likely to be sought via individual policies of the Plan. Our own assessment suggests there to be circa 30 such policies seeking some form of financial assistance from the private sector via the allocations or developments. The potential for a CIL does not feature in the Local Plan and from the PBA Report, it is unclear as to which of these policies would fall within the remit of a CIL should the Council decide on that route.

As matters currently stand, the PBA Report suggests a CIL of circa £150/sq.m could be applied to all but a few large scale residential sites. For some unknown reason, sites ST2 and ST4 are identified for considerably lower CIL rates yet from the text of the Local Plan policies and in particular SS9, site ST7 faces a particularly high burden of S106 and potentially the high CIL rate.

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The suggestion of a CIL rate of £150/sq.m is far higher than other northern cities and will take some defending.

It is clear we now need to engage with the Council on the matter of viability on a site specific basis. The Local Plan as drafted remains unclear on the timing of strategic highway improvements and educational facility upgrades and to what level individual developments are expected to contribute. The PBA Report has undertaken a Viability Appraisal based upon a standard S106 cost of £3,300 per dwelling but no mention is made as to whether or not education and highways is included or excluded from this sum.

What is currently very clear, site ST7 will not be viable with the suggested CIL and to have the site specific; education, community facilities, public transport upgrades and wider strategic higher network upgrades sat outside the CIL as additional items.

As drafted, the current Local Plan lacks clarity on developer contributions and the role of the CIL.

General comments on the PBA Report

The following remarks are our response to the September 2017 PBA Report.

Table 3.1: Viability Policy Matrix.

While this is a useful summary of policies with costs, there are several policies where 'developer contributions' are sought but appear as 'nil cost' in Table 3.1. e.g., T8, T9, C1.

Additionally, Table 3.1 would be improved through the addition of a column to inform which policy item would fall within the scope of the CIL. e.g., ED6 and T1?

Build Costs

While we support the PBA use of BCIS 'Median values' as being appropriate for York, we note para 5.3.7 and Table 5.7 has sought to justify the use of Q3 2015 BCIS build costs as being more certain than any more up to date BCIS estimated figures. The September 2017 BCIS costs are 14% higher than the Q3 2015 figures used by PBA and while we accept these are estimates, the scale of the increase in build costs over these last 2 years is not a matter than can be overlooked and we expect this to be addressed in future updates and reviews.

External Costs

The 10% uplift for services is supported.

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Professional Fees

Our Client requests 10%.

Contingency

The 4% contingency is noted. However, strategic sites with longer lifespans are notoriously difficult to forecast and we suggest a 5% figure is used for sites over 500 dwellings.

Greenfield Site Costs

We accept these costs are very general and will need to be considered on a site by site basis. In the case of ST7, the Council's desire to have the development divorced from the urban area and highway network will impact significantly on costs.

Land Purchase Costs

Accepted.

Developer Profit

Not accepted. All major house builders operate on a 20% return on both market and affordable housing. The 6% return on affordable housing referenced by PBA is not accepted as a reasonable approach.

Finance

Our client normally works from 7%.

S106 and Policy Costs (excluding aff housing)

Para 5.4.2 of the PBA references an average of £3,300 per dwelling from recent York Schemes. What is not clear is whether or not PBA expect this to be applied to Strategic Sites and whether or not it includes the 'big ticket items' such as those referenced in Policy SS9 and SS10.

What is clear is £3,300 for each of the 845 dwellings on ST7 would generate a total S106 pot of circa £2.8M which will **not** deliver; the Primary School on-site, community facilities on site, support to a new High School off-site, public transport improvements and strategic highway upgrades. Indeed, the £2.8M would provide nothing beyond a single form entry Primary School.

This text needs to understand and explain what is expected of sites such as ST7.

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Affordable Housing

We have made representations under separate cover. We consider 25% affordable housing would be a more appropriate limit on strategic sites such that more investment can be made into social infrastructure.

Benchmark Land Values

We do not agree the strategic sites can be delivered on a land value any different to that stated for urban and sub-urban sites. The strategic sites are essentially sub-urban sites albeit the Council has chosen to divorce them from the urban area making them more expensive to deliver through higher services costs and higher access road costs.

We trust the Council will find this response as useful feedback and look forward to more informed site specific discussions over the coming months.

Yours Sincerely

[redacted]

Mark Johnson, MRICS, MRTPI

Managing Partner

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SID 586

[redacted]

From: Maria Boyce [MBoyce@savills.com]
Sent: 03 April 2018 14:24
To: localplan@york.gov.uk
Cc: thomas_park@btconnect.com
Subject: Representations on the York Local Plan Publication Draft
Attachments: Wheldrake.pdf; Wigginton.pdf

Dear Sir/Madam,

Please find attached copies of representations made on behalf of our clients:

- Mr Thomas and Mr Allen Park in respect of land at Wigginton
- Mr Allen and Mrs Dorothea Park in respect of land at Wheldrake

Should there be the need for any further information, please do not hesitate to contact me. Otherwise we look forward to receiving confirmation of receipt of the representations in due course.

Kind regards,

Maria

Maria Boyce MRTPI
Planning
Associate Director

Savills, Ground Floor, City Point, 29 King Street, Leeds LS1 2HL
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party and the figures suggested are in accordance with Professional Standards PS1 and PS2 of the RICS Valuation – Global Standards 2017 incorporating the IVSC International Valuation Standards issued June 2017 and effective from 1 July 2017. Any advice attached is not a formal ("Red Book") valuation, and neither Savills nor the author can accept any responsibility to any third party who may seek to rely upon it, as a whole or any part as such. If formal advice is required this will be explicitly stated along with our understanding of limitations and purpose.

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title	Mr	Mrs
First Name	Thomas and Allen	Maria
Last Name	Park	Boyce
Organisation (where relevant)		Savills (UK) Ltd
Representing (if applicable)	C/O	
Address – line 1	33 Dower Park	Ground Floor, City Point
Address – line 2	Escrick	29 King Street
Address – line 3	York	Leeds
Address – line 4		
Address – line 5		
Postcode	Y019 6JN	LS1 2HL
E-mail Address	thomas_park@btconnect.com	mboyce@savills.com

Telephone Number	07764224300	0113 220 1286

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft [x]

Policies Map [ ]

Sustainability Appraisal/Strategic Environmental Assessment [ ]

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes [ ] No [ ]

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes [ ] No [ ]

4.(3) Please justify your answer to question 4.(1) and 4.(2)

No comment.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☒

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☒	**Justified**	☒
Effective	☒	**Consistent with national policy**	☒

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.	SS1 and H1	Site Ref.	

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Publication Draft Local Plan is vastly insufficient in its housing numbers proposed and will require new sites to meet the additional housing need identified within the area.

The approach taken does not meet with any of the test of soundness for the following reasons:

The plan is not based upon a strategy that seeks to meet the objectively assessed need. The DCLG Consultation *Document "Planning for the right homes in the right places: consultation proposals"* sets out an annual requirement of 1070 dwellings as a minimum per annum for York and the Plan fails to increase it housing targets to meet this identified need. Without taking any identified shortfall that currently exists in the period 2012-2017 and taking into account the proposed housing target within the Pre-Publication Draft Local Plan, this leaves a shortfall of **over 4000 additional dwellings** that will be required to cover the period to 2032.

This approach is neither positive, justified, effective, nor consistent with National Policy.

Please see attached representation for further details of the proposed site for allocation as part of Policy H1.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Revisions to Policy SS1 to address the housing shortfall and a adopt a robust annual housing requirement in line with the published DCLG Consultation *Document "Planning for the right homes in the right places: consultation proposals"* which sets out an annual requirement of 1070 dwellings as a minimum per annum for York.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the examination	X

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To outline the credentials of the land at Wigginton as a key site that could help deliver housing growth in York.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature	Savills (UK) Ltd	**Date**	03/04/2018

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

30 October 2017
Wigginton_York Local Plan Reps Oct 2017.docx

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Dear Sir/Madam,

REPRESENTATIONS ON THE YORK DRAFT LOCAL PLAN OCTOBER 2017
LAND TO THE NORTH OF HAREWOOD CLOSE, WINDSOR DRIVE, WIGGINTON, YORK, YO32 2QH

These representations have been prepared by Savills (UK) Ltd on behalf of Mr Allen Park and Mr Thomas Park in response to the consultation on the Pre-Publication Draft Local Plan York, September 2017 which is currently being consulted on between 18th September and 30th October 2017.

This representation has been submitted for the council's consideration of land to the north of Harewood Close, to the north of Wiggington, York for residential development. This letter should be read alongside the associated Location Plan.

This letter seeks to demonstrate that the inclusion of this land for residential purposes rather than proposed Green Belt can help deliver a high-quality and sustainable extension to Wigginton and as such, should be a key priority for the council so that projected housing requirements can be met.

This representation is set out as follows:

- A description of the site and its context.
- A review of relevant planning history.
- Planning Policy considerations, in the context of Green Belt inclusion and housing delivery.
- Final conclusions.

THE SITE AND CONTEXT

Location

The site comprises 27 acres (approximately 11ha) of land immediately to the north of Wigginton Village, approximately 4 miles to the north of York (Grid Reference 459607, 458976) as shown on the enclosed Location Plan.

The site is located to the east of Wigginton Road, Sutton Road and Wigginton Playing Fields. The site lies to the north of Windsor Drive and Harewood Drive which are located immediately south, abutting the site, providing the proposed access into the land.

The character of Wigginton Village is predominately residential but also comprises a small centre with some local services. The growth of Wigginton over the years has seen the village expand to the adjacent town of Haxby, and the two now form a continuous urban environment.

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The site is within an extremely sustainable location, with the site being within walking distance of all the services and amenities of Wigginton and Haxby. Wigginton is well served by public transport with bus services operating to York, Easingwold, Monks Cross and the University amongst other locations.

Landscape and Topography

The site is situated within land designated to form part of the proposed York Green Belt and is currently used for agricultural purposes. The site is situated within the Vale of York National Landscape Classification Area which is characterised by relatively flat, low lying land with arable cultivation being the predominant land use.

The site is also located within an identified green wedge within the Historic Character and Setting Study and an area that is important in extending the pattern of historic green wedges from the city.

Access, Highways and Transport

The site is extremely well located and occupies a highly accessible and strategic position to the north of York. Haxby and Wigginton are designated as a district centre and are deemed to be sustainable locations for development. The site is within walking distance of the services and amenities.

In terms of road accessibility, Wigginton Road, located just west of the site forms the principal highway between the site and York centre and also provides connections to the A1237 ring road and the A19 for more strategic road connections. The nearby A59 provides access to the A1 (M).

The site is a short walk from local bus stops which provide frequent (every 12 minutes) services to York Centre and the Rail Station, with 1 hourly services to Monks Cross, Askam Bryan and York Colleges, the Hospital, Easingwold and Crayke.

The site therefore provides a choice of sustainable transport options that are accessible to prospective residents which is a key requirement within the National Planning Policy Framework (NPPF)[1].

In terms of access, it is anticipated that access into the site would be taken from the existing access spur located off located off Harewood Drive and Windsor Drive.

Flood Risk

A desktop review of the Environment Agency's website has confirmed the site is located within Flood Zone 1 and very low risk from surface water flooding.

Ecology

There are no statutory or non-statutory designated sites and no known species of ecological importance on the site. A desktop Multi-Agency Geographic Information for the Countryside (Magic) search has been undertaken which did not reveal any potential ecological concerns on the site, or within 1km of the site.

Heritage

There are no listed structures within or immediately adjacent to the site and it is not situated within a Conservation Area. There are several listed buildings located within Haxby itself and the site lies approximately 1km from the Haxby Conservation Area located to the south-east of the site.

PLANNING HISTORY

A review of York Council's planning history records has confirmed there is no relevant planning history directly affecting the site.

[1] Para 35, NPPF (page 10)

savills

PLANNING POLICY JUSTIFICATION

Housing Requirement

There is a clear need for a significant increase in the number of houses provided within the York in future years. The recently published DCLG Consultation *Document "Planning for the right homes in the right places: consultation proposals"* sets out proposals for a standardised methodology for LPAs to calculate their objectively assessed housing need.

Based on the published documentation, there is a reported need for **21,400 dwellings** in the York over the next 20 years, equating to an annual requirement of 1070 dwellings per annum (dpa). Without taking any identified shortfall that currently exists in the period 2012-2017 and taking into account the proposed housing target within the Pre-Publication Draft Local Plan, this leaves a shortfall of **over 4000 additional dwellings** that will be required to cover the period to 2032 (see **Table 1** below).

The current Local Plan is clearly vastly insufficient in its numbers proposed and will therefore require new sites to meet the additional housing need identified within the area.

		Annual	Total (20 year plan period to 2032/ 33
A	**DCLG Standardise Methodology on Housing Need**	1070 dpa	21,400
B	**Pre Publication Draft Local Plan Housing Requirement**	867 dpa	17,340 dwellings
C	**Shortfall (A minus C)**		**4,060 dwellings**

Table 1 – Current Housing Need

Green Belt Assessment

York does not have an adopted Local Plan in place with land designated as Green Belt. The Green Belt boundaries in the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 have been saved which define the broad location of the Green Belt around York, however there are no detailed inner or outer boundaries of the green belt and as such, there are no officially defined green belt boundaries at present. The Local Plan is therefore critically not taking land out of the Green Belt, but is instead determining where the boundaries should be drawn and deciding what land is required for development and should not therefore be included within the Green Belt.

The Publication Draft Local Plan outlines that the site is proposed to be designated as Green Belt and serves a purpose in extending the historic green wedges of the city. through the local plan process. The main purpose of the Green Belt in this location is to check the further growth of the York and to protect its special character and setting.

When reviewing the inclusion of land within the Green Belt, it is necessary to undertake an assessment based on the five purposes of the Green Belt as set out in paragraph 80 of the National Planning Policy (NPPF). These being:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- To assist in urban regeneration, by encouraging recycling of derelict and other urban land.

To check the unrestricted sprawl of large built up areas

The site is located to the north of Wigginton, adjacent to the main residential / built up area of the village, abutting an existing residential edge to the south, off an adopted road spur. The site is contained by agricultural fields to the west, east and north which provide strong field boundaries and through comprehensive design could ensure defensible boundaries are created to ensure growth within this location can be restricted. Whilst it is acknowledged that the site does have a role in checking sprawl, it is not considered that the inclusion of this site would lead to unrestricted sprawl given the nearby defensible boundaries (such as road infrastructure) in which it is situated.

To prevent neighbouring towns merging into one another

The site would not lead to the physical connection or coalescence of any settlements. The site is over 4.5 miles away from the nearest settlement to the north of Sutton-on-the-Forest. The development of this site would not, therefore, not be required for inclusion within the Green Belt in this regard.

To assist in safeguarding the countryside from encroachment

The land could be designed so as not to encroach into the countryside and would be part of a comprehensive housing development that forms a well connected extension to Wigginton village rather than a disconnected enclave of development. The allocation of the Strategic Housing Site (ST33 Station Yard, Wheldrake) to the east of the site for 735 houses demonstrates that the land to the north of Haxby and Wigginton is not required for inclusion within the Green Belt for this particular purpose and the development of this site would have no greater impact on the overall "openness" of the Green Belt than that of the proposed allocation.

To preserve the setting and special character of historic towns

The site is not within or directly adjacent to a conservation area, listed building or other historical feature. The site is within a broad zone identified as an extended Green Wedge that should be protected from development to retain, reinforce and extend the pattern of historic green wedges within the city. It is not clear why the proposed extension to the Green Wedge needs to wrap around the north of Wigginton to the degree it does and it is consider that the fundamental principle of extending the Green Wedge can be achieved without including this land, to the north of Harewood Close.

To assist in urban regeneration, by encouraging recycling of derelict and other urban land

Finally, one of the purposes of the Green Belt is to ensure and encourage the development of sustainable brownfield sites as a priority. Within York there is a high level acceptance that there will be a need to release land from the Green Belt in order to meet the objectively assessed housing need of the District over the next 20 years. The site represents an excellent housing location, being situated on the edge of an established settlement and within walking distance of all its services and amenities. It is also extremely well served by the road, bus and rail network and is decidedly preferable to many sites not within the Green Belt but in much more unsustainable locations.

Overall Assessment

In summary, the site is well related to the village of Wigginton and could be developed to fully integrate into the existing urban edge, much like land allocated to the north of Haxby (ST9). The site can be designed to ensure any development does not allow further encroachment into the Green Belt and is an achievable and deliverable site that can contribute to the much needed additional housing for York, as identified within the Government's recent Consultation Paper[2].

[2] DCLG Planning for the right homes in the right places: Consultation Proposals

SUMMARY

In summary, the land to the north of Harewood Close is a sustainable site that could be released to make a significant contribution towards meeting housing requirements for York. There are a number of valid planning reasons to promote growth in this location, which include:

- The site represents a 11ha site with no technical constraints that would hinder the delivery of housing in this location.

- The site is advantageously located, with excellent accessibility to the main strategic transport routes within the District also offering a broad choice of sustainable transport choices such as bus, pedestrian and cycle routes.

- Much like the Strategic Housing Allocation for land to the north of Haxby, there is no reason the site requires to be included within the new boundaries of the York Green Belt, and any objectives required by the proposed extension to the Green Wedge can be easily achieved through land to the west and north of the site, without sterilising important potential development land to the north of Wigginton.

- The site has the potential to sustainably accommodate a considerable amount of housing to contribute to the significant housing requirement within York.

- The site is immediately available for development and can come forward within the period of 0-5 years. At a density of between 30 dwellings per hectare the site could yield circa 350+ dwellings and make an important contribution to the council's 5 year land supply.

Our Client would welcome the opportunity to discuss the matters raised above in further detail with the council and would be grateful if you could confirm receipt if these representations.

Should there be the need for any further information, please do not hesitate to contact me by email or telephone via the details above. Otherwise we look forward to receiving confirmation of receipt of the representations in due course.

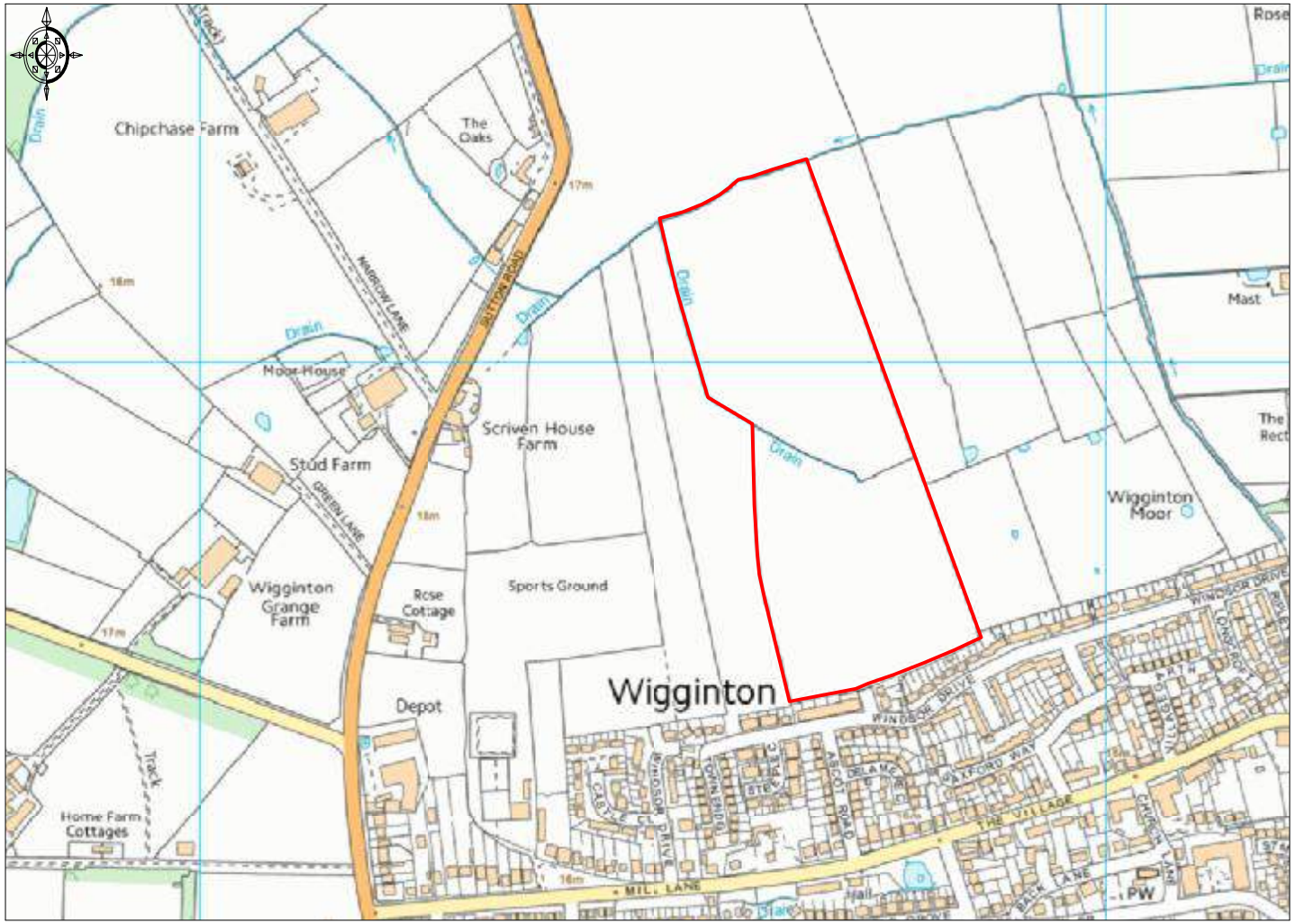
Yours sincerely

[redacted]

Savills (UK) Ltd

Enc – Location Plan

Land at Chipchase Farm, Wigginton



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[redacted]

From: Eamonn Keogh [E.Keogh@oneill-associates.co.uk]
Sent: 03 April 2018 16:53
To: localplan@york.gov.uk
Subject: Comments on Publication draft Local Plan Consultation on behalf of Shepherd Homes in respect of Site Ref 132
Attachments: 180403 Local Plan Representation SUBMIT.pdf; Cherry Lane Comments_form_FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs,

Please find attached representations on the Publication Draft Local Plan Consultation submitted on behalf of Shepherd Homes in respect of land at Cherry Lane, York. Should you have any queries please do not hesitate to contact me.

Yours sincerely

Eamonn Keogh

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:
ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title	Mrs	Mr
First Name	Caroline	Eamonn
Last Name	Scott	Keogh
Organisation (where relevant)	Shepherd Homes	O'Neill Associates
Representing (if applicable)		
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Address – line 2	New Lane	James Nicolson Link
Address – line 3	Huntington	Clifton Moor
Address – line 4		York
Address – line 5	York	
Postcode	YO32 9PT	YO30 4GR
E-mail Address		e.keogh@oneill-associates.co.uk
Telephone Number		01904 692313

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	√
Policies Map	√
Sustainability Appraisal/Strategic Environmental Assessment	

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☑

4.(3) Please justify your answer to question 4.(1) and 4.(2)

With regard to the duty to co-operate it may be the case the Council has consulted with neighboring authorities, but some of those authorities have expressed concerns that have not been fully resolved. Annex B to Agenda item 11 on the report of the Local Plan to the Council's Executive on the 25th January reported:

Hambleton Council: *"…It* [the Draft Plan] *does not safeguard land for development and recognises the build out time of the Strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed. If the City of York does not ensure that its longer-term development needs are met this will place pressure on area in neighbouring authorities"*

Leeds city region LEP: *"York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment".*

Ryedale Council: Discussions ongoing

Harrogate Council: Discussion ongoing

Selby District Council: *"Having read the SHMA Addendum, it is noted that this figure does not take into account the level of employment growth proposed by the Local Plan…..Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York Boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues".*

Selby Council requested additional information on Strategic site ST15 and the university site ST27 before providing any further comments on the potential impact these allocations may have on Selby.

What these comments demonstrate is that whilst the Council may have engaged in a process of dialogue with neighbouring authorities, it has not produced outcomes that have addressed some significant concerns of neighbouring authorities. Indeed at this stage the views of some adjoining Authorities are not known and it is difficult to see how, in these circumstances, the Duty to Co-Operate has been complied with.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☑

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☑	**Justified**	☑
Effective	☑	**Consistent with national policy**	☑

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	Paragraphs5.1 to 5.20	Policy Ref.	Policy H1 Policy H2	Site Ref.	132

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached representation statement ref ycl.1804.0002.lpreps.ek

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

(If you are suggesting that the plan is legally compliant or sound please write N/A)

See attached representation statement ref ycl.1804.0002.lpreps.ek

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	√

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

There are matters relating to housing requirement and supply that we wish to explore in more detail with the Inspector. We wish to avail of the opportunity to take part in that discussion

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature	[redacted]	**Date**	3 April 2018

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

CITY OF YORK COUNCIL LOCAL PLAN PUBLICATION REGULATION 19 CONSULTATION

LAND SOUTH OF CHERRY LANE YORK, YORK

SHEPHERD HOMES LIMITED

REPRESENTATIONS IN SUPPORT OF AN ALLOCATION FOR HOUSING

April 2018

O'Neill ASSOCIATES

Chartered Town Planning Consultants

Lancaster House James Nicolson Link Clifton Moor York YO30 4GR 01904 692313 www.oneill-associates.co.uk

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(ycl.1804.0002.lpreps.ek)
3 April 2018

1.0 INTRODUCTION

1.1 This statement is provided as a representation to the City of York Local Plan Publication Draft Regulation 19 Consultation February 2018 on behalf of Shepherd Homes Limited in respect of land south of Cherry Lane, Dringhouses, York. The representation seeks the allocation of the site for residential development. A site location plan is provided at Appendix 1

1.2 Representations have been made previously in July 2013 by the site owner at the Preferred Options Stage of the Local Plan (Appendix 2) and again in July 2014 at the Proposed Changes Stage to the Preferred Options Plan (Appendix 3). More recently representation were made to the Preferred Sites Consultation in September 2106 and the Pre-Publication Consultation in October 2017.

1.3 In summary those previous representations concluded

- The site is not ecologically sensitive and there are no ecological constraints to development;
- The existing hedgerows and trees can be retained and the site can be development in a way that retains the rural character of Cherry Lane.
- The site is in a highly sustainable location and can be developed within the first 5 years of the plan

1.4 A Landscape Design Statement has been prepared to support the proposed development of the site. The statement demonstrates that development would not cause harm to the setting of the Knavesmire.

1.5 Part of the site was proposed for residential development in the 2013 Preferred Options Local Plan as part of a larger allocation of land that included the York Racecourse stables to the south.

1.6 This representation demonstrates why the case for the allocation of the site is more pressing than ever.

- Section 2 of the representation sets out a brief description of the site;
- Section 3 sets out the main arguments for the allocation of the site;
- Section 4 summaries the representation.

2.0 THE SITE

2.1 The site (c. 0.9 hectares) which is the subject of this representation is located on Cherry Lane, off the Tadcaster Road in Dringhouses. The north boundary is defined by Cherry Lane. To the north of Cherry Lane are detached houses in substantial gardens.

2.2 The west boundary is defined by existing housing and, opposite the north west corner of the site, is the Holiday Inn Hotel. The south boundary is defined by the racecourse stables. The east boundary is defined by the Knavesmire and York Racecourse. The site is currently vacant and occasionally grazed.

2.3 The site was considered in the Strategic Housing Land Availability Assessment 2011 (site number 91). The SHLAA assessment concluded that:

> *The site appears to have no major flood or contamination issues and has good access to convenience stores, public transport and cycle routes within 400m. The site has no historical constraints but needs to be in keeping with the existing urban area, which is of a much lower density and open aspect than most urban sites. A lower density assumption (than the standard SHLAA density calculation for urban areas) has been used which is based on the average density of the surrounding residential area (20dph).*
>
> *Recommendation: This site is considered to be* ***suitable*** *for housing*

2.4 Some trees on the site boundary an at the site entrance are protected by TPO, but for reasons set out in this representation, this is not a barrier to the development of the site.

3.0 THE CASE FOR ALLOCATION

The housing land requirement

Local plan Working Group July 2017

3.1 To quote the Inspector who recently carried out an examination of the Poppleton Neighbourhood Plan

> *….the planning policy position in York City Council is complex. The general extent of the Green Belt is particularly complex. This has generated a challenging context within which the Plan has been prepared.*

3.2 In order to address the complex context for the assessment of the housing need for the City this section is set out in 4 stages:

- Stage 1 summaries the political decisions taken at the Local Plan Working Group that determined the final content of the Publication Draft Plan;
- Stage 2 sets out our assessment of the Housing Requirement;
- Stage 3 includes our critique of the housing delivery proposed in the Local Plan;
- Stage 4 sets out our assessment of the 5 year housing land position as at the time of the representation;

<u>Stage 1 – The Political Context</u>

3.3 The updated housing requirement for the City was reported to the Local Plan Working Group (LPWG) on the 10th July 2017. (There was no equivalent update provided for the 23 January 2018 LPWG). The report identified an annual housing requirement of 953 dwellings per annum based on evidence provided by the Council's own consultants G L Hearn in the Draft Strategic Housing Market Assessment. The 953 is composed of a Demographic baseline of 867 dwellings; and an upward adjustment for 'market signals' of 10%.

3.4 The LPWG report stated that the Plan period runs from 2012 to 2033. The Council acknowledge in the LPWG report that as York is setting detailed Green Belt Boundaries for the first time, it is also necessary to consider the period beyond the end date of the plan to 2038 to provide an enduring Green Belt.

3.5 On the basis of the LPWG report the housing requirement for the Plan period 2012 to 2033 was therefore 20,013 (21 x 953). The housing requirement need calculation for the period 2033 to 2038 would be 4,765 (5 x 953).

3.6 In calculating the land required to meet the housing requirement for the LPWG report, the Council had regard to completions to date and unimplemented permissions. The Council also assumed a windfall completion rate of 169 from year 4 of the plan 2020/21. Having regard to completions, commitments and windfalls, the Council's estimate of the remaining housing requirement for the Plan Period is set out in Table 1:

Table 1: Council's Estimate of Housing Requirement as presented to Local Plan Working Group on 10th July 2017

Plan period 1st April 2012 to 31st March 2033	
Total Need 2012 -2033 (based on 953)	20,013
Completions 1st April 2012 to 31st March 2017	3,432
Unimplemented Permissions @ 1st April 2017	3,758*
Windfalls (from Year 4) @ 169 pa**	2,197
Requirement Remaining	10,626

Source: Local Plan Working Group 10 July 2017

**We believe this to be a misprint*

*** For the period 2020/21 to 2032/33*

3.7 At the Local Plan Working Group, members did not agree with the assessment of the housing requirement presented by officers. Members instead set the housing requirement at 867 dwellings per annum and that was the figure used for consultation in the Pre-Publication Draft Local Plan in September 2017.

Local Plan Working Group January 23rd 2018

3.8 On the 23 January 2018, the LPWG considered the representations made on the Pre-Publication draft plan. The Officers report presented a number of options for the housing requirement based on the degree of risk of each option. The report reminded members that they had previously been advised that the Councils independent consultants had estimated the annual housing requirement to be figure of 867 rising to 953 to allow for a 10% market signals uplift. Members had accepted the 867-baseline figure for consultation in the Pre-Consultation Draft Plan but not the figure of 953.

3.9 Members were also informed that using the draft methodology for assessing housing requirement that the Government had consulted on in late 2017, the housing requirement for the City was estimated to be 1,070 dwellings. Members were advised that although this figure was an estimate produced by the draft methodology it nevertheless indicated the direction of travel anticipated for national planning policy.

3.10 Members were advised of their statutory duty to ensure the Submission Draft Plan meets the test of "soundness". Officer advice was that the direction of travel in national policy indicated that if the site proposals previously consulted on were increased this would be a more robust position. Members were clearly advised that an increase in the supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process.

3.11 Members were also advised of the options for increasing the housing supply that were set out in four tables in the LPWG report. Those options ranged from inclusion of MOD sites (table 1); the enlargement of allocated strategic sites (table 2); the inclusion of previously rejected sites that following further work Officers felt should be re-considered (table 3); and new sites emerging in response to the consultation on the Pre-Publication draft plan. The site at Cherry Lane was included in the small list of sites that officers felt could be included to increase housing supply and that, on balance, would not be a material change to the draft plan that would require further consultation.

3.12 Members rejected any proposal to increase the housing requirement in the Draft Plan and approved only the inclusion of the MoD sites in Table 1 of the report.

Council Executive 25th January 2018

3.13 The recommendations of the LPWG were reported to the Councils Executive on the 25th January 2018. Representatives of the promoters of the three largest strategic housing sites addressed the Executive. (Site ST 7 Land East of Metcalf Lane (845 units); Sites ST14 Land West of Wigginton Road (1,348 units); and ST15 Land West of Elvington Lane (3,339 units)). They informed members that, as proposed in the Publication Draft Local Plan, the sites were not viable or deliverable without additional land and some increase in the number of dwellings proposed for each site. The representative requested that changes be made to the Draft Publication Local Plan before it went to consultation but these requests were ignored by members.

Publication Regulation 19 Consultation Draft Local Plan February 2015

3.14 The Publication Draft Plan proposes a 16-year plan period with a start date of 1st April 2017. This is a change from the report to the July 2017 LPWG that assumed a plan start date of 2012. This changes the basis of the calculation of the housing requirement. Completions are not included in the calculation of the housing requirement as the plan start date (2017/18) is essentially year zero in the calculation. Instead the Council include an allowance for backlog (or under-provision) for the period 2012 to 2017.

3.15 The housing requirement in the Draft Plan is therefore based on an annual base requirement of 867 dwellings to which the council has added an additional 56 units per annum to account for undersupply in the period 2012 to 2017 giving a total requirement of 923 dwellings per annum

3.16 Taking account of these changes, the housing requirement as now proposed in the Draft Plan is:

Table 2 Publication Draft Regulation 19 Consultation Plan

Plan period 1st April 2017 to 31st March 2033	
Total Need 2017 -2032/33 (based on 923 dwellings per annum 867 + 56))	14,768
Less unimplemented Permissions @ 1st April 2017	3,578
Less windfalls (from Year 4) @ 169 pa	2,197
Requirement to be provided through allocations	8,993

3.17 In addition, to ensure what the Draft Plan considers to be enduring Green Belt Boundaries, additional land is allocated to meet the annual base requirement of 867 dwellings per annum for the 5-year period of 2033 to 2038 which effectively increases the housing requirement to be provided through housing allocations to 13,328 ((8,993+(867x5)). We consider this assessment of the Requirement remaining to be inadequate for the following reasons:

(i) The housing requirement is too low;

(ii) The calculation of completions since 2012 is too high (i.e. the Councils estimate of backlog is too low)

(iii) Outstanding commitments include student housing that should be excluded

(iv) The assumptions on windfalls are questionable and should not be treated as a component of the Plan

Stage 2 -The Housing Requirement

3.18 In our representations on the Preferred Sites Consultation September 2016, we included an Assessment of Housing Need prepared By Nathaniel Lichfield and Partners. That Assessment established the scale of need for housing in the City of York based upon a

range of housing, economic and demographic factors, trends and forecasts, based on the application of NLP's HEaDROOM framework

3.19 The NLP Assessment found that that the OAHN for the City of York was in the range of 1,125 dpa and 1,255 dpa. The approach allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to deliver affordable housing and support economic growth. Using this range would have ensured compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also have reflected paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

3.20 In the 5-month period since our previous representations, the Government has published a consultation document on a methodology for assessing housing need that every Local Planning Authority would have to use when preparing a Local Plan. The methodology uses the projections of household growth as the demographic baseline for every local authority area. An adjustment is added to this baseline to take account of market signals in house prices. Along with the Consultation Paper the Government included a calculation of the housing requirement for each local authority in the country. The calculation for York was a housing requirement of 1,070 dwellings per annum. The consultation paper explains that this should be treated as the starting point for assessing the housing requirement.

3.21 Taking a robust and conservative approach, the Government's figure of 1,070 dwellings per annum is therefore used in our assessment of the housing requirement for the Local Plan period.

(i) Calculation of completions - Backlog

3.22 The Council has underestimated the scale of the backlog and their annual allowance of 56 dwellings per annum included for backlog, amounting to 896 over the 16-year plan Period, is too low. To calculate the backlog, our assessment uses the figure of 953. This is the housing requirement figure recommend by the Council's independent Consultants,

G L Hearn for the period from 2012 in the report to the July 2017 LPWG. We then subtract completions for each year from 2012/13 to 2016/17 to obtain the backlog.

3.23 The Local Plan must demonstrate it can provide deliverable sites for the 5-year tranches within the plan period. Government guidance advises that the calculation of the 5-year supply must take account of any shortfall from previous years. How far back the shortfall should be included is a matter of judgement. There is a point at which unformed households from previous years have been permanently displaced and therefore the need to accommodate them has passed. For the purpose of this calculation, and for some degree of convenience, the period from 2012 will be used as the basis of calculating the backlog. (However, using the RSS requirement 850 dwellings per annum for the period 2008 to 2012 the backlog for that period was 1,607 dwellings)

3.24 In order to accurately calculate the backlog is it necessary to analyse the housing completion data contained within the Council's Annual Housing Monitoring Updates. The latest update reveals that after many years of under provision, completion figures for the year 2015/16 suggested a surplus. However, the completion figure of 1,121 for 2015/16 must be treated with some caution as it includes 579 purpose-built student accommodation units (Source: Councils Housing Monitoring Update for Monitoring Year 2015/16). Likewise, the completions figure of 977 for 2016/17 must be adjusted to exclude 152 student units.

3.25 The Council have included the student units in their completion and commitments figures based on the definition of dwelling units used in the DCLG General Definition of Housing Terms. However, this is a misreading of the definition which excludes communal establishments from being counted in the **overall housing supply statistics** but adds that all student accommodation whether it consists of communal halls of residence or self-contained dwellings, on or off campus, can be included towards the **housing provision** in local development plans. Government guidance (which is more recent than the DCLG dwelling definition) is that student accommodation units can only be included within the housing supply "…*based on the amount of accommodation it releases in the housing market." (Planning Practice Guidance* Reference ID: 3-038-20140306).

3.26 The Council have not produced any evidence to demonstrate how market housing supply has been increased by students transferring from traditional private sector shared housing. Indeed, the available evidence presented in the City of York Council Strategic Housing Market Assessment June 2016 is that new purpose-built student accommodation has not displaced students from market or family housing. Paragraph 10.67 of the SHMA states:

> *We have undertaken some qualitative research on the student housing market. This revealed there was an increase in capacity as new purpose-built accommodation has been built on and off campus. However, it was discovered that this did not reduce demand for traditional private sector shared housing.*

3.27 In addition, the Council has not demonstrated that students form part of the objectively assessed housing need nor demonstrated that new student housing accommodation would contribute towards meeting the housing requirement.

3.28 Furthermore, case law has established that in these circumstances purpose built student accommodation cannot count towards the housing supply *Exeter City Council v Secretary of State for Communities and Local Government, Waddeton Park Limited, The R B Nelder Trust. Case No: CO/5738/2104*.

3.29 Removing these 579 student units from the completions data reduces the completions for 2015/16 to 542. Likewise removing the 152 student units from 2016/17 data reduces the completions for that year to 825. These are the figures used in our calculation of the backlog.

Table 3 Housing completion backlog for the period 2012-2017

Year	Net Dwellings Added Council Figures	Less student units	Net C3 Dwelling units	SHMA recommended figure	Backlog/ Surplus
2012/13	482	0	482	953	-471
2013/14	345	0	345	953	-608
2014/15	507	0	507	953	-446
2015/16	1121	579	542	953	-411
2016/17	977	152	825	953	-128
Total	3,432	731	2,701	4,765	-2,064

(iii) Commitments

3.30 We have obtained a list of the planning permissions that make up the Council's estimate of un-implemented planning permissions. The figure of 3,578 includes 542 student units which, for the reasons stated above should not be included in the housing provision figures. This reduces the commitments figure to 3,036. A further discount of 10% should be applied to account for non-implementation of a proportion of these commitments, giving a more robust figure of 2,732 dwellings for outstanding commitments.

(iv) Windfalls

3.31 The Councils assessment of housing provision includes an allowance for 169 windfalls per annum from year 4 of the plan – 2,197 units in total. Guidance in paragraph 48 of the NPPF is that windfalls can be included in the calculation of five-year supply, i.e. not as a source of housing supply across the plan period. This is because the supply of windfalls is variable and including it across the plan period does not provide the certainty of delivery compared with actual allocations. In addition, once the plan is adopted and housing allocations confirmed, the pressure to deliver housing through windfalls should decrease. Other Authorities, most recently Scarborough Borough Council, have adopted this approach whereby a windfall allowance is identified across the plan period but treated as a flexibility allowance to the allocations and not included in the housing

provision. The Scarborough Local Plan Inspector has endorsed this approach and the plan has now been adopted.

Stage 3 – Critique of housing delivery

Meeting housing demand and delivery targets

3.32 It is envisaged that a high proportion of the total number of dwellings to be delivered over the plan period will be derived from the 19 strategic sites identified within the Consultation Draft. However, there is no real certainty over the rate of delivery that can be achieved on some of these sites.

3.33 For example, Strategic Site ST1 (British Sugar) remains undeveloped despite having lain vacant and derelict since 2006. A planning application for a scheme of 1,100 dwellings was refused in October 2017. Development can only commence following a 3-year scheme of remediation. Allowing a for a 2-year lead in following remediation, the first completions on this site are not likely until 2023. The difficultly in bringing forward Strategic Site ST5 (York Central) is also well documented. The draft plan envisages 1,700 new houses being built on this site in the period 1 to 21 years and at a projected density which ranges between 95 – 125 homes to the hectare. In line with the consultation document prepared for this site in early 2016, the projected densities are to be achieved through the provision of high rise (up to 8 storeys) apartment blocks.

3.34 With the Plan placing such a reliance on the capability of York Central to deliver high density development, the impact of high rise blocks on the historic setting of the city is an important consideration at this consultation stage. Paragraph 154 of the NPPF advises that Local Plans should be aspirational but realistic. They should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. Therefore, until the allocation at York Central is supported by this level analysis, the projected housing yields for the site are considered to be purely aspirational.

3.35 There is also a question over how the supply of new homes at York Central will be matched with (the existing) housing demand. The 2016 SHMA for York reveals that the

highest level of demand for market housing in the city is for 2 and 3-bedroom family homes. There is also significant unmet demand for bungalows amongst retirees seeking to downsize.

3.36 According to local letting agents surveyed for the SHMA, the crucial gap in supply is for good quality family homes. However, there is no perceived shortage of flats or apartments. Based on projections of additional households between the years of 2017 and 2032, the SHMA also indicates that greatest need for market dwellings is for 3-bedroom homes, at 39.2% of additional dwellings. This is followed by two-bedroom homes (37.7%) and 4-bedroom homes (16.5%). The need for 1-bedroom dwellings is comparatively low at 6.6%.

3.37 Whereas the Plan appears to be reliant on the higher densities provided by apartment living to make a significant contribution to the overall supply of housing, the evidence presented in the SHMA suggests that this is not where the main area of demand lies.

3.38 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the advice contained within paragraph 50 of the NPPF is that local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

3.39 In its current form, it is not clear how the Preferred Sites and their associated yields will address this requirement. In addition, the Council powers to secure the proposed densities are weak.

Conclusion on Housing requirement

3.40 Taking all the above factors into account, our estimate of the housing requirement compared with the Councils estimate as set out in paragraph 3.5 above is:

Table 4 Estimate of Housing Requirement 2017-2033

Plan period 1st April 2017 to 31st March 2033	Councils Estimate	Our Estimate
Total Need 2017-2033 (based on 867)	13,872 (based on 867per annum)	17,120 (based on 1,070 per annum)
Backlog 2012 to 2017	896	2,064
Gross Requirement	**14,768**	**19,184**
Unimplemented Permissions @ 1st April 2016*	3,578	2,732
Windfalls (from Year 4) @ 169pa	2,197	0
Net Requirement	8,993	16,452

3.41 It is evident from this analysis that the Council's estimate of the housing requirement is significantly flawed and consequently significant additional allocations are required to address that shortfall.

3.42 In addition to meeting housing land requirement during the plan period, the Council also has to exclude land from the Green Belt for development beyond the plan period to ensure green belt boundaries will endure for some time beyond the Plan Period. The Council propose to meet this objective by allocating housing land for the period 2033 to 2038. Using the Councils baseline requirement figure of 867, the requirement for the 5-year period beyond 2033 would be 4,335 dwellings. Using the Government's figure of 1,070 the requirement would be 5,350.

3.43 We have taken the table of proposed allocations from table 5.1 of the Draft Plan. From that we have applied what we believe to be reasonable assumptions about the potential

delivery trajectory from each site based on the information provided in the table and other sources (Appendix 8). For example, we assume no delivery from the British Sugar site in the first 5 years of the plan for the reasons outlined in paragraph 3.33 above.

3.44 The allocations in table 5.1 of the Draft Plan amount to 14,985 dwellings for the 20-year period 2017 to 2038. Our analysis of the allocations indicates the following rates of delivery.

Table 5 Anticipated rates of housing delivery from Proposed Allocations

Timescale	Units	Units
Years 1-5	2,818	
Years 6-10	5,043	
Years 11 to 16	4,168	
Sub-total 16-year plan period		12,029
Years 17 to 21		2,617
Total 21-year period		14,646*

* Does not add to 14,985 as some sites delivery extends beyond 2038

3.45 This simple analysis demonstrates that for the 15-year Plan period the housing provision is over 4,423 dwellings short of our estimate of the housing requirement of 16,452 dwellings (16,452 – 12,029 = 4,423). For the 5-year period following the Plan period, the shortfall is 1,998 using the Councils figures or 2,733 short using our figures.

3.46 What this illustrates is that not enough land had been allocated for development beyond the Plan period and consequently the Council cannot demonstrate that Green Belt boundaries will endure beyond the Plan period thus failing one of the fundamental objectives of Green Belt Policy in the NPPF. Without additional housing land allocations, the Green Belt boundaries cannot be confirmed.

3.47 On the previous occasions that Planning Inspectors have considered the Council's Draft Development Plan for the city in 2000 and 2010, each Inspector has concluded that the

Green Belt could not be confirmed due to inadequate development land being identified and there is a risk the current Draft Plan reaching a similar fate.

Stage 4 - Five Year Supply

3.48 Our analysis above demonstrates that the housing land requirement for the 16-year plan period is significantly flawed. Of equal concern is the lack of supply in the early years of the plan required to *"…significantly boost the supply of housing…".*

3.49 Our assessment of the 5-year supply is set out in Table 6 below and is in line with generally accepted practice. The steps in our assessment are:

I. To provide a fair indication of the range of what the 5-year housing land supply position might be, we use both the Council's housing requirement figure of 867 dwellings per annum and our assessment of the annual requirement of 1,070 dwellings per annum to arrive at a five-year requirement.

II. We then add the undersupply assessed against each of the housing requirement figures for the period of 2012 to 2017. This is known as the "Sedgefield Method" of calculating the 5-year supply and assumes any undersupply is made up in the 5-year calculation period and not spread over the remaining years of the Local Plan. This is the approach favoured by National Planning Guidance which recommends:

> *Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.*
> (NPPG Paragraph: 035 Reference ID: 3-035-20140306)

III. As there has, by any measure, been a period of persistent under-delivery of housing in York for the past 10 years, we add the 20% buffer recommended in paragraph 47 of the NPPF.

IV. We take our adjusted calculation of unimplemented permissions of 2,732 (Paragraph 3.30) above.

3.50 Our assessment of 5-year supply is set out in Table 6 below. We provide 2 variants of the 5-year supply:

- In the first calculation, our assessment assumes the supply comprises just the existing commitments. That gives a five-year supply of 1.53 years based on the Government's estimate of an annual housing requirement need of 1,070 dwellings per annum and our assumptions on backlog and commitments.

- The 5-year supply using the Council's housing requirement of 867 and their assumption on backlog, commitments and windfall is 3.53 years.

3.51 In the second calculation we have included our estimate of supply arising from the proposed allocations from Table 5 above:

- Our estimate of supply from allocated sites in the first 5 years of the Plan is 2,818 dwellings. When this is added to the assumptions about the supply from existing commitments (3,578 dwellings) the five years supply using the Council figures is 5.13 years and using our figure for commitments (2,732 dwellings), 3.11 years.

- The scale of the deficit in land supply identified by the 5-year calculation is significant not only in terms of the need to identify more land but also in terms of the longevity of undersupply. By any reasonable assessment, there has been a significant shortfall in the provision of housing every year since 2007/08 – 11 years in all.

Table 6: Assessment of 5-year land supply

		Assessment using Councils Housing requirement of 867		Assessment using Government Housing requirement of 1,070	
A	Requirement	(5x867)	4,335	(5x1070)	5,350
B	Plus Shortfall 2012-2017	(5x56)	280		2,064
C	Sub total		4,615		7,414
D	20% buffer	(C x .2)	923	(C x .2)	1,482
E	Total 5-year Requirement	C+D	5,538	C+D	8,896
F	Annual requirement	(E ÷5)	1,108	(E ÷5)	1,779
G	Supply (Commitments)		3,578		2,732
H	Windfall		338		0
I	5-year supply	(G+H) ÷ F	3.53 years		1.53 years
J	Allocations Years 1 to 5		2,818		2,818
K	Potential supply	G+H+J	6,734		5,550
L	Potential 5-year supply	(K ÷ F)	6.08 years		3.11 years

3.52 The calculation above demonstrates the high level of latent and unmet demand in York and the precarious nature of the housing supply in the City. In order to achieve a balance between the housing requirement and housing supply the requirement would have to fall significantly. On the basis of the background evidence prepared for the Local Plan, this scenario is highly unlikely.

3.53 Alternatively, the requirement / supply balance could be achieved by increasing the supply for the existing allocated sites in the 5-year period. Again, on the basis of the evidence available this is less likely. This is because a significant proportion of the draft housing allocations are large sites that will take several years before they deliver a

significant increase in housing supply and our assumptions already assume a realistic rate of delivery from each site. That rate of delivery is unlikely to increase without a fundamental adjustment to the business model of housebuilders and developers. Furthermore, adoption of the plan is at least 2 years away, if not more. In the meantime, the only credible source of housing land supply is likely to come from sites such as the site at Cherry Lane that can deliver housing quickly.

Proposed Development

3.54 A pre-application enquiry has been submitted for a scheme of 5 houses as shown on plan Y81:948.05 Rev A at Appendix 4. The development would be accessed from Cherry Lane at the North West Corner of the site. The 5 dwellings would be served by an Access Court in accordance with the standards set out in the Councils Highway Design guide. This specifies that this standard of highway will have a carriageway width of 4.5 - 6.5 metres including a 2m service strip and can serve up to 25 dwellings. The width of the access shown on the drawing is 7 metres. The access would be put forward for adoption.

3.55 The route of the access road has been designed to so that it is outside the root protection area of the hedgerow and trees on the north and south boundaries of the site. A tree survey plan is attached at Appendix 5.

3.56 A Hornbeam tree, protected by a tree preservation order, is located next to the proposed access. The access would be a continuation of a short spur of access road and footpath already constructed beneath the tree and within its root protection area. The continuation of this access into the site will affect a small section of the root protection area of the tree. To minimise disruption to the tree root, this section of the access will be constructed utilising a cellular 'no dig' construction system. Other alternative forms of construction such as reinforced concrete slab or a geogrid stabilised solution may also be appropriate.

Ecology

3.57 In 2014 Shepherd Homes commissioned an ecology survey of the site to support representations to have the site allocated for housing in the Local Plan (A copy of the survey is attached at Appendix 6). The Survey was carried out in May 2014 by Access Ecology. The aim of the survey was to record any evidence of protected or notable species, as well as to assess any features of importance that would support the presence of protected species, or other species of nature conservation importance, and to determine if controlled non-native invasive species that could represent a constraint to future works were present on site.

3.58 The survey paid particular to the hedgerows around the site. The main conclusions of the report are

- All of the habitats and floral species identified on site are common and the site was found to contain limited floral diversity.
- The hedgerow assessed would not qualify as an ancient or species rich hedgerow. As a result no further botanical survey was required at that point.
- The hedgerow surveyed failed to meet the criteria set for "important" hedgerows under The Hedgerow Regulations 1997 paragraphs 6, 7 and 8. However, it would meet the requirements of the UKBAP priority habitat by virtue of its physical characteristics. The survey therefore recommends the hedgerow is retained where possible.
- One tree on site was assessed as having moderate potential for use as a bat roost. The other trees on site were assessed as having low or negligible potential for roosting bats.
- Both the hedgerow and grassland were found to have potential for nesting birds but this is not a constraint to development provided appropriate measure are put in place before and during development

3.59 The overriding conclusion of the ecological survey is that the site is not ecologically sensitive. The grassland on the site has no ecological sensitivity and is common habitat with limited floral diversity.

Landscape Assessment

3.60 A landscape Design Statement (Appendix 7) has been prepared by landscape consultants Surface to assess the impact of the proposed development scheme on the Knavesmire and the local area around the site.

3.61 The landscape design statement concludes that subject to the recommendations of the Councils Landscape officer which can all be achieved, it is concluded that the development would not cause harm to quality and integrity of the strip of undeveloped land that forms the perimeter landscape of the green wedge associated with Micklegate Stray. It would therefore not have a detrimental impact upon the setting of The Knavesmire.

3.62 Any impacts/changes to the landscape (site access) would only occur at a very local level and be in keeping with the local residential context when viewed from the corner of Cherry Lane and St Edward's Close. Concerns raised in the local authority landscape officer's comments can be wholly addressed.

Character of Cherry Lane

3.63 It is perfectly feasible to design a scheme that will retain the quiet character of Cherry Lane. The site layout drawing at Appendix 4 demonstrates how the site could accommodate a scheme in keeping with the character of the low density development in the surrounding area whilst also retaining the SINC hedgerow along Cherry Lane. It is commonly acknowledged that residential gardens can enhance local biodiversity.

3.64 In terms of its relationship with the racecourse, the site presents a narrow frontage to the racecourse so any loss of open aspect is likely to be minimal. In addition, the site boundary with the racecourse is characterized by hedgerow and trees, which further limits the perception of openness and actually give the site an enclosed feel.

4.0 SUMMARY AND CHANGES PROPOSED TO THE PLAN

4.1 The site south of Cherry Lane is in a highly sustainable location for housing and Shepherd Homes can confirm is available for development in the first 5 years of the plan period.

4.2 There are no overriding technical constraints that would prevent development of the site. The site is not constrained by any nature conservation or other planning designations. In view of the significant shortfall in the 5-year housing supply there is an immediate need to allocate sites that are deliverable with the first five years of the Plan.

Suggested changes to the Plan

4.3 To make the Plan Sound:

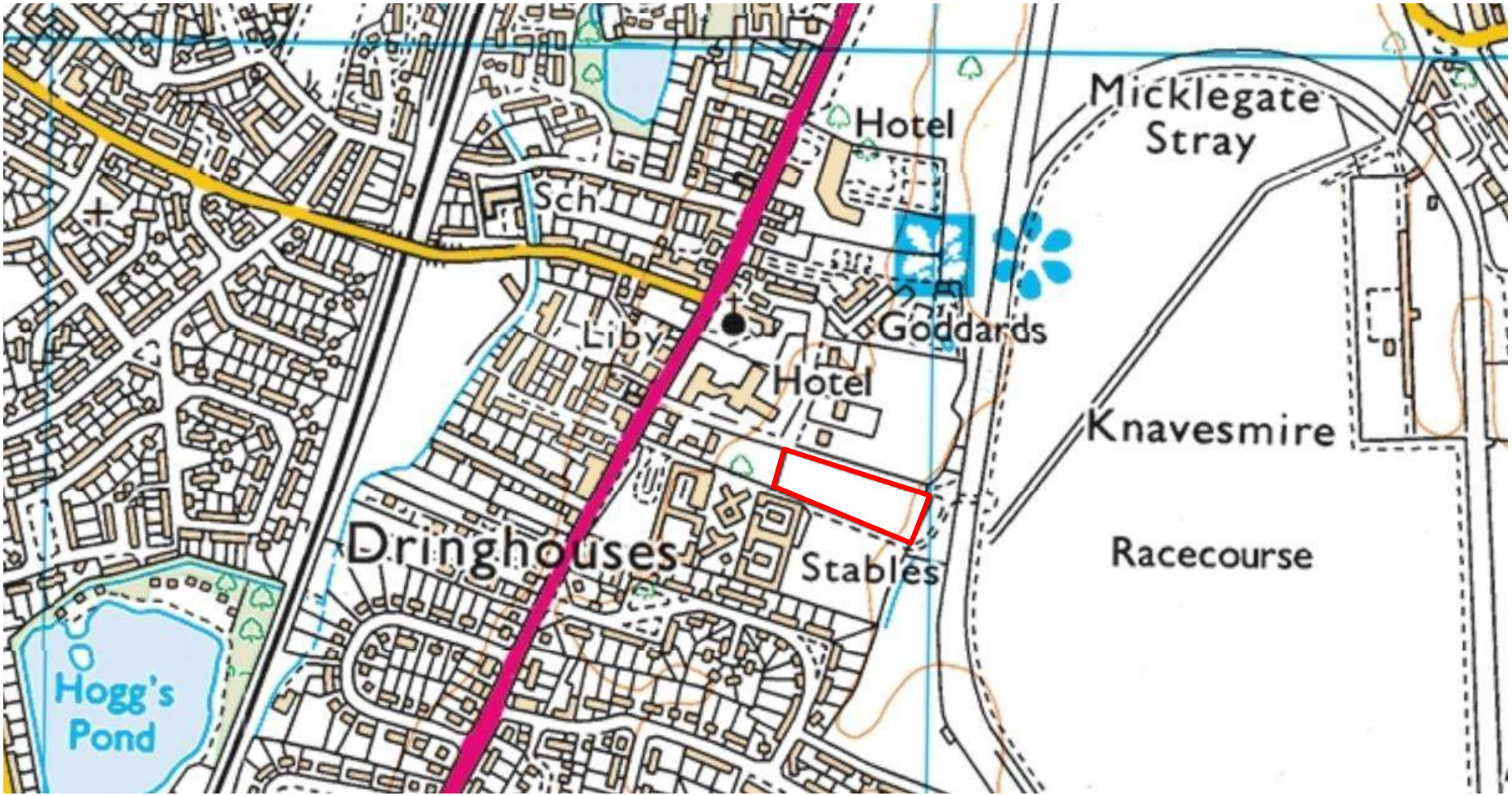
- The housing requirement figure for the Plan Period should be increased to at least 1,100 dwellings per annum
- The site at Cherry Lane outlined red on the plan at Appendix 1 should be allocated to address the shortfall in housing supply.

4.4 A site response form is included with these representations.

Appendix 1

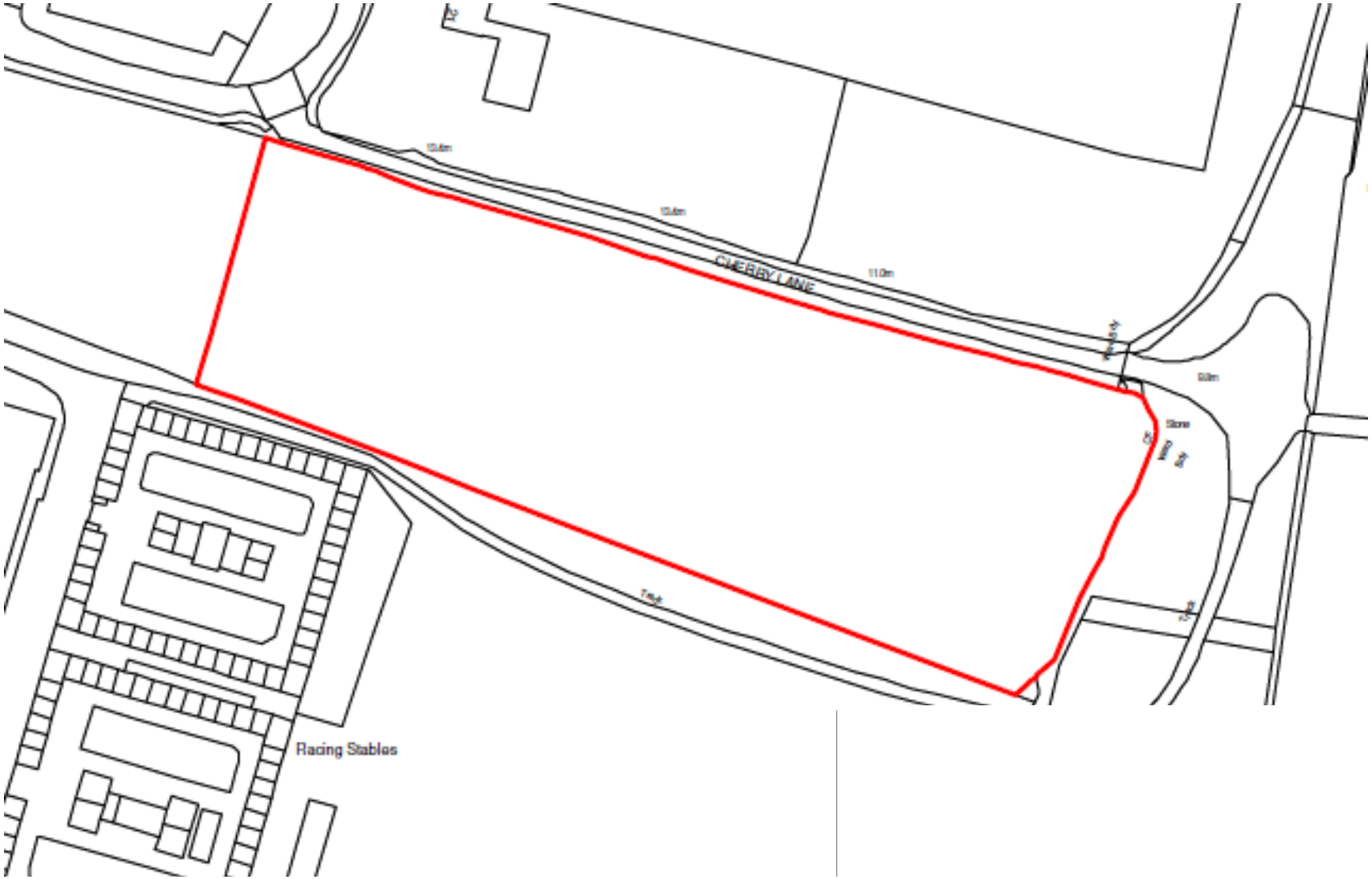
LOCATION PLAN

O'Neill
ASSOCIATES



Site South of Cherry Lane

Site Location



Site South of Cherry Lane
Site Location

Appendix 2

REPRESENTATIONS TO PREFERRED OPTIONS LOCAL PLAN

O'Neill ASSOCIATES

LAND AT CHERRY LANE

Representations to the York Local Plan Preferred Options

On behalf of

Shepherd Homes

KEOGH PLANNING

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Date of Issue:	30 July 2013

1. Introduction

1.1 These representations are made on behalf of Shepherd Homes who have been building homes in York for over 100 years. Representations have been made previously seeking the allocation of this site for residential development demonstrating consistent engagement with the plan making process

1.2 Part of the land in question has been allocated for housing in the Draft Local Plan Site ref.H2 Sites by Racecourse, Tadcaster Road. These representations:

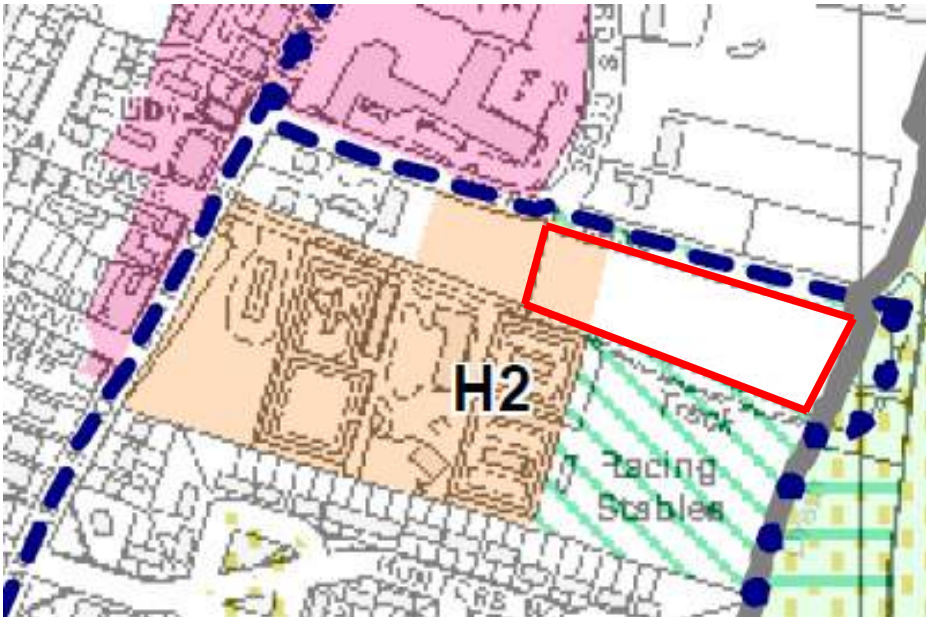
- Support the Draft Local Plan housing provision figure of 1,090 dwellings per annum as a minimum requirement;
- support the allocation of the Sites by the Racecourse Tadcaster Road site ref.H2;
- Object to the density for housing set out in Policy H4. The figures are too high and lead to an incorrect high assumption of the housing yield for allocated sites;
- Object to the anticipated housing yield from some housing sites in the plan period. The draft plan overestimates the number of completions on some strategic sites during the plan period that leads to an incorrect high assumption about the yield from those sites in the plan period. Consequently, additional sites need to be allocated to ensure the minimum requirement of 1,090 dwellings per annum is achieved;
- Seek the allocation of land at Cherry Lane for housing development - (the excluded site) (See Appendix 1).

2. Site Description and Context

2.1 The site which is the subject of these representations is located on Cherry Lane, off the Tadcaster Road in Dringhouses. The north boundary is defined by Cherry Lane and to the north of Cherry lane are detached houses in substantial gardens. The west boundary is defined by existing housing and, opposite the north west corner of the site, is the Holiday Inn Hotel. The south boundary is defined by the racecourse stables. The east boundary is defined by the open expanse of the Knavesmire and York Racecourse.

2.2 The site is currently vacant and occasionally grazed.

2.3 Part of the site, its west side, is allocated for housing as part of a larger area of land the comprising, primarily, the built part of the racecourse stables – site ref. H2 – see extract form the Local Plan proposals map below.



The representation site

2.4 Other land belonging to the racecourse stables is identified as a site of importance to nature conservation. Land to the east of the site on York Racecourse falls within the proposed Green Belt boundary

3. Planning Policy Context

National Planning Policy framework

3.1 The NPPF was published in March 2012 and replaces all previous Planning Policy Guidance notes and some circulars. The Frameworks sets out the Governments clear intention to facilitate economic growth through sustainable development. In the introduction to the framework, the Minister for State says:

> *The purpose of planning is to help achieve sustainable development.*
>
> *Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.*
>
> *Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices……*

3.2 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. The NPPF explains that for plan making this means that:

> *local planning authorities should positively seek opportunities to meet the development needs of their area;*
>
> *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.*

3.3 The NPPF goes on to say that all plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

3.4 On the issue of housing the NPPF is clear about the need for a significant increase in housbuilding to address existing backlog and meet future needs. Local authorities are encouraged to "…boost significantly…" the supply of housing. Paragraph 47 of the NPPF states:

To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;……*

3.5 Paragraph 54 of the Framework speaks of the need to promote sustainable development in rural areas and for local planning authorities to be responsive to local circumstances and housing needs – particularly for affordable housing. Consideration should be given to circumstances where there are groups of smaller settlements such that development in one village may support services in a village nearby.

3.6 When preparing Local Plans, local authorities should have regard to the most up to date evidence base. For housing, paragraph 159 of the Framework says that Local authorities should have a clear understanding of the housing needs in the area. They should prepare a Housing Market Assessment which:

should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- *meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable….and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand;*

3.7 With regard to affordable housing, paragraph 50 of the NPPF advises that where LPA's have identified that affordable housing is needed, they should, preferably, set policies for meeting this need on site.

3.8 However, in setting the requirement for affordable housing, regard must be had to the viability of development. Paragraph 173 advises that plan making requires careful attention to viability:

> *Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*

3.9 Paragraph 174 goes on to say that the cumulative cost of policy and local standards imposed on development, including affordable housing:

> *…should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle."*

Evidence Base

Household Projections

3.10 In the period 2001 to 2011 the population of York increased by almost 17,000 (9.3%) to 198,000. This represents the fourth largest percentage increase in population within the Yorkshire and Humber Region and reflects the popularity of the district as a place to live.

3.11 The City has also seen a significant increase in the population aged 65 and over. In the period 2001 to 2011 the 65+ population increased by approximately 9% whilst the age bracket 15-64 increased by approximately 2.5%.

3.12 There are various estimates of household growth set out in the Housing Requirement in York evidence document prepared by ARUP. These are:

Estimate H'holds per annum	**Source**
1,308	2008 Sub National Population Projections
850	2008 Sub National Population Projections Reduced net in migration assumption
686	2008 Sub National Population Projections Reduced natural growth assumption
1,176	2010 based Sub National Population Projections
700	2011 Sub National Household Projections (interim)

3.13 The ARUP paper recommends that the minimum housing provision should be 850 dwellings per annum to address meet housing requirements whilst also addressing the need for affordable housing. This figure is most reflective of the trend based position on growth.

3.14 However, this figure would not provide adequate housing to meet the Councils ambitious targets for economic growth. In addition the lower housing requirement figures suggested in the 2011 SNHP are based on a period of sustained economic downturn, reduced availability of development and mortgage finance and a period of sustained undersupply of housing in York.

Housing Completions

3.15 The Councils Annual Monitoring Report 2011/12 demonstrates that in recent years there has been a significant under provision of housing York. Although the Regional Spatial strategy for Yorkshire and Humber has been revoked, its housing provision figure for York (640 for the period 2004-8 and 850 for the period 2008-onwards) remains the only housing figure to have been set in a statutory plan.

3.16 In the period 2004 to 2012, housing completions in York totalled 5,180 – some 780 less than the RSS requirement. However the level of under provision has been significant more recent years as the table below demonstrates.

Housing completions in York – 2004/5-2011/12

Year	Regional Spatial Strategy requirement	Actual completions
2004/5	640	1,160
2005/6	640	906
2006/7	640	798
2007/8	640	523
2008/9	850	451
2009/10	850	507
2010/11	850	514
2011/12	850	321
Total	5,960	5,180

3.17 This under-provision in recent years highlights the level of latent and unmet demand in York and goes some way towards explaining the high levels of households on the Council housing waiting list.

Strategic Housing Market Assessment

3.18 The Council has produced a number of evidence base documents to support the policies in the Draft Local Plan. One of the more significant of these documents is the Strategic Housing Market Assessment (SHMA) The NPPF highlights the importance of this document in setting the out the evidence of what constitutes the objectively assessed housing needs of the district.

3.19 The SHMA concludes that the district is an attractive place to live and consistently attracts high earning inward migrants. It concludes that the authority is projected to grow significantly in terms of its population and the number of households – albeit based on now superseded 2008 household projections.

3.20 However, the level of affordable housing need is significant. The housing needs assessment indicates that York will be required to provide for a net annual affordable housing need of approximately 790 dwellings per annum over the next five years (from 2011) in order to both clear the existing waiting list backlog and meet future arising household need.

3.21 The fact that the level of housing completions in the past 7 years has not reached this figure gives an indication of the scale of the housing problem facing the Council.

4. Representations

Housing Requirement

Housing provision

4.1 Shepherd Homes support the housing provision figure of 1,090 dwellings per annum for the period march 2030 set out in Policy H1. Shepherd Homes consider this to be the **minimum** requirement necessary to meet the backlog of housing need and the future requirements of the City. Despite the lower estimates of growth suggested by the interim 2011 Sub National Household Projections, York and its surrounding villages still represent one of the most attractive places to live in the UK.

4.2 The propensity of high income earners to settle in York is unlikely to diminish. Consequently, if housebuilding levels fail to meet demand, lower income families will be priced out of the market and the requirement for affordable housing wil not be met but will increase.

Density

4.3 Shepherd Homes object to the density requirement set out in Policy H4.

4.4 Whilst we agree that new housing should seek to make efficient use of land, building at high density does not directly equate to buildings sustainability as implied by the supporting text in paragraph 10.20.

4.5 Section 11 of the Draft Pan refers to the Councils Housing Strategy which suggests a need to redress the focus from apartments and flats over recent years to provide more family homes in attractive sustainable neighbourhoods. Family housing is generally built at lower density than apartments.

4.6 In that context and bearing in mind the requirements of Policy ACHM2 which seeks an overall balance of 70% houses and 30% flats over the lifetime of the plan, the requirement to achieve 50 dwellings per hectare in the York urban area and in new settlements and 40 dwellings per hectare in suburban area seems particularly onerous.

Delivery Trajectory

4.7 The Local Plan period runs from 1st October 2012 to 31st March 2030 a period of 17.5 years. Within the housing allocations there are several significant strategic sites each identified to deliver more than 1,500 dwellings in the Plan period to march 2030. In some cases the lead in times to provide the necessary infrastructure to facilitate development will be considerable.

4.8 In addition, the lead in time in terms of submission and approval of a planning application and site preparation will mean that completions on these sites will not be achieved in the early years of the plan period. The estimated completions from these sites given in the Draft Local Plan are, in some instances overly optimistic. The table below sets out our estimate of the likely yield from the larger strategic sites in the plan period.

4.9 In our assumptions about the timescale for submission of applications on these sites and likely build rates we have adopted a reasonably optimistic position.

Table 1 – Comparison of Shepherd Homes Estimate of completions with Draft Local Plan Assumptions

Site	Assume submission of planning application at Adoption of plan	Estimated time for planning consent & provision of enabling infrastructure	Estimate first completions (Shepherd Homes estimate)	Estimated completions per annum (Shepherd Homes estimate)	Total completions to March 2030 (Shepherd Homes estimate)	Draft Local Plan estimated completions To March 2030	Potential Shortfall
ST7 – East of Metcalf Lane**	Jan 2015	18 months	June 2016	80	1,080	1,800	720
ST8 – Land North of Monks Cross*	Jan 2015	12 Months	Jan 2016	60	870	1,569	699
ST14 – Land North of Clifton Moor***	Jan 2015	18 Months	June 2016	150	2,025	4,020	1,995
ST15 – Whinthorpe New Settlement****	Jan 2015	24 months	Jan 2017	200	2,650	4,680	2,030
Total Potential Shortfall							**5,444**

* Assume 1 housebuilder ** Assume 2 housebuilders *** Assume 3 housebuilders **** Assume 4 housebuilders

4.10 Shepherd Homes do not object to the allocation of these sites, but the rate of completions assumed in the Draft Local Plan is optimistic. Our estimate of the likely achievable completions on these sites is some 5,444 less than the Councils estimate. The outcome is that additional land will therefore have to be allocated to make up this shortfall and ensure the housing requirement can be met.

Housing allocation

4.11 Shepherd Homes support the allocation of site H2 – Sites by Racecourse, Tadcaster Road. Site capacity is given as 115 dwellings.

4.12 This site includes part of the Shepherd Homes site. See paragraph 2.3 above.

4.13 However, in light of the potential shortfall in the yield from the allocated strategic site in the period of the plan, additional land will be required to ensure the housing requirements of the district are achieved.

Excluded site

4.14 Shepherd Homes suggest that additional land at Cherry Lane, adjacent to the allocated site, is also allocated for housing development. A plan showing the land proposed for allocation is included at Appendix 1 .

4.15 The site was considered in the Strategic Housing Land Availability Assessment 2011 (site number 91). The SHLAA assessment concluded that:

> *The site appears to have no major flood or contamination issues and has good access to convenience stores, public transport and cycle routes within 400m. The site has no historical constraints but needs to be in keeping with the existing urban area, which is of a much lower density and open aspect than most urban sites. A lower density assumption (than the standard SHLAA density calculation for urban areas) has been used which is based on the average density of the surrounding residential area (20dph).*
>
> ***Recommendation:*** *This site is considered to be* ***suitable*** *for housing*

4.16 The SHLAA also commented that the site was designated as open space in the Draft Local Plan (2005 version) and had been identified by the PMP study as an area of amenity open space.

4.17 However, Shepherd Homes contend that the identification of the site as open space in Draft Local Plan 2005 was erroneous. This notation also included other

land, including the rear gardens of the houses on St Edwards Close to the north of the site. There was no analysis of the site to justify the open space notation in the 2005 Draft Local plan.

4.18 The PMP Open Space Sport and Recreation Study was published in 2008. The Cherry Lane site was identified along with the open land on the Racecourse Stables site as Amenity Green Space. However, in Appendix K of the report the site was not given any assessment scores for quality or accessibility.

4.19 In the PMP report amenity Green space is defined as:

> *Most commonly but not exclusively found in housing areas. Includes informal recreation green spaces and village green*

4.20 The primary purpose of such space is given as:

- *informal activities close to home or work*
- *children's play*
- *enhancement of the appearance of residential or other areas*

4.21 The site at Cherry Lane is private land. The public have no right of access nor are any rights of access granted. It is clear therefore that the site does not, indeed cannot, meet the definition for Amenity Green Space. Nor does it fulfil any of the purposes of such space.

4.22 The conclusion therefore is that the site was erroneously identified as Amenity Greenspace in the PMP study. Unfortunately this assessment has influenced the assessment of the site in the site selection process. Annex 12 of the site selection process excludes most of the site from development on the basis it is existing open space which it clearly is not.

4.23 In addition, although the boundary of the housing allocation follows identifiable boundaries for most of its length, it does not follow any identifiable boundary where it crosses into the excluded site as illustrated on the aerial photograph at Appendix 2.

4.24 Shepherd homes suggest that a more sensible approach would be to identify the excluded site as a separate allocation as it is in separate ownership to the racecourse stable site. The site could then come forward as a separate development site but the potential for a joint development between the two land owners is not excluded.

4.25 The site is in a highly sustainable location as confirmed by the SHLAA analysis, having good access to convenience stores, a high frequency public transport route and cycle routes within 400m and Dringhouses Primary School within 500m. The site can be accessed from Cherry Lane. There are no other known constraints to development.

4.26 Shepherd Homes confirm the site is available for development in the first five years of the plan.

5. Conclusions and Recommended changes to the Draft Local Plan

5.1 The excluded site at Cherry Lane is in part allocated for housing development. The remainder of the site has been excluded from allocation on the erroneous assumption that it serves an Amenity Greenspace function. The site is not Amenity Greenspace. It is privately owned and is not accessible to the public. There are no other constraints that would preclude development of the site for housing.

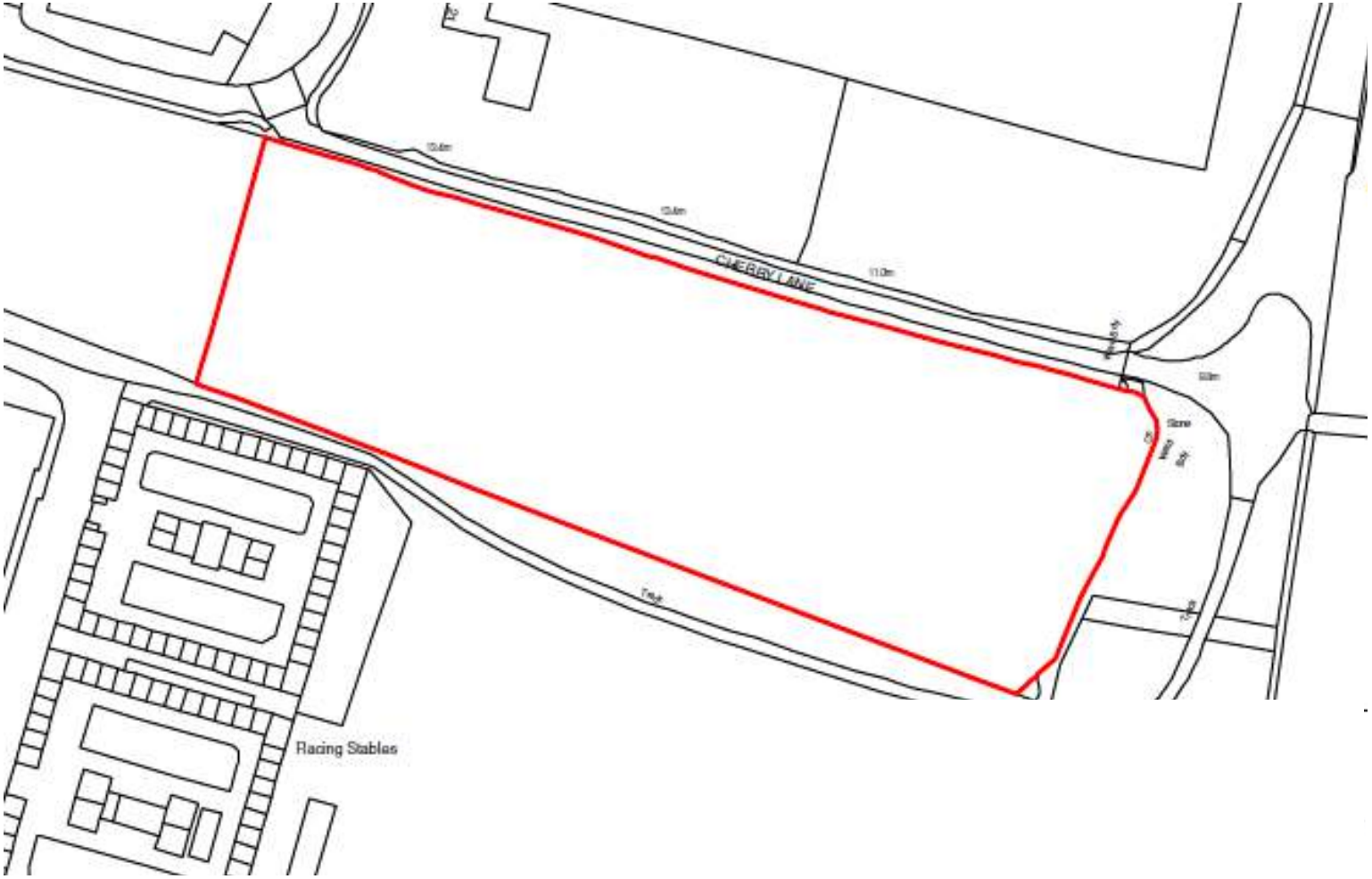
5.2 The site is in a highly sustainable location for housing and Shepherd Homes can confirm is available for development in the first 5 years of the plan period. A site response form is include with these representations.

5.3 Recommendation:

- Policy H3 of the Draft Local Plan should be amended to include the excluded site at Cherry Lane identified on the plan at Appendix 1 as a housing allocation in the Draft Local Plan.

Appendix 1

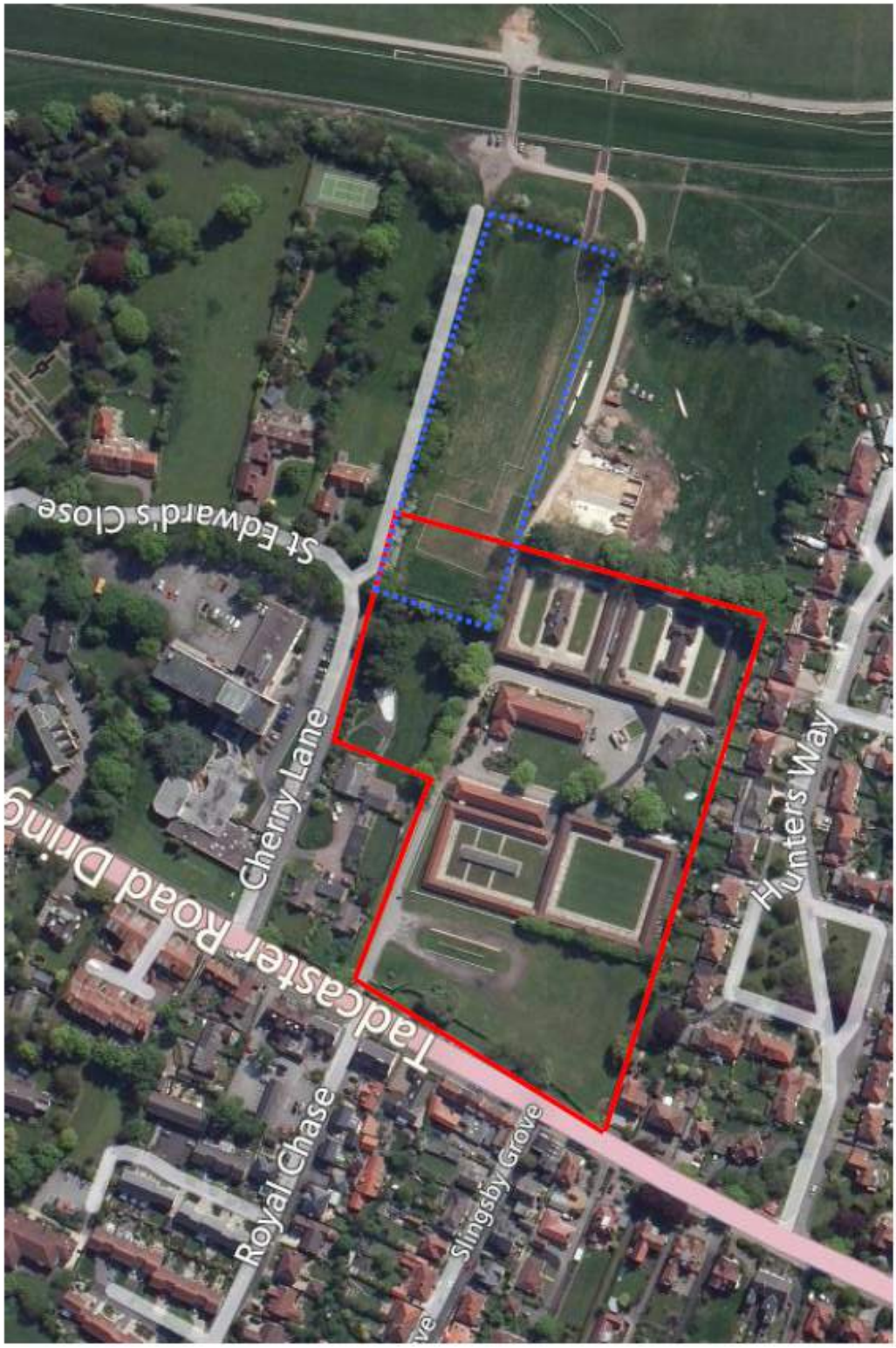
Representation Site



Site Proposed for Housing Allocation

Appendix 2

Aerial Photograph



Housing Allocation

Representation Site

Appendix 3

REPRESENTATIONS TO PRPOPSED CHANGES
TO PREFERRED OPTIONS LOCAL PLAN

O'Neill
ASSOCIATES

KEOGH PLANNING

9 Fountayne Street
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YO31 8HN

T: 07910173788
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14 July 2014

Our Ref: SHE0017

Delivered by Email

FREEPOST RTEG-TYYU-KLTZ,
City of York Council,
West Offices,
Station Rise,
York,
YO1 6GA.

Dear Sirs

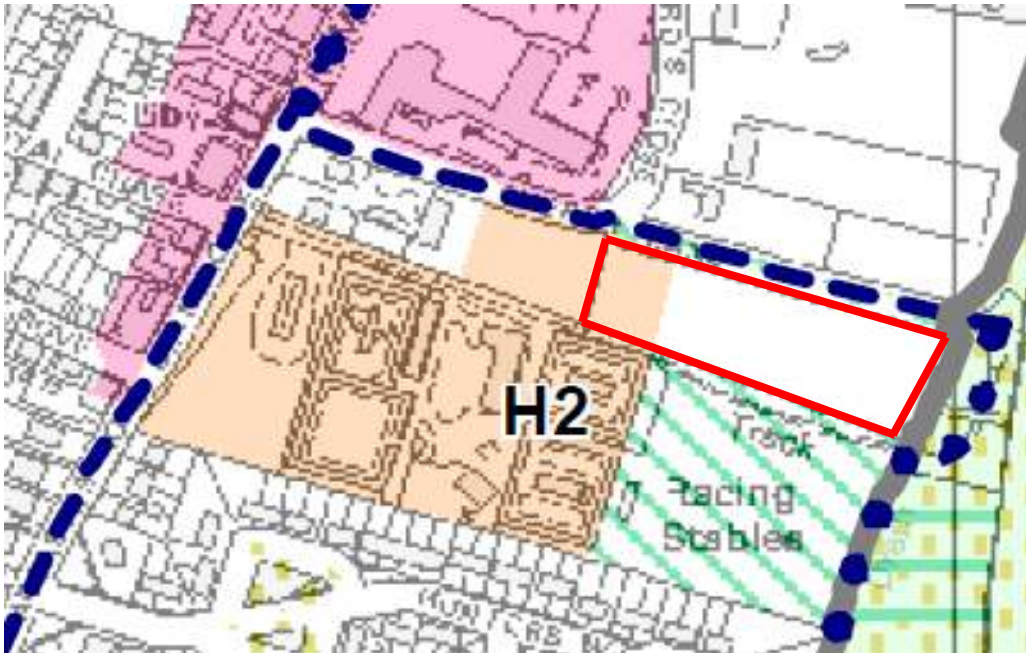
PROPOSED CHANGES TO CITY OF YORK DRAFT LOCAL PLAN
REPRESENTATIONS ON BEHALF OF SHEPHERD HOMES
SITE REFERENCE 696
PAGES 398 – 400 (PAGES 43-45 OF APPENDIX 4) LOCAL PLAN WORKING GROUP PAPERS 17TH APRIL

I write on behalf of Shepherd Homes who wish to make representations in respect of their site at Cherry Lane, off the Tadcaster Road, Dringhouses.

The company has previously made representations on the Draft Local Plan and on previous stages of the LDF process.

Part of the site, its west side, is allocated for housing as part of a larger area of land comprising, primarily, the built part of the racecourse stables – site ref. H2 – see extract form the Local Plan proposals map below.

Our previous representation sought to have all of the Shepherd Homes site outlined in red allocated for housing. The Council have not accepted our representation and has decided not to allocate the site for housing.



Since our original representation, Shepherd Homes have prepared additional information that has a material bearing on the Councils analysis that informed the decision not to allocate the site for housing. The Council's analysis of our representations was presented to the Local Plan Working Group on 17th April 2014.

Under the heading of Ecology, the Councils analysis states:

> *Part of the site is important grassland SINC (Knavesmire Stable meadow). Cherry Lane is also hedgerow SINC. Any development in the proposed extended site (Cherry Lane) could significantly affect the grassland value*

The analysis of landscape concludes;

> *It is important to retain the rural character of Cherry Lane and its setting of openness and the open aspect of the Knavesmire. The extended boundary of the site to include the area previously designated as open space is not considered suitable for development due to an adverse impact on the character of Cherry Lane and the open aspect it provides to the Knavesmire*

The Conclusion of the analysis states:

> *….The larger boundary proposed through the Preferred Options consultation to include the Cherry Lane AGS is not supported. It is agreed that that site should be removed as an open space designation as it does not form publically accessible openspace however, the land performs an important function in terms of protecting the rural character of Cherry Lane, protecting the SINC quality hedgerows and providing an open aspect to the Knavesmire.*

The additional information we have submitted with this representation demonstrates that this analysis is factually incorrect or least based on factually incorrect information.

Shepherd Homes have commissioned an ecology survey of their site. The Survey was carried out in May this year by Access Ecology. The aim of the survey was to record any evidence of use of the site by protected or notable species, as well as to assess any features of importance that would support the presence of protected species, or other species of nature conservation importance, and to determine if controlled non-native invasive species that could represent a constraint to future works were present on site.

The survey paid particular to the hedgerows around the site. The main conclusions of the report are:

- All of the habitats and floral species identified on site are common and the site was found to contain limited floral diversity.

- The hedgerow assessed would not qualify as an ancient or species rich hedgerow. As a result no further botanical survey is required at this point.

- The hedgerow surveyed fails to meet the criteria set for “important” hedgerows under The Hedgerow Regulations 1997 paragraphs 6, 7 and 8. However, the hedgerow on site would meet the requirements of the UKBAP priority habitat by virtue of its physical characteristics. The survey therefore recommends the hedgerow is retained where possible.

- One tree on site was assessed as having moderate potential for use as a bat roost. The other trees on site were assessed as having low or negligible potential for roosting bats.

- Both the hedgerow and grassland were found to have potential for nesting birds but this is not a constraint to development provided appropriate measure are put in place before and during development

The overriding conclusion of the ecological survey is that the site is not ecologically sensitive. The grassland on the site has no ecological sensitivity and is common habitat with limited floral diversity.

With regards to the rural character of Cherry Lane, it is perfectly feasible to design a scheme that will retain this character. A sketch scheme prepared by PRA architects is included with this representation and demonstrates how the site could accommodate a development in keeping

with the character of the low density development in the surrounding area whilst also retaining the SINC hedgerow along Cherry Lane. It is often the case that residential gardens can enhance local biodiversity.

The suggestion of an access off Cherry Lane to serve the allocated site would in any event affect the rural character of Cherry Lane. This access could also serve the remainder of the Shepherd Homes site which could be developed without having to remove the hedgerow along Cherry Lane.

With regards to the site providing an open aspect to the racecourse, there are two points to note. The site presents a narrow frontage to the racecourse so any loss of open aspect is likely to be minimal. In addition, the site boundary with the racecourse is characterized by hedgerow and trees, which further limits the perception of openness and actually give the site an enclosed feel. An opening in the boundary with the racecourse to allow horses access from the site would no longer be required when the stables are redeveloped and would be closed up.

In Conclusion, the evidence presented in this representation does not support the Councils analysis that the Shepherd Homes site is ecologically sensitive or that development would harm the rural character of Cherry Lane. The proposed housing allocation will in any event have some impact on the character of the west end of Cherry Lane. By utilising the proposed access to housing allocation H2 the remainder of the Cherry Lane site can be developed without having any greater impact on the character of Cherry Lane.

Yours sincerely

[redacted]

Eamonn Keogh

Appendix 4

INDICATIVE HOUSING LAYOUT

O'Neill
ASSOCIATES

Proposed Residential Development at Cherry Lane, York

Subject to Planning

Rev	By	Note	Date
A	SH	Layout amended to avoid tree root protection areas.	18.04.16

PRA ARCHITECTS

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PROJECT Cherry Lane, York
TITLE Draft Site Layout
CLIENT Shepherd Homes
DATE 02.04.15 SCALE 1:500@A3
DWG. NO Y81:948.05 REVISION A
DRAWN SH CHECKED PJR

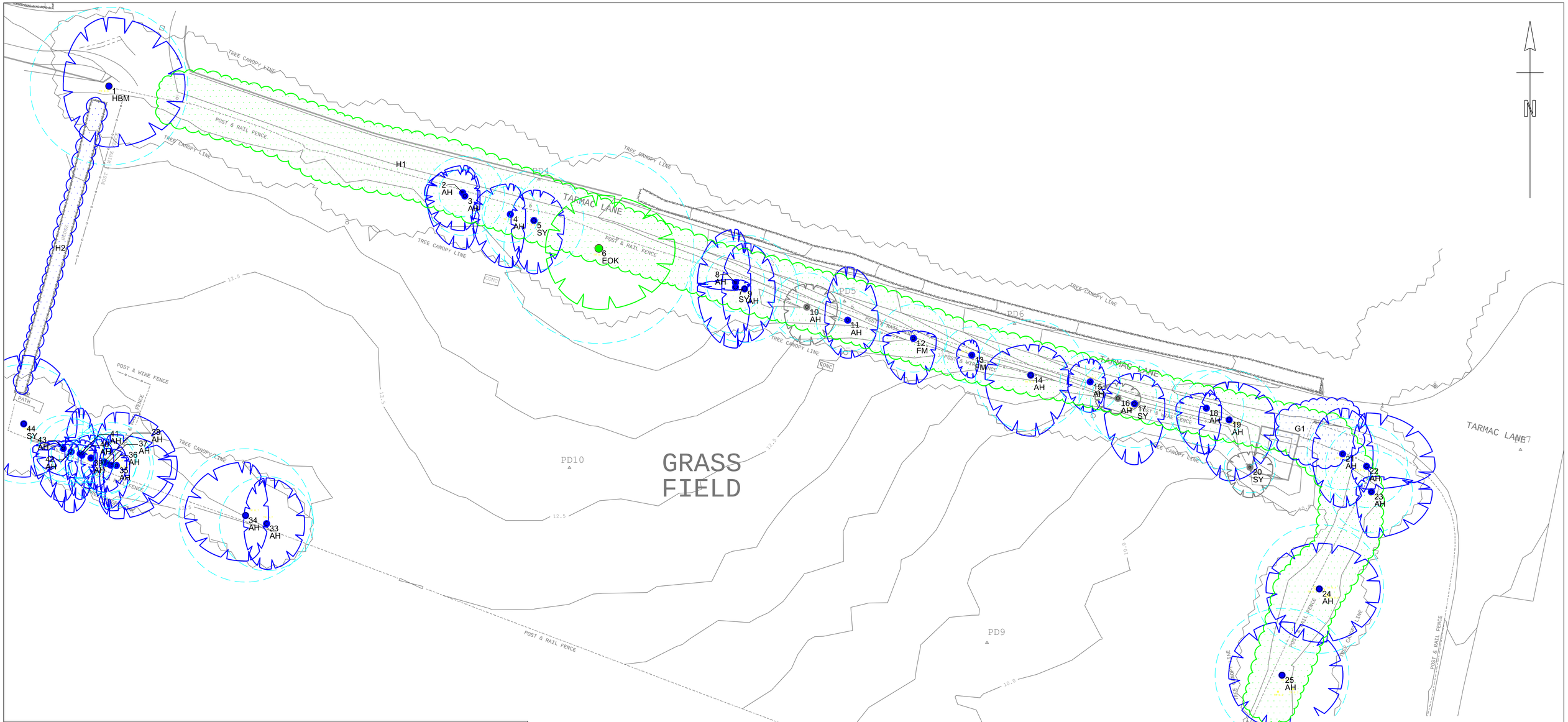
DO NOT SCALE FROM DRAWINGS. ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECTS. COPYRIGHT RESERVED

Draft Site Layout

Appendix 5

TREE SURVEY PLAN

O'Neill ASSOCIATES



Key

- Tree of high quality & value (Category A)
- Tree of moderate quality & value (Category B)
- Tree of low quality & value (Category C)
- Tree of poor quality & value (Category U)
- Root Protection Area (RPA) (Individual trees Category A-C only)
- Groups of trees & hedges of high quality & value (Cat. A)
- Groups of trees & hedges of moderate quality & value (Cat. B)
- Groups of trees & hedges of low quality & value (Cat. C)
- Groups of trees & hedges of poor quality & value (Cat. U)

Species

AH - Ash (*Fraxinus excelsior*)
CWL - Crack Willow (*Salix fragilis*)
EOK - English Oak (*Quercus robur*)
FM - Field Maple (*Acer campestre*)
HA - Hawthorn (*Crataegus monogyna*)
HBM - Hornbeam (*Carpinus betulus*)
SY - Sycamore (*Acer Pseudoplatanus*)

Notes

Survey carried out according to BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. Refer to accompanying arboricultural report for full survey details.

Rev:	Change:	Date:

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Amy Johnson Way
Clifton Moor
York YO30 4AG

T: 01904 479094
E: office@enviroscope.eu

Enviroscope consulting

Client:

Shepherd Homes

Project:

Land at Cherry Lane, York

Drawing:

Tree Constraints Plan

Scale:	Date:	Drawn:	Checked:
1:250 @A1	02/02/16	GM	CL
Project No.:	Drawing No.:	Revision:	
546	01	-	

Appendix 6

ECOLOGY SURVEY

O'Neill ASSOCIATES

Preliminary Ecological Assessment

Land off Cherry Lane, York

Ben Botham, Sheperd Homes

June 2014

accessEcology

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Unit R1B Riverside Block
Sheaf Bank Business Park
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info@accessecology.co.uk
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A INTRODUCTION

1. This report presents the results of investigations and surveys relating to the land off Cherry Lane, York (OS grid reference SE 588 495) undertaken in May 2014.

2. The aim of the survey was to record any evidence of use of the site by protected or notable species, as well as assess any features of importance or that would support the presence of protected species, or other species of nature conservation importance, and to determine if controlled non-native invasive species that could represent a constraint to future works are present on site.

3. The survey was undertaken by Miss Emma Smail Assistant Ecologist and graduate member of CIEEM.

4. This report presents an assessment of potential ecological constraints to development, based on the results of the survey, along with recommendations for further, more detailed surveys to be undertaken, as appropriate.

A.1 Background to the Survey

5. Access Ecology Ltd was commissioned in May 2014 by Mr Ben Botham from Sheperd Homes to undertake an ecological survey of the land off Cherry Lane, York (see Appendix A Figure 1).

6. The ecological survey was commissioned in relation to the intention to develop the site.

A.2 Building and Habitat Description Summary

7. The surveyed area is approximately 0.8ha and is composed of an large are of amenity grassland and improved grassland along with areas of tall ruderal boarded on the west, north and east by hedgerow interspersed with trees. The site is located to the south of Cherry Lane, approximately 4km south west of the centre of York. The site is immediatley surrounded by; Cherry Lane and residential dwellings to the north, York racecourse to the east and associated buildings to the south and west. The wider habitat to the north, south and west is mainly composed of urban habitat. To the east lies the York racecourse with areas of open grassland and past this the River Ouse lies approximately 1.5km from the site.

B LEGISLATION

8. This legal information is a summary and intended for general guidance only. It is recommended that the original documentation is referred to for detailed and definitive information. Web addresses are located in the References and Bibliography section of this report.

B.1 Habitat Regulations

9. The Conservation of Habitats and Species Regulations 2010 transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is absent at the time).

B.2 Wildlife & Countryside Act 1981

10. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act (CRoW) 2000 and the Natural Environment and Rural Communities Act (NERC) 2006 (which also places a duty on authorities to have due regard for biodiversity and nature conservation) consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

11. Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;

12. Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;

13. Pick or uproot any wild plant listed under Schedule 8 of the Act.

B.3 National Planning Policy Framework

14. The NPPF outlines government planning policies and how they should be applied within local authorities. The framework places an emphasis on sustainable development, encouraging the re-use of land that has previously been developed over using land that has a higher environmental value and by minimising impacts on biodiversity. The NPPF states that developments should aim to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments.

B.4 Biodiversity Action Plans

15. The original objective of the UK Biodiversity Action Plan (UKBAP) was to fulfil the requirements of the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. A list of national priority species and habitats has been produced with specific action plans defining the measures consider necessary to ensure their conservation. Regional and local BAPs have also been developed for species/habitats of nature conservation importance both regionally and locally.

B.5 Local Structure Plans

16. County, District and Local Councils have Structure Plans and other policy documents that include targets and policies which aim to maintain and enhance biodiversity through the planning system.

C METHODOLOGY

C.1 Desktop Study

C.1.1 Ecological Records Search

17. A desk study has been undertaken as part of this study. Protected species information for the site and surrounding area (up to two kilometres) was requested from North and East Yorkshire Data Centre.

C.1.2 Designated Sites

18. The Multi-Agency Geographic Information for the Countryside (MAGIC) internet resource was examined to find out the locations of areas designated for nature conservation in the area surrounding the surveyed land.

C.2 Floral Surveys

C.2.1 Phase 1 Habitat Survey

19. The Phase 1 Survey took place on the 16th May 2014. The survey was carried out in accordance with the standard Phase 1 Habitat Survey methodology (JNCC, 2003). Dominant plant species were noted, as were any uncommon species or species indicative of particular habitat types.

20. The information collected during the survey was approximately mapped and can be found on the Phase 1 Habitat survey map in Appendix A (Figure 3). The survey was carried out by Emma Smail.

C.2.2 Hedgerow Regulations Assessment

21. The hedgerows on site were assessed against the criteria set in paragraphs 6, 7 and 8 within the Hedgerow Regulations 1997 using the standard survey methodology laid down in the same documentation. The criteria set within paragraphs 1, 2, 3, 4 and 5 relate to archaeological and historic features and as a result are not within the remit of this report.

C.2.3 Controlled Invasive Species

22. The site was assessed during the Phase 1 Habitat survey for the presence of invasive non-native species including Japanese knotweed *Fallopia japonica*, Himalayan balsam *Impatiens glandulifera*, giant hogweed *Heracleum mantegazzianum* and Australian swamp stonecrop *Crassula helmsii*.

C.3 Faunal Surveys

C.3.1 Badger

23. During the survey, all badger signs encountered were recorded. All boundary features were walked.

24. Evidence was sought which could indicate that badgers were present. This evidence includes:

- *Setts*- varying in entrance hole number, from single hole setts through to those comprising an extensive series of holes usually connected underground.
- *Latrines*- shallow dug dung pits often marking territorial boundaries.
- *Hair*- often caught on fences or thorny shrubs such as bramble, *Rubus fruticosus* spp.
- *Trails*- between setts or leading to feeding areas. Badger's bodies are low to the ground and relatively wide, leaving characteristic depressions in badger path vegetation and rubbing marks on stones and logs crossing paths.
- *Tracks*- badgers have wide paws; the pads are in a roughly straight line. Claw marks can often be observed
- *Feeding*- snuffle holes are formed during foraging.

25. Where setts are found surveyors will examine the available evidence and attempt to classify setts according to classifications described in Table 1 and classify the likelihood that holes are in use (see Table 1).

Table 1. Sett classifications

Sett Type	Description
Main	Several large holes with large spoil heaps and obvious paths emerging from and between sett entrances
Annexe	Normally less than 150m from main sett. May be in use all the time, even if main sett very active
Subsidiary	Usually at least 50m from main sett with no clear paths connecting to other setts. May be used only intermittently
Outlier	Small amounts of spoil outside entrance holes. No clear paths connecting to other setts and used only sporadically. May be used by foxes and rabbits

Table 2. Entrance hole classifications

Entrance hole status	Description
Well used	One or more of the features: well worn entrance; freshly excavated soil; bedding material
Partially used	Vegetation in entrance and/or mosses growing in and/or around entrance
Disused	Partially or completely blocked, considerable excavation would be required to re-open hole

C.3.2 Bats – Ground Based Tree Risk Assessment

26. Trees which are included within the survey area were visually assessed for potential bat roosting opportunities from ground level.

27. Each tree was inspected using binoculars for features which may be used by roosting bats including natural holes, woodpecker holes, cracks/splits in major limbs, loose bark, dense thick stemmed ivy, hollows/cavities and birds or bat boxes. Signs indicating use of tree features by roosting bats include scratches and/or staining around entry points, bat droppings in/around/below entrance, audible squeaking at dusk or in warm weather, flies

around entry points, the distinctive smell of bats and the smoothing of surfaces around cavities.

28. When a roost is positively identified during the inspection the tree within which the roost is located is classified within the category Roost Present. Other trees are classified as having High, Moderate, Low or Negligible potential to contain bat roosts based upon the number and quality of features present, and the trees position in relation to the surrounding environs. Table 4 gives the features considered when attributing a potential classification to a tree.

Table 3: Features typical of trees within the different risk categories

Negligible	Low Potential	Moderate Potential	High Potential
Geographic location poor species diversity (i.e.: extensive arable areas, upland sites)	Geographic location moderate species diversity	Geographic Location moderate species diversity	Geographic location with moderate or high species diversity (i.e.: Welsh valleys, southern counties)
Isolated tree	Located within coniferous plantation or within groups of young trees with simple growth forms	Located within an area offering some habitat features likely to be used by bats	Located within ancient woodland or parkland
Immature or semi mature tree with no evidence of disease or damage	Immature or semi mature tree with evidence of disease or damage. Mature tree in good condition	Mature tree or over mature tree with signs of disease or damage	Mature tree, over mature or dead tree with obvious signs of disease or damage
No cracks or crevices	Few small cracks and crevices	Cracks/crevices suitable for small numbers or individual bats	Cracks/crevices potentially suitable for larger colonies
No flaking bark	Limited flaking bark	Loose or Flaking bark with suitability to support small numbers or individual bats	Loose or Flaking bark with areas deep enough to support larger colonies
Low/no ivy cover	Low ivy cover	Medium-Dense ivy cover	Medium-Dense ivy cover
No epicormic growth	Limited epicormic growth	Thick epicormic growth	Thick epicormic growth
No Woodpecker holes	No Woodpecker holes	Woodpecker holes	Woodpecker holes
No deadwood in canopy or stem	Limited deadwood in canopy or stem with no obvious holes	Deadwood in canopy or stem with shallow cracks or holes	Deadwood in canopy or stem with obvious cracks and holes
No snagged branches	No snagged branches	Snagged branches	Snagged branches
No hollow areas	Majority of limbs and stem solid	Hollow stem or limb suitable for small numbers or individual bats	Hollow stem or limb with areas deep enough to support larger colonies
Buttresses intact	Buttresses intact	Hole between buttresses with areas deep enough small numbers or individual bats	Hole between buttresses with areas deep enough to support larger colonies
Core Solid	Core solid	Hollow core with areas deep enough small numbers or individual bats	Hollow core with areas deep enough to support larger colonies

C.3.3 Other Protected Notable Species

29. Any field signs of other protected and notable species were noted by the surveyors during the survey.

D RESULTS

D.1 Desktop Study

D.1.1 Data Search

31. The North and East Yorkshire Ecological Data Centre provided 207 species records dating from between 1970 to 2013. For the purposes of this report only records taken between January 2000 and June 2014 were considered, as habitat change is likely to have rendered any records prior to this period irrelevant. When filtered by date and when the relevance of the species to the habitats present on site is considered, 31 records were left for consideration all of bat species and 2 for badgers.

32. All of the relevant records are summarised in Table 4 below.

D.1.1.1 Bats

33. NEYEDC provided 31 records of bats within 2km of the site since the year 2000. Species recorded are common pipistrelle *Pipistrellus pipistrellus*, unidentified myotis species *Myotis spp*, with several records of unidentified bats recorded as vesper bat records. The closest bat record is 0.34km from the site with 7 bat records within a 1km radius of the site.

34. None of the records realate to roosts.

D.1.1.2 Badgers

35. NEYEDC provided 2 records of badgers, *Meles meles*, witin a 2km radius of the site. Both of these records are located at the same grid reference 1.75km from the site.

Table 4. Relevant Derbyshire Wildlife Trust species records within a 2km radius of the site

Species Name	Latin	Address	Record Date	Record type	OS	Distance (km)	Bearing (°)	Supplied by
Common Pipistrelle	*Pipistrellus Pipistrellus*	Middlethorpe, York	26/08/2004	Field Record	SE58594977	0.34	322.13	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Fulford, York	26/08/2004	Field Record	SE58574977	0.35	319.57	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Fulford, York	26/08/2004	Field Record	SE58464976	0.43	307.41	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Rowntree Park, York	27/07/2004	Field Record	SE58264901	0.73	227.78	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Fulford, York	26/08/2004	Field Record	SE58224902	0.75	230.39	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Dringhouses, York	07/06/2004	Field Record	SE58995040	0.92	11.92	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Dringhouses, York	07/06/2004	Field Record	SE58635048	0.99	350.16	NEYEDC
Vesper Bat	*Vespertilionidae*	South Bank, York	26/05/2004	Field Record	SE 59381 50620	1.26	27.42	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Dringhouses, York	07/06/2004	Field Record	SE59265083	1.41	19.08	NEYEDC
Pipistrelle	*Pipistrellus*	4 Ferry Lane, Bishopthorpe. YO23 2SB	07/09/2004	Field Record	SE583510	1.58	341.57	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Nunthorpe, York	26/05/2004	Field Record	SE60225036	1.66	58.80	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Skeldergate Bridge, York	25/04/2002	Field Record	SE5947	1.66	58.80	NEYEDC

Common Pipistrelle	*Pipistrellus Pipistrellus*	Dringhouses, York	07/06/2004	Field Record	SE57905095	1.71	328.17	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Nunthorpe, York	26/05/2004	Field Record	SE598481	1.72	144.46	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Hob Moor, York	06/06/2004	Field Record	SE60335031	1.73	62.10	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Fulford Ings	17/04/2003	Field Record	SE60295129	1.73	62.10	NEYEDC
Unidentified Bat	*Myotis*	Dringhouses, York	07/06/2004	Field Record	SE597480	1.75	149.04	NEYEDC
Eurasian badger	*Meles meles*	Middlethorpe	02/02/1996	Field Record	SE597480	1.75	149.04	NEYEDC
Eurasian badger	*Meles meles*	A64, Bishopthorpe	27/10/2003	Field Record	SE597480	1.75	149.04	NEYEDC
Vesper Bat	*Vespertilionidae*	Knavesmire, York	26/08/2004	Field Record	SE59795096	1.76	34.14	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Hob Moor, York	06/06/2004	Field Record	SE60365037	1.79	60.85	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Fulford Ings	17/04/2003	Field Record	SE60435137	1.79	60.85	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	York	06/06/2004	Field Record	SE60395041	1.83	60.22	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Dringhouses, York	07/06/2004	Field Record	SE60405043	1.85	59.83	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	Acomb, York	06/06/2004	Field Record	SE60415047	1.88	58.93	NEYEDC
Unidentified Bat	*Myotis*	Middlethorpe, York	26/08/2004	Field Record	SE6051	1.92	38.66	NEYEDC
Pipistrelle	*Pipistrellus*	11 High Ousegate, York. YO1 8RZ	05/08/2004	Field Record	SE6051	1.92	38.66	NEYEDC
Vesper Bat	*Vespertilionidae*	Middlethorpe, York	26/08/2004	Field Record	SE6051	1.92	38.66	NEYEDC
Common Pipistrelle	*Pipistrellus Pipistrellus*	York, city centre	19/04/2004	Field Record	SE60635011	1.93	71.57	NEYEDC
Common Pipistrelle	Pipistrellus Pipistrellus	Nunthorpe, York	26/05/2004	Field Record	SE60465056	1.97	57.44	NEYEDC
Common Pipistrelle	Pipistrellus Pipistrellus	South Esplanade, York	25/04/2002	Field Record	SE5650	1.97	57.44	NEYEDC
Common Pipistrelle	Pipistrellus Pipistrellus	Nunthorpe, York	26/05/2004	Field Record	SE60465059	1.99	56.71	NEYEDC
Common Pipistrelle	Pipistrellus Pipistrellus	Fulford Cross School	23/09/2002	Field Record	SE588514	1.99	56.71	NEYEDC

D.1.2 Designated Wildlife Sites

36. A search of the MAGIC database revealed that there are five internationally or nationally designated wildlife sites within a 2km radius of the proposed development site.

37. The search revealed three Sites of Special Scientific Interest (SSSI) and two local nature reserves (LNR). Only the LNR Hob Moor is less than 1km from the site, the rest being at least 1.5km from the site. The results of the search are detailed in Table 5 below.

Table 5. Designated Wildlife Sites within a 2km radius of the site

Site Name	Designation	Grid Reference	Distance from Site (km)	Bearing	Size (ha)	Reason for Designation
Hob Moor	Local Nature Reserve	SE5829550379	0.7	North West	35.98	Local Nature Reserve
Askham Bogs	Ancient Woodland, Site of Scientific Interest	SE57334814	1.5	South West	37.92	Ancient Woodland, Site of Scientific Interest
Fulford Ings	Site of Scientific	SE6064849260	1.5	East	13.05	Site of Scientific

	Interest					Interest
Acomb Wood & Meadow	Local Nature Reserve	SE57074939	1.6	West	4.32	Local Nature Reserve
Nabum Marsh	Site of Scientific Interest	SE5996647960	1.7	South East	13.22	Site of Scientific Interest

D.2 Floral Surveys

D.2.1 Phase 1 Habitat Survey

38. Four habitat types were identified during the phase 1 habitat survey.

- Amenity grassland
- Improved grassland
- Hedgerow
- Tall ruderal

39. A non-exhaustive species list can be found in Appendix A, Figure 4 with a habitat map located in Appendix A, Figure 3.

D.2.1.1 Amenity grassland

40. In total this habitat type covers approximately half of the site (0.4ha). It is dominated by Yorkshore fog *Holcus lanatus* with occasional perennial rye grass *Lolium perenne* and rough meadowgrass *Poa trivialis*. Creeping buttercup *Ranunculus repens*, meadow buttercup *Ranunculus acris* and nettle *Urtica dioica* were all occasional with common thistle *Cirsium vulgare* rare.

41. The management of the area consists of frequent, close mowing. Within the fenced area some areas had been worn away by the trampling of horses.

D.2.1.2 Improved grassland

42. This area of grassland is dominated by Yorkshire fog with frequent timothy *Phleum pratense* and occasional perennial rye grass. Abundant meadow buttercup along with frequent common thistle, nettle, curled dock, germander speedwell *Veronica chamaedrys*, dandelion *Taraxacum spp* and common mouse ear *Cerastium fontanum* were present.

43. This area had not been mown recently when the survey was conducted.

D.2.1.3 Hedgerow

44. The site is boardered on three sides by species-poor intact native hedgerows; northern (H1), eastern (H2) and western (H3). The hedgerows H1 and H2 are mature and established, approximately 6-8m tall by 4-6m wide and are currently unmanaged. H3 is managed and trimmed into a square shape approximately 2m tall.

45. The hedgerow is dominated by hawthorn *Crataegus monogyna*, along with occasional blackthorn *Prunus spinosa* and also contains elder *Sambucus nigra*, oak *Quercus spp*, Beech *Fagus spp* and sycamore *Acer pseudoplatanus*. The ground flora of the hedgerow is tall ruderal similar to that found elsewhere on the site.

46. Further description of the hedgerow is included with section D.2.2.

D.2.1.4 Tall ruderal

47. The tall ruderal habitat is found along the northern and eastern boundary associated with the hedgerows and also in a thin strip to the western side of the site. The habitat type is dominated by nettles with abundant common thistle and curled dock *Rumex crispus* and occasional cow parsley *Anthriscus sylvestris* and garlic mustard *Alliaria petiolata*.

D.2.2 Hedgerow Regulations Assessment

48. A Phase 1 Habitat survey map showing the location of the hedgerow is included as Appendix A Figure 4.

Table 6. Hedgerow Regulation 1997 Paragraph 6,7 and 8 Assessment results

			Hedgerow		
			1	2	3
Structure	Grid reference (Centre)		SE589495	SE589494	SE588495
	Total length of Hedge (m)		174m	54m	35m
	Features	Bank or wall			
		Ditch			
		Gaps not exceeding 10% of total length		3	
	Connections	Other hedges	2	1	1
		Woodland			
	Other features	Ponds			
		parallel hedge			
		Right of way	To north		
Standard Trees	Single stemmed trunk over 20cm diameter		1	5	0
	Multi stemmed having two trunks over 15cm diameter		10	2	0
	Average number standard per 50m of hedge		5	4	0
Flora	Number of woodland Ground Flora species (From Schedule 2) within 1m of hedge		0	0	0
	Number of woody species (From Schedule 3) *	Section 1	6	3	5
		Section 2	3		
		Section 3			
		Average per 30m	4.5	3	5
	Black Poplar				
	Small leaved Lime		2		
	Large Leaved Lime				
	Wild service Tree				
Fauna of importance or note	Insects				
	Invertebrates				
	Plants				
	Stoneworts				
	Birds				

	Other protected species	Lots of bird calls – definitely bird potential	Lots of bird calls – crow seen entering hedgerow	Bird potential

D.2.3 Controlled Invasive Species

49. No evidence of controlled invasive species was found during the survey.

D.3 Faunal Surveys

D.3.1 Badger

50. No evidence of badger activity was found during the survey.

D.3.2 Bats

D.3.2.1 Ground Based Tree Risk Assessment

51. The ground based tree risk assement carried out on the 16th May 2014 revealed one tree suitable for bat roosting, with all other trees on site being found to have negligible potential.

52. The site does contain other features suitable for foraging bats, particularly the established hedgerow and to a lesser extent the grassland.

D.3.3 Other Protected and Notable Species

D.3.3.1 Nesting Birds

53. A high level of bird activity observed and heard around the site during the survey. The hedgerow provides suitable nesting bird habitat and the grassland provides suitable ground nesting bird habitat.

E INTERPRETATION/EVALUATION OF SURVEY RESULTS

E.1 Desk study

E.1.1 Designated Wildlife Sites

54. The closest designated wildlife site is Hob Moor LNR approximately 0.7km to the north west of the site. This is separated from the site by residential housing, roads and a railway track.

55. Four other designated wildlife sites are within the 2km buffer zone which are Fulford Ings SSSI, Askam Bogs Ancient Woodland and SSSI, Acomb Wood and Meadow LNR and Naburn Marsh SSSI. All of these however are over 1.5km from the proposed development site.

56. Due to the distance and barriers between the proposed development site and the identified designated sites, it is unlikely that the development proposals will have any direct effects on these areas.

57. As a result of this no further surveys or desk study's are required at this stage.

E.2 Floral Surveys

E.2.1 Phase 1 Habitat Survey

58. All of the habitats and floral species identified on site are common and the site was found to contain limited floral diversity.

E.2.2 Hedgerows Regulations Assessment

59. The following Assessment is provided as guidance only, the Local Planning Authority would carry out an independent assessment based upon the exact planning proposals in the event that hedgerow removal was required.

60. The following is an assessment of the hedgerow against the criteria set paragraphs 6, 7 and 8 in The Hedgerows Regulations 1997. The criteria set within paragraphs 1, 2, 3, 4 and 5 relate to archaeological and historic features and as a result are not within the remit of this report.

E.2.2.1 The Hedgerows Regulations 1997 Paragraph 6

61. The hedgerow was examined against the criteria laid down in Paragraph 6 of the Hedgerow Regulations and found not to be 'important' in the sense of the Regulations.

62. This due to the fact that:

- The hedgerow contains insufficient species to meet the necessary criteria. The hedgerow identified is floristically and structurally poor.
- No species of note were recorded by the local records centre or by the surveyors in association with the hedgerow.

E.2.2.2 The Hedgerows Regulations 1997 Paragraph 7

63. The hedgerow was examined against the criteria laid down in Paragraph 7 of the Hedgerow Regulations and found not to be 'important' in the sense of the Regulations.

64. This is due to the fact that:

- The hedgerow assessed contained insufficient (<5) woody species (as defined by The Hedgerow Regulations 1997) to be considered further under this paragraph.

E.2.2.3 The Hedgerows Regulations 1997 Paragraph 8

65. The hedgerows were examined against the criteria laid down in Paragraph 8 of the Hedgerow Regulations and found not to be 'important' in the sense of the Regulations.

66. This is due to the fact that:

- All though the Hedgerow runs adjacent to Cherry Lane, it fails to contain sufficient (4) woody species (as defined by The Hedgerow Regulations 1997) to be considered further under this paragraph.

E.2.3 Controlled Invasive Species

67. No evidence of any controlled or invasive species was found during the survey.

68. As a result, controlled invasive species do not present a constraint to development.

E.3 Faunal Surveys

E.3.1 Badger

69. No evidence of badger activity was found during the survey.

E.3.2 Bats

70. Only one tree within the site boundary was assessed as having moderate potential to support roosting bats. The other trees within the site boundary were assessed as being low or negligible potential for roosting bats.

71. The site was contains both hedgerow and grassland which potentially may be used by foraging bats.

E.3.3 Other Protected and Notable Species

E.3.3.1 Nesting Birds

72. A high level of bird activity was observed and heard around the site during the survey. The hedgerow provides suitable nesting bird habitat and the adjacent grassland provides suitable ground nesting bird habitat.

F CONCLUSIONS AND RECCOMENDATIONS

73. The recommendations are made in relation to the proposal to develop the site.

F.1 Floral

F.1.1 Phase 1 habitat survey

74. All of the habitats and floral species identified on site are common and the site was found to contain limited floral diversity.

75. As a result of this no further botanical survey is required.

However, it should be noted that Hedgerows are designated UKBAP habitats.

F.1.2 Hedgerows Regulations Assessment

76. The hedgerow assessed would not qualify as an ancient or species rich hedgerow. As a result no further botanical survey is required at this point.

77. The hedgerow surveyed fails to meet the criteria set for "important" hedgerows under The Hedgerow Regulations 1997 paragraphs 6, 7 and 8.

78. However, the hedgerow on site would meet the requirements of the UKBAP priority habitat Hedgerows as stated below:

79. *"A hedgerow is defined as any boundary line of trees or shrubs over 20m long and less than 5m wide, and where any gaps between the trees or shrub species are less that 20m wide (Bickmore, 2002). Any bank, wall, ditch or tree within 2m of the centre of the hedgerow is considered to be part of the hedgerow habitat, as is the herbaceous vegetation within 2m of the centre of the hedgerow. All hedgerows consisting predominantly (i.e. 80% or more cover) of at least one woody UK native species are covered by this priority habitat…"* (UKBAP, 2007)

80. As a result of this, it is highly recommended that the existing hedgerow is retained where possible. If total retention is not possible the proposals should to look to replace any loss with like for like hedgerow planting elsewhere on site and/or enhancing through additional planting or improved management the remaining lengths of hedgerow present on site.

F.2 Faunal

F.2.1 Bats

81. One tree on site was assessed as having moderate potential for use as a bat roost. The other trees on site were assessed as having low or negligible potential for roosting bats. If the tree assessed as having moderate potential is to be removed then an aerial survey would be required prior to works on it commencing. The other trees on site require no further surveys to be conducted however where possible they should be retained to minimise the ecological impact of the development of the site.

82. To maintain and enhance the ecological value of the site and in accordance with the aims of The National Planning Policy Framework, it is suggested that the developer may retain the hedgerow where possible and look to include suitable enhancements for bats within the new development. Such features could include the, inclusion of suitable bat friendly plants (Appendix B) within the landscaping scheme and directing exterior lighting away from the any retained areas of hedgerow.

F.2.2 Other Protected and Notable Species

F.2.2.1 Nesting Birds

83. Both the hedgerow and grassland were found to have potential for nesting birds. As a result of this it is recommended that the redevelopment works be carried outside the main nesting period (March – August). Should works need to be carried out within this period, a suitable method statement for the protection of nesting birds would have to be put in place which should include:

- Pre-works inspections of suitable nesting habitat in and around the work area by a suitably qualified ecologist.
- Netting of any suitable areas of vegetation, once assessed as clear of nesting birds as appropriate.

84. To maintain and enhance the ecological value of the site and in accordance with the aims of The National Planning Policy Framework, it is suggested that the developer may wish to include suitable features for nesting birds within the new development.

F.3 Survey validity

85. The relevance of any ecological survey work degrades with time. Therefore, if the development works have not been completed within one year of the publication date of this report (June 2014), further surveys will be required to re-establish the ecological status of the site.

G REFERENCES

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UK legislation and policy web address:

Conservation of Habitats and Species Regulations 2010:
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Habitats Directive:
www.europa.eu.int/eur-lex/en/lif/dat/1992/en_392L0043

The Hedgerow Regulations 1997
http://www.legislation.gov.uk/uksi/1997/1160/contents/made

Wildlife and Countryside Act 1981:
www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1981/cukpga_19810069_en_1

National Parks and Access to the Countryside Act 1949:
http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1949/cukpga_19490097_en_1

National Planning Policy Framework:
http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf

APPENDIX A

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N

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Sheffield
S2 3EN

info@accessecology.co.uk

Legend		Project	Land off Cherry Lane, york
	Site location	Title	Fig 1. Location Plan
		Client	Shepherd Homes Ltd
		Date	25/06/2014
www.accessecology.co.uk		Ref	[0600]Fig1[SB]loc

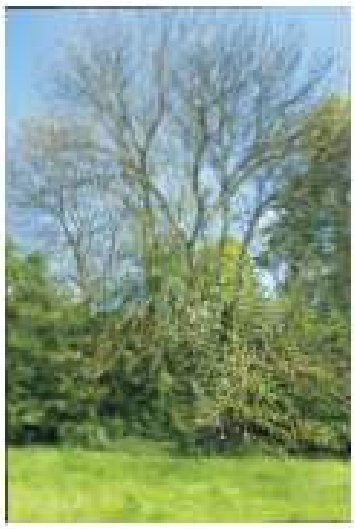
Small building on northern boundary

Tree line

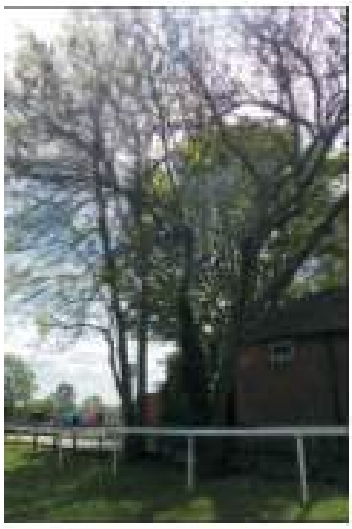
Cherry Lane

Grassland

Tree in hedgerow



Southern boundary



Grassland overview

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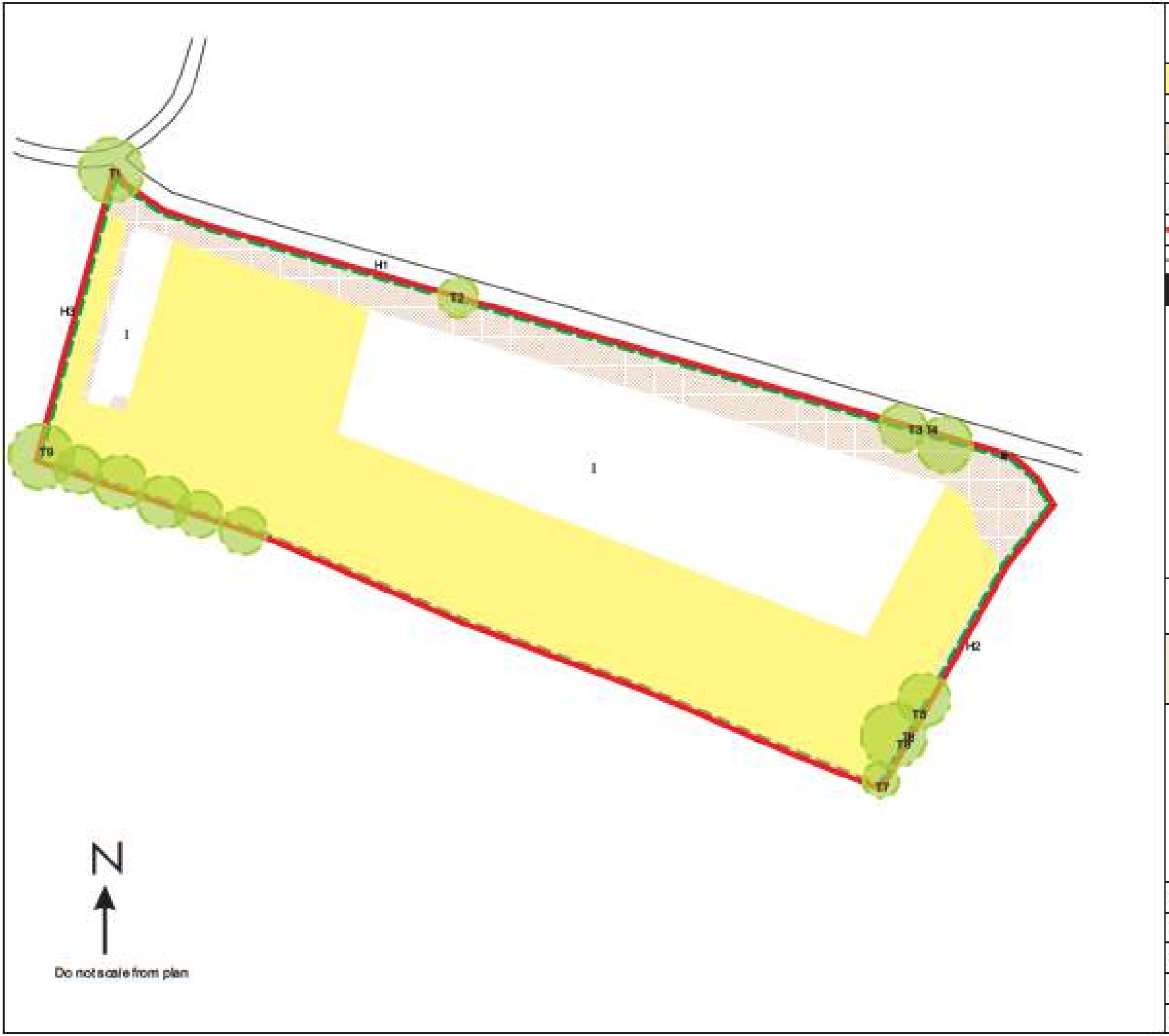
Project	Land off Cherry Lane, York
Title	Fig. 2. Site Images
Client	Shepherd Homes Ltd
Date	25/06/2014
Ref	[0600]Fig2[SB]img



Legend

	Amenity Grassland
I	Improved Grassland
	Tall Ruderal
	Scattered Trees
	Hedgerow
	Site Boundary
	Wooden Fence
	Building

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Project	Land off Cherry Lane, York
Title	Fig 3.Phase 1
Client	Shepherd Homes Ltd
Date	May 2014
Ref	[b600]Fig3(SB)Phase1

Amenity Grassland		
Common Name	**Scientific Name**	**DAFOR**
Common mouse-ear	*Cerastium fontanum*	O
Common thistle	*Cirsium vulgare*	O
Yorkshire Fog	*Holcus lanatus*	D
Perennial rye grass	*Lolium perenne*	O
Rough Meadowgrass	*Poa trivialis*	O
Meadow buttercup	*Ranunculus acris*	O
Creeping buttercup	*Ranunculus repens*	O
Common nettle	*Urtica dioica*	O
Germander Speedwell	*Veronica chamaedrys*	O

Improved Grassland		
Common Name	**Scientific Name**	**DAFOR**
Cow Parsley	*Anthriscus sylvestris*	O
Common mouse-ear	*Cerastium fontanum*	F
Common thistle	*Cirsium vulgare*	F
Yorkshire Fog	*Holcus lanatus*	D
Perennial rye grass	*Lolium perenne*	O
Timothy	*Phleum pratense*	F
Meadow buttercup	*Ranunculus acris*	A
Creeping buttercup	*Ranunculus repens*	O
Curled Dock	*Rumex crispus*	F
Common nettle	*Urtica dioica*	F
Germander Speedwell	*Veronica chamaedrys*	F

Hedgerow 1		
Common Name	**Scientific Name**	**DAFOR**
Field maple	*Acer campestre*	LR
Sycamore	*Acer pseudoplatanus*	LR
Hawthorn	*Crataegus monogyna*	D
Blackthorn	*Prunus spinosa*	O
Oak	*Quercus robur*	LR
Elder	*Sambucus nigra*	D
Small leaved-lime	*Tilia cordata*	O

Hedgerow 2		
Common Name	**Scientific Name**	**DAFOR**
Hawthorn	*Crataegus monogyna*	D
Beech	*Fagus sylvatica*	O
Willow	*Salix sp.*	R
Elder	*Sambucus nigra*	D

Hedgerow 3		
Common Name	**Scientific Name**	**DAFOR**
Field maple	*Acer campestre*	F
Hawthorn	*Crataegus monogyna*	F
Beech	*Fagus sylvatica*	F

Holly	*Ilex aquifolium*	F
Privet	*Ligustrum sp.*	F

Tall Ruderal		
Common Name	Scientific Name	DAFOR
Garlic Mustard	*Alliaria petiolata*	O
Cow Parsley	*Anthriscus sylvestris*	O
Burdock	*Arctium lappa*	A
Common thistle	*Cirsium vulgare*	A
Cleavers	*Galium aparine*	O
Perennial rye grass	*Lolium perenne*	F
Bramble	*Rubus fruticosa*	A, LD
Curled Dock	*Rumex crispus*	A
Common nettle	*Urtica dioica*	D

Appendix 7

Landscape Design Statement

O'Neill
ASSOCIATES

CHERRY LANE, YORK

SHEPHERD HOMES LTD

JULY 2017

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Surface Property is a trading name of Arcus Consultancy Services, Registered in England & Wales No. 5644976

1 INTRODUCTION

Surface Property was commissioned by Shepherd Homes Ltd to prepare a Landscape Design Statement (LDS) in support of a development site on land to the south of Cherry Lane, York (Figure 1).

This report presents an assessment undertaken by a Chartered Landscape Architect and includes an assessment of the site, surrounding context and the wider context of Micklegate Stray (The Knavesmire); together with assessment of existing trees, views, visual impact and character within the context of the current base line and in view of accommodating development.

This report and the accompanying notes provide guidance as to the nature and quality of the existing landscape to inform the site design and planning process. The proposed development (The Development) includes five detached dwellings and associated garages, access road, driveways, boundary features and associated infrastructure. The report also responds in part to the comments[1] received from City of York Council Landscape Architect, Esther Priestley, and is informed by the Tree Survey Report undertaken by Enviroscope Consulting and the draft site layout prepared by PRA Architects, which are referenced by the City of York Council Landscape Architect.

The site was visited during the winter (10th February 2017) and again in the summer (04th July 2017) to assess the extent of visual screening offered by existing trees on site. At the time of the survey, weather conditions were fair, with light rain but good visibility.

[1] City of York Council (2017). File: Cherry Lane 16-01823-preapp 24-01-17 EP.

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Figure 1: Location Plan

2 SITE DESCRIPTION

2.1 Wider Context

The Development lies approximately 3km to the south of York city centre and is accessed via Tadcaster Road and Cherry Lane. The site lies in close proximity to The Knavesmire and forms part of the wider landscape setting of The Knavesmire. To the north and west of the Development there are a series of large residential properties with large vegetated gardens; together with Goddards, and the Marriott hotel further to the north. The Holiday Inn hotel (6 storeys in height) is located to the north-west of the Development, the top storey of which is visible from The Knavesmire. To the east lies The Knavesmire and to the south lies grassland, infrastructure and buildings associated with The Racecourse Centre and properties off Hunters Way and Bracken Road which abut The Knavesmire.

2.2 Adjacent Context

The Development is located to the south of Cherry Lane which forms The Development's northern boundary. The eastern boundary lies adjacent to York Racecourse and borders The Knavesmire. The southern boundary lies adjacent to grassland, and the western boundary borders a large residential property.

2.3 Boundary Descriptions

The northern boundary consists of a large mature hedgerow (H1) containing existing trees (T3-T22). This layered vegetation forms a dense visual screen between The Development and Cherry Lane and forms an attractive tree lined walkway along Cherry Lane (Photo 1). The eastern boundary contains a number of large trees (T23, T24, T25, T28, and T31). Further vegetation forms a dense understorey along this boundary in the form of G1, and T26-T27 and T29-T30 and T32. This layered vegetation creates a dense visual screen in both the summer and winter months; albeit with some gaps in the vegetation along the length at an existing vehicular access track (Photo 2). A small stream also forms part of the eastern boundary. The southern boundary is generally an open boundary and a grass field, although intermittent vegetation extending from The Development's eastern boundary to the south towards Hunters Way creates a screening effect when viewed from The Knavesmire (Photo 3). Trees T33-T44 form a dense vegetation group in the south-west corner of the boundary. The western boundary is formed by a continuous and dense hedge (H2) which forms a visual screen between the two sites; together with further trees and vegetation growing in the residential garden beyond. The north-west boundary contains a large tree T1 which forms a large specimen and is read as part of the vegetation associated with the northern boundary.

Three trees on site are protected by Tree Preservation Order TPO 22.

Photo 1: Showing the northern boundary of The Development looking east along Cherry Lane

Photo 2: Showing the eastern boundary of The Development looking west and viewed from the surfaced track around the inside of the Racecourse loop.

Photo 3: Showing the southern and eastern boundary of The Development looking south-west and viewed from the surfaced track around the inside of the Racecourse loop.

3 METHODOLOGY

The report is undertaken in line with the principles of BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations and Guidelines for Landscape and Visual Impact Assessment - Third Edition (GLVIA3); together with the findings of the site visits undertaken by a Chartered Landscape Architect.

4 ASSESSMENT

The overriding character of The Knavesmire is that of a relatively simple large open space and big sky landscape, surrounded on its boundaries by a complex and diverse landscape consisting of:

- Street trees;
- Woodland;
- Vegetation of varying forms abutting residential gardens and boundaries;
- Vegetated large rear gardens of residential properties forming dense and intermittent screens;
- Rural edges;
- Urban edges associated with Hunters Way, Bracken Road, Tadcaster Road, Hospital Fields Allotments and Albermarle Road (including associated residential areas and properties);
- York Racecourse;

- Bustardthorpe Allotments; and
- Focus School – York Campus.

The Knavesmire is also transected by Kanvesmire Road and various buildings, structures, boundaries, tracks and signage associated with the 'Racecourse Landscape' of The Knavesmire; together with a range or sporting facilities and landscapes also present to the north beyond Knavesmire Road. The landscape of The Development site is therefore part of a complex landscape character which borders and creates the setting of The Knavesmire.

The Development's immediate context contains both dense boundary vegetation and open boundaries, residential boundaries (unscreened) and large properties (both fully screened and partially screened). This context is in keeping with the complex setting of The Knavesmire and indeed what contributes to the character of the surrounding landscape which forms the setting of The Knavesmire as above.

The Development consists of five detached houses approximately 9m in height and it is proposed that all vegetation on site is to be retained. This retained vegetation along with proposed extensive planting to the southern boundary would create a significant visual screen between The Development and The Kanvesmire. With this vegetation retained and the addition of new planting views into the site would be extremely limited and viewed obliquely by members of the public.

The introduction of five additional houses into the undesignated land adjacent to The Knavesmire landscape would not be highly visible and therefore would not interrupt the landscape character, and as such would not cause harm to the quality and integrity of this strip of land (green wedge) due to the complexity and variety of the setting in which it is located; together with the limited scale of The Development, the existing vegetation (screening), the potential screening to the southern boundary and supplementary screening along the eastern boundary available within The Development. Indeed, even without screening to the southern boundary, The Development would still have the capacity to be absorbed by the complexity of the surrounding landscape without detracting from the green wedge associated with Micklegate Stray because of the context provided by Hunters Way and Bracken Road to the south, and Goddards, and the Marriott hotel (and new buildings) to the north. Views of The Development from The Knavesmire and associated footpath network are generally oblique or wholly screened, and seen not in isolation but as part of the fabric of the surrounding landscape. The presence of the Development would therefore not be clearly discernible from The Knavesmire and would not cause harm to this landscape.

5 RECOMMENDATIONS

A review of the comments submitted on the 24th January 2017 in an Internal Memo from Esther Priestley to Heather Fairy and following an assessment of the site the comments are welcomed as part of an iterative design process. There are many comments and recommendations which should be taken from the Internal Memo to inform the design process, and it is assessed that the concerns raised can be satisfactorily addressed through the following:

- Amendments to the masterplan to reduce the impact upon existing trees on site, reduce the impact of shading of these trees on residential amenity, and to enable screen planting to the southern boundary to be planted outside private ownership (occupants);

- Retention of boundary vegetation along Cherry Lane, with rear garden fences to the south of this vegetation and stained dark chestnut creating a boundary which would not be discernible from its current form and therefore preserving the current character of the lane;
- Retention of boundary vegetation along the eastern boundary preserving a dense screen between the site and The Knavesmire;
- Retention of trees across the remaining site to preserve the screening and character they provide;
- All works to be undertaken in line with BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations. Details of utilities would be clarified as part of the masterplanning process and all work to services on site would be undertaken in line with the NJUG "Guidelines for Planning, Installation and Maintenance of Utility Services in Proximity to Trees";
- Production of an Arboricultural Method Statement;
- Supplementary planting to the eastern boundary to both preserve and augment the existing dense screen planting;
- Location of site compound along the southern boundary removing any conflict adjacent to existing trees; and
- Planting of an informal line of mixed species, semi mature trees (mature height of 12m) along this boundary, planted within a new instant native species hedge line, and planting of a native species buffer mix behind the hedge to create a dense screen which is in keeping with existing vegetation along The Development's other boundaries. The trees along this boundary could if required be served with Tree Preservation Orders as they would be outside the curtilage of residential properties;

6 CONCLUSION

Subject to the implementation of the above recommendations it is concluded that The Development would not cause harm to quality and integrity of the strip of undeveloped land that forms the perimeter landscape of the green wedge associated with Micklegate Stray. It would therefore not have a detrimental impact upon the setting of The Knavesmire. Any impacts/changes to the landscape (site access) would only occur at a very local level and be in keeping with the local residential context when viewed from the corner of Cherry Lane and St Edward's Close. Concerns raised in the local authority landscape officer's comments can be wholly addressed through the above recommendations or in part conditioned where necessary through the planning process.

Appendix 8

Draft Local Plan Housing Allocations Development Trajectory

O'Neill
ASSOCIATES

Ref	Site	Site Area	Yield	Timing	Density	Years 1 to 5	Years 6-10	Years 11-16	Years 17-21
H1	Former Gas Works, 24 Heworth Green (Phase 1)	2.87	271	Short Term (Years 1 -5)	94.43	100	171		
H1	Former Gas works, 24 Heworth Green (Phase 2)	0.67	65	Medium Term (Years 6-10)	97.01		65		
H3	Burnholme School	1.90	72	Short Term (Years 1 -5)	37.89	72			
H5	Lowfield School	3.64	162	Short to Medium term (Years 1 -10)	44.51	80	82		
H6	Land R/O The Square Tadcaster Road	1.53	0	Short to Medium Term (Years 1 -10)	0.00				
H7	Bootham Crescent	1.72	86	Short to Medium Term (Years 1 -10)	50.00	46	40		
H8	Askham Bar Park & Ride	1.57	60	Short Term (Years 1 -5)	38.22	60			
H10	The Barbican	0.96	187	Short Term (Years 1 -5)	194.79	187			
H20	Former Oakhaven EPH	0.33	56	Short Term (Years 1 -5)	169.70	56			
H22	Former Heworth Lighthouse	0.29	15	Short Term (Years 1 -5)	51.72	15			
H23	Former Grove House EPH	0.25	11	Short Term (Years 1 -5)	44.00	11			
H29	Land at Moor Lane Copmanthorpe	2.65	88	Short to Medium Term (Years 1 -10)	33.21	88			
H31	Eastfield Lane Dunnington	2.51	76	Short to Medium Term (Years 1 -10)	30.28	76			
H38	Land RO Rufforth Primary School Rufforth	0.99	33	Short to Medium Term (Years 1 -10)	33.33	33			
H39	North of Church Lane Elvington	0.92	32	Short to Medium Term (Years 1 -10)	34.78	32			
H46	Land to North of Willow Bank and East of Haxby Road, New Earswick	2.74	104	Short to Medium Term (Years 1 -10)	37.96	104			
H52	Willow House EPH, Long Close Lane	0.20	15	Short Term (Years 1 -5)	75.00	15			
H53	Land at Knapton Village	0.33	4	Short Term	12.12	4			
H55	Land at Layerthorpe	0.20	20	Short Term (Years 1 -5)	100.00	20			
H56	Land at Hull Road	4.00	70	Short Term (Years 1 -5)	17.50	70			
H58	Clifton Without Primary School	0.70	25	Short Term (Years 1 -5)	35.71	25			
H59	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Short to Medium term (Years 1 -10)	33.58		45		
ST1	British Sugar/Manor School	46.30	1200	Lifetime of the Plan (Years 1-16)	25.92	0	600	600	
ST2	Former Civil Service Sports Ground Millfield Lane	10.40	266	Short to Medium Term (Years 1 -10)	25.58	166	100		
ST4	Land adj. Hull Road & Grimston Bar	7.54	211	Short to Medium Term (Years 1 -10)	27.98	111	100		
ST5	York Central	35.00	1700	Lifetime of the Plan and Post Plan period (Years 1-21)	42.86	0	500	600	600
ST7	Land East of Metcalfe Lane	34.50	845	Lifetime of the Plan (Years 1 -16)	24.49	200	295	350	
ST8	Land North of Monks Cross	39.50	968	Lifetime of the Plan (Years 1 -16)	24.51	250	300	418	
ST9	Land North of Haxby	35.00	735	Lifetime of the Plan (Years 1 -16)	21.00	150	285	300	
ST14	Land to West of Wigginton Road	55.00	1348	Lifetime of the Plan and Post Plan period (Years 1 -21)	25.16	200	400	400	348
ST15	Land to West of Elvington Lane	159.00	3339	Lifetime of the Plan and Post Plan period (Years 1 -21)	21.00	300	900	900	900
ST16	Terrys Extension Site – Terry's Clock Tower (Phase 1)	2.18	22	Short to Medium Term (Years 1-5)		22			
ST16	Terry's Extension Site – Terry's Car Park (Phase 2)		33	Short to Medium Term (Years 1 – 10)			33		
ST16	Terry's Extension Site – Land to rear of Terry's Factory (Phase 3)		56	Short to Medium Term (Years 1 – 10			56		
ST17	Nestle South (Phase 1)	2.35	263	Short to Medium Term (Years 1 -10)	111.91	100	163		
ST17	Nestle South (Phase 2)	4.70	600	Medium to Long Term (Years 6 – 15)	127.66		300	300	
ST31	Land to the South of Tadcaster Road, Copmanthorpe	8.10	158	Short to Medium Term (Years 1-10)	19.51	50	108		
ST32	Hungate (Phases 5+)	2.17	328	Short to Medium Term (Years 1-10)	151.15	128	200		
ST33	Station Yard, Wheldrake	6.00	147	Short to Medium Term (Years 1-10)	24.50	47	100		
ST35**	Queen Elizabeth Barracks, Strensall	28.80	500	Medium to Long Term (Years 6-15)	20.07		200	300	
ST36**	Imphal Barracks, Fulford Road	18.00	769	Post Plan period (Years 16-21)	42.72				769
		526.85	14985			2,818	5,043	4,168	2,617

[redacted]

From: Eamonn Keogh [E.Keogh@oneill-associates.co.uk]
Sent: 03 April 2018 17:31
To: localplan@york.gov.uk
Subject: Comments on Publication Draft Local Plan Consultation on behalf of Mill Mount Properties in respect of land in use as a car park on Albemarle Road
Attachments: Albemarle Comments_form_Submit 1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs,

Please find attached a representation on the Publication Draft Local Plan Consultation submitted on behalf of Mill Mount Properties Ltd in respect of land on Albemarle Road York, in use as a car park. The land has been incorrectly included within the Educational Establishment designation the Local Plan Proposals Map. Should you have any queries please do not hesitate to contact me.

Yours sincerely

Eamonn Keogh

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title	Mrs	Mr
First Name	Caroline	Eamonn
Last Name	Scott	Keogh
Organisation (where relevant)	Mill Mount Properties Ltd	O'Neill Associates
Representing (if applicable)		
Address – line 1	Yorkon House	Lancaster House
Address – line 2	New Lane	James Nicolson Link
Address – line 3	Huntington	Clifton Moor
Address – line 4		York
Address – line 5	York	
Postcode	YO32 9PT	YO30 4GR
E-mail Address		e.keogh@oneill-associates.co.uk
Telephone Number		01904 692313

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

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Do I need to attend the Public Examination?

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Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft ☐

Policies Map ☑

Sustainability Appraisal/Strategic Environmental Assessment ☐

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☐

4.(3) Please justify your answer to question 4.(1) and 4.(2)

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☑

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☐	**Justified**	☑
Effective	☐	**Consistent with national policy**	☐

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.	Policies Map	Site Ref.	

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

This representation relates to land off Albermarle Road which is shown outline red on the attached Location Plan.

The land is within the ownership of our client, Mill Mount Properties Limited. On the 11th May 1992 Planning Permission was granted for use of the site as a car park in connection with the offices at Mill Mount. (Permission ref. 7/09/2508H/PA.) That permission was implemented and the site was used as a car park. A copy of the panning permission is attached to this representation along with an extract from the application site plan identifying the site to which conditions 3 of the planning permission refers. The lawful use of the site is a car park.

However, the land is designated along with All Saints RC School as an educational establishment on the Local Plan Policies Map. The site has no education use and has not been in education use since it was acquired by our client over 24 years ago
The designation of the site for education use is not justified as it is not in education use and the owner has no intention making it available for education use.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

(If you are suggesting that the plan is legally compliant or sound please write N/A)

To Make the plan sound the education designation on the site edge red on the attached plan should be removed from the site and the site should be shown as white land on the Local Plan Policies map.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation ☑

Yes, I wish to appear at the Examination ☐

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature	[redacted]	**Date**	03 April 2018

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

O'Neill ASSOCIATES

Title	Location Plan
Site	Land off Albemarle Road
Scale	1:1250 @ A4
Drawing No	YAR1803

Lancaster House James Nicolson Link Clifton Moor York YO30 4GR

THE MOUNT
A59
MILL MOUNT
Sch
SCARCROFT HILL
WENTWORTH ROAD
NUNTHORPE A
MILLFIELD ROAD
THORPE STREET
RUSSELL STREET
UPPER PRICE
GRAY S
THORPE ROAD
ST BENEDICT R
PW
School
TRENTHOLME DRIVE
ST JAMES M
TELFORD TE
100m
© Crown copyright and database rights 2018 Ordnance S...
POWERED BY
esri

Decision No. 7/39/2508B/FA

YORK CITY COUNCIL

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

To:

Diocese of Middlesbrough & SES Ltd, per,
Shepherd Design & Build,
Frederick House, Fulford Road
York YO1 4EA

The above named Council being the Planning Authority for the purposes of your application dated the 25/10/91 (received 28/10/91) in respect of proposed development for the purposes of:

a) Erection of 2/3 storey office block and two storey classroom block with single storey artroom, with car parking areas accessed from Mill Mount, and b) use of former tennis courts for office car parking with improvements to existing access to Albemarle Road (revised scheme), at:

All Saints School/Mill Mount House Mill Mount

have considered your application and have GRANTED permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be begun on or before 10th May 1997.

2. The office block shall be sited in accordance with the dimensioned drawing No. 109501 P03 'B' received by the Assistant Director (Planning and Building Control) on 23rd April 1992. No construction of the building shall commence until the setting out has been checked by the Assistant Director (Planning and Building Control) and agreed to in writing.

3. The office block shall not be used at any time unless the 29 space car parking area shown on drawing No. 109501 P02 rev D received by the Assistant Director (Planning and Building Control) on 5 March 1992 is available for use by the occupants of the office building.

4. The proposed additional car parking on the former tennis courts shall be made available for use prior to the occupation of the new office building.

Note:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under Building Regulations, or of obtaining approval under any other Bye-Laws, Local Acts, Orders, Regulations and Statutory Provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.

FOR RIGHTS OF APPEAL SEE OVERLEAF

5. Large scale drawings illustrating the detailed treatment of the following:

(a) external doors, window, sills, lintels, surrounds and colour of finish;

(b) roof details;

(c) external wall details;

(d) details of external works viz. paving, walls, railings, lighting and other features shall be submitted to and approved in writing by the Assistant Director (Planning and Building Control) prior to the commencement of any building works on site.

6. Samples of all the proposed external cladding materials to be used on these buildings shall be submitted to and approved in writing by the Assistant Director (Planning and Building Control) prior to the commencement of any works on the site.

7. A sample panel of the approved external walling materials shall be erected on site and shall require the written approval of the Assistant Director (Planning and Building Control) before the start of any building work on the site.

8. Following the granting of this permission, none of the existing trees on the site shall be lopped, topped or felled without the prior written approval of the Assistant Director (Planning and Building Control). These trees shall be protected to the satisfaction of the Local Planning Authority during the building works and details of these protective measures shall be agreed by the Assistant Director (Planning and Building Control) prior to the commencement of any engineering or building works upon this site.

9. A detailed landscaping scheme shall be submitted to and approved in writing by the Assistant Director (Planning and Building Control) prior to the commencement of building works and shall illustrate the number, species, height and position of trees and shrubs to be planted, and such scheme shall be implemented in the first planting season following this approval or within six months of the completion of the development or at a time to be agreed by the Assistant Director (Planning and Building Control).

10. In the event of any tree or shrub failing to survive during a period of five years from the time of planting, it shall be replaced by one of a similar height and species or as otherwise agreed by the Assistant Director (Planning and Building Control).

Note:-

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FOR RIGHTS OF APPEAL SEE OVERLEAF

11. No construction works shall commence on site until a set of large scale drawings which illustrate the detailed foundation design and service runs and connections has been submitted to and approved in writing by the Assistant Director (Planning and Building Control).

12. No operations which disturb the ground shall commence on the site until the applicant has secured the implementation of a programme of archaeological work (a watching brief) in accordance with a written specification which has been supplied by York City Council.

13. Finished floor slab levels shall be constructed in accordance with those set out on revised drawings 109501 P02 'C', P03 'E' and P04 'C' and heights to ridge and eaves in accordance with the accompanying letter from Shepherd Design & Build dated 23rd April 1992. The developer shall give 7 days notice in writing to the Assistant Director (Planning and Building Control) before work on each floor level commences so that a verification can be made on site, including the level of eaves and ridge.

REASONS:

1. To ensure compliance with Sections 91 to 93 of the Town and Country Planning Act, 1990.

2. For the avoidance of doubt, and to ensure that the building is sited in accordance with the submitted plans.

3 & 4. To satisfy the Local Planning Authority's off-street parking requirements.

5. So that the Local Planning Authority may be satisfied with these details.

6. So as to achieve a visually cohesive appearance.

7. So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

8. The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well-being.

9. So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10. To ensure that the landscaping scheme, once implemented, is satisfactorily maintained.

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FOR RIGHTS OF APPEAL SEE OVERLEAF

Decision No. 1/09/2508B/PA

11. The site is of archaeological interest and to safeguard existing tree roots on the site.

12. The site is of archaeological interest.

13. For the avoidance of doubt, and to ensure that the building is constructed in accordance with the submitted plans.

Date :11th May 1992

[redacted]

Assistant Director (Planning and Building Control)

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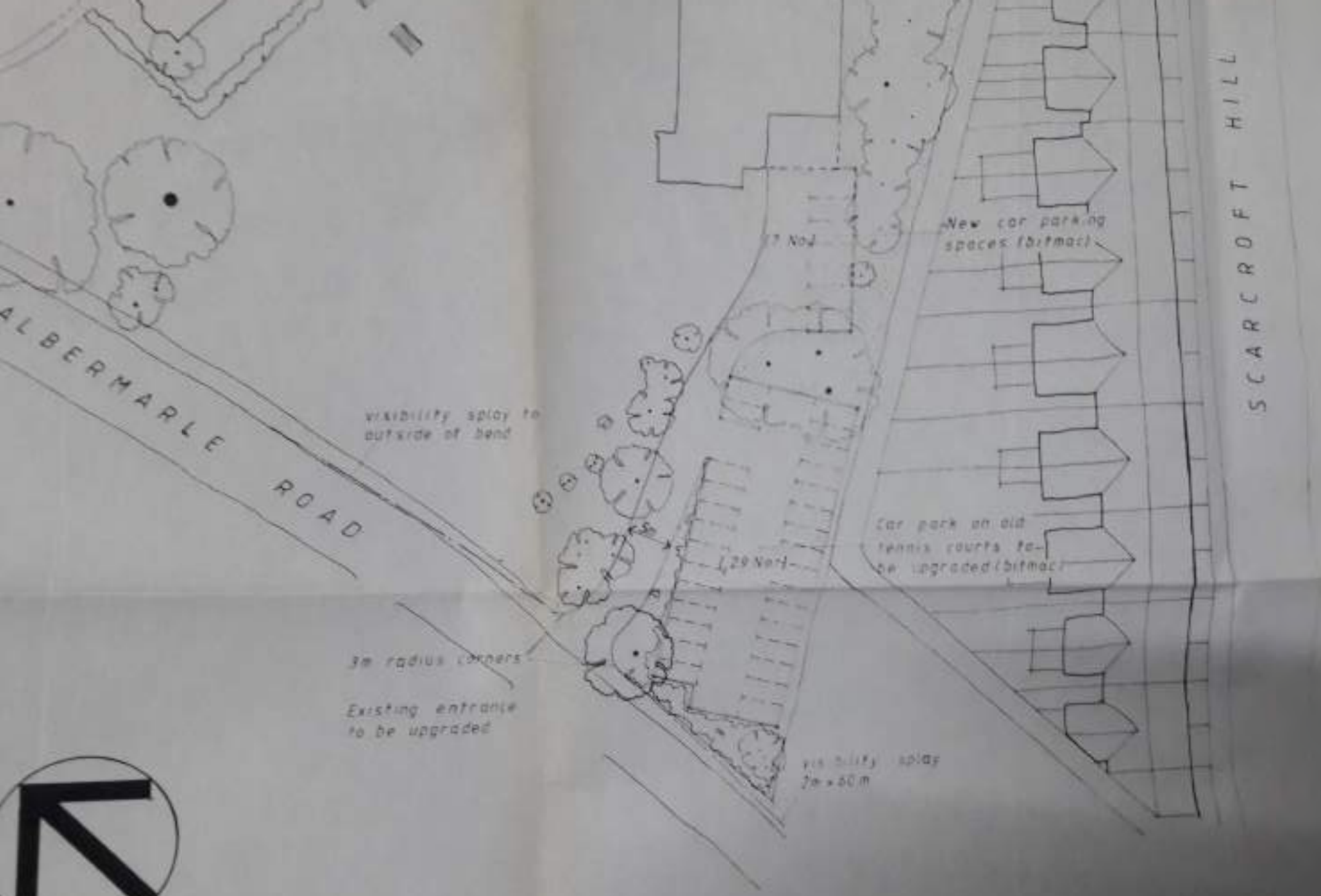
ALBERMARLE ROAD
SCARCROFT HILL
visibility splay to outside of bend
3m radius corners
Existing entrance to be upgraded
visibility splay 2m x 60m
7 No.
29 No.
New car parking spaces (bitmac)
Car park on old tennis courts to be upgraded (bitmac)

PO
SIT

[redacted]

From: Eamonn Keogh [E.Keogh@oneill-associates.co.uk]
Sent: 03 April 2018 19:54
To: localplan@york.gov.uk
Subject: Comments on Publication draft Local Plan Consultation on behalf of Malton Road Development Ltd site ref. 957
Attachments: 180403 Local Plan Reps Malt Rd Bus Pk SUBMIT.pdf; Comments_form_EC1 Submit.pdf; 1804 Comments_form_GB Submit.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs,

Please find attached a representation on the Publication Draft Local Plan Consultation submitted on behalf of Malton Road Developments Ltd in respect of land at Malton Road Business Park and adjoining land to the North East at Malton Road, York.

Yours sincerely

Eamonn

O'Neill ASSOCIATES
Chartered Town Planning Consultants
Eamonn Keogh
07910 173788
www.oneill-associates.co.uk
Lancaster House
James Nicolson Link
Clifton Moor
York YO304GR
01904 692313

This email may contain confidential information. It is intended for the recipient only. If an addressing error has misdirected this email, please notify us – if you are not the intended recipient you must not use, disclose, distribute, copy, print or rely on its contents. O'Neill Associates do not accept any liability for viruses. O'Neill Planning Associates Limited Registration No. 4604201

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:
ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mr
First Name		Eamonn
Last Name		Keogh
Organisation (where relevant)	Malton Road Developments Ltd	O'Neill Associates
Representing (if applicable)		
Address – line 1	C/O Agent	Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO30 4GR
E-mail Address		e.keogh@oneill-associates.co.uk
Telephone Number		01904 692313

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
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Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	√
Policies Map	√
Sustainability Appraisal/Strategic Environmental Assessment	

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☑

4.(3) Please justify your answer to question 4.(1) and 4.(2)

With regard to the duty to co-operate it may be the case the Council has consulted with neighboring authorities, but some of those authorities have expressed concerns that have not been fully resolved. Annex B to Agenda item 11 on the report of the Local Plan to the Council's Executive on the 25th January reported:

Hambleton Council: *"…It* [the Draft Plan] *does not safeguard land for development and recognises the build out time of the Strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed. If the City of York does not ensure that its longer-term development needs are met this will place pressure on area in neighbouring authorities"*

Leeds city region LEP: *"York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment".*

Ryedale Council: Discussions ongoing

Harrogate Council: Discussion ongoing

Selby District Council: *"Having read the SHMA Addendum, it is noted that this figure does not take into account the level of employment growth proposed by the Local Plan…..Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York Boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues".*

Selby Council requested additional information on Strategic site ST15 and the university site ST27 before providing any further comments on the potential impact these allocations may have on Selby.

What these comments demonstrate is that whilst the Council may have engaged in a process of dialogue with neighbouring authorities, it has not produced outcomes that have addressed some significant concerns of neighbouring authorities. Indeed, at this stage the views of some adjoining Authorities are not known and it is difficult to see how, in these circumstances, the Duty to Co-Operate has been complied with.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☑

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☑	**Justified**	☑
Effective	☑	**Consistent with national policy**	☑

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	3.13 to 3.15	Policy Ref.	**SS2**	Site Ref.	**957**

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached representation document ref. 1803.0003.lpreps.ek

Representations must be received by Wednesday 4 April 2018, up until midnight.
Representations received after this time will not be considered duly made.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

(If you are suggesting that the plan is legally compliant or sound please write N/A)

Proposed changes are included in the representation document included with this representation ref. 1803.0003.lpreps.ek

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	☑

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

There range of issues to be considered in relation to the employment policies in the Plan merit further discussion directly with the Inspector. We have identified significant failings in the Local Plan and we wish to discuss those concerns with the Inspector.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

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As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature [redacted] **Date** 3 April 2018

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

CITY OF YORK COUNCIL LOCAL PLAN

PUBLICATION REGULATION 19 CONSULTATION

MALTON ROAD BUSINESS PARK AND LAND TO NORTH EAST OF THE BUSINESS PARK

MALTON ROAD DEVELOPMENTS LIMITED

REPRESENTATIONS IN SUPPORT OF AN ALLOCATION FOR EMPLOYMENT LAND

April 2018

O'Neill ASSOCIATES

Chartered Town Planning Consultants

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(1803.0003.lpreps.ek)
03 April 2018

1.0 INTRODUCTION

1.1 This statement is provided as a representation to the City of York Local Plan 2018 Publication Draft Regulation 19 Consultation on behalf of Malton Road Developments Ltd. relating to Malton Road Business Park and land to the north east of the Business Park. The representation seeks the allocation of the site for employment use. A site location plan is provided at Appendix 1.

1.2 This representation explains why the site is suitable for development and should be allocated for employment use in the Local Plan.

- Section 2 of the representation sets out a brief description and history of the site;
- Section 3 sets out the main planning policy arguments supporting the allocation of the site;
- Section 4 sets out the arguments for the allocation of the site;
- Section 5 summaries the representation.

2.0 THE SITE

2.1 The site the subject of this representation comprises the Malton Road Business Park and adjoining land to the north east of the Business Park.

2.2 The business park is located approximately 6km (4 miles) to the north east of York City Centre/. It is situated on the south side of the westbound carriageway of the A64 opposite the Highwayman café and Vertigrow Plant Nursery. The south and east boundaries are defined by the Forest Park Golf course

2.3 The site business park comprises approximately 4 hectares and accommodates a mixture of former agricultural buildings and more recent buildings on the western half of the site all in employment use. The eastern half of the site is land occasionally used for open storage. The site has grown organically and has consent for B1 light industrial, B2 general industrial and B8 storage uses. The site accommodates approximately 34 businesses, some of which would be categorised as 'bad neighbour uses' and would be difficult to accommodate within the relatively tight grain of the York urban area.

2.4 The undeveloped area of land to the north east of the business park comprises approximately 10.66 hectares. Its west boundary is defined by the A64. Open countryside adjoins its north and east boundaries.

2.5 The total developed and undeveloped site comprise 14.66 hectares.

Statutory Designations

2.6 A search of the natural England MAGIC database indicates that the site is not subject to any statutory nature conservation, landscape or other designations. The site is with the general extent of the proposed York Green Belt and this is addressed below.

3.0 PLANNING POLICY

3.1 The NPPF was published in March 2012 and replaces all previous Planning Policy Guidance notes and some circulars. The Framework sets out the Governments clear intention to facilitate economic growth through sustainable development. In the introduction to the framework, the Minister for State says:

> *The purpose of planning is to help achieve sustainable development.*
>
> *Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.*
>
> *Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices……*

3.2 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. The NPPF explains that for plan making taking this means:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *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*

NPPF and Economic Development

3.3 In this context it is worth remembering that Paragraph 7 of the NPPF identifies three dimensions to sustainable development - economic, social and environmental. The economic role includes:

> *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying*

and coordinating development requirements, including the provision of infrastructure

3.4 Paragraph 18 of the NPPF sets out the Government's intention to secure economic growth, jobs and prosperity. Paragraph 19 sets out the Government's commitment to ensuring that:

> *… the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system*

3.5 The Government, through the NPPF wants to ensure that the planning system is responsive to the needs of business. In drawing up Local Plans, local planning authorities should, inter alia:

- *Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances*

3.6 The theme of economic development is picked up later in Paragraphs 150 to 185 of the Framework dealing with Local Plans. Under the sub-heading of Business, Paragraph 160 states:

> *Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should……*
>
> - *work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.*

NPPF and Green Belt

3.7 Under the heading Protecting the Green Belt the NPPF reaffirms the longstanding aim of Green Belt policy which is to:

Prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

3.8 The NPPF restates the purposes of including land in the Green Belt which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.9 The NPPF also reaffirms previous Green Belt policy that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 89 of the Framework reminds Local Planning Authorities that new buildings should be regarded as inappropriate in Green Belt.

3.10 When considering any planning application in Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para.88).

Regional Policy

3.11 The saved policies YH9 and Y1 of the RSS relating to Green Belt remain extant and therefore carry weight. They state:

Policy YH9, Green Belts

"C The detailed inner boundaries of the green belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city."

Policy Y1, York Sub-Area Policy

Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

1. In the city of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York City Centre and the inner boundary in line with Policy YH9C"

2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Draft Local Plan Evidence Base

3.12 In the course of preparing the various iterations of the Local plan in the past 20 years, the Council has produced a number of evidence documents to justify the approach to defining the Green Belt Boundary. The following documents have informed the approach to the definition of the Green Belt.

- City of York Local Plan – The Approach to the Green Belt Appraisal (February 2003);
- City of York Local Development Framework – Green Corridors (January 2011)
- City of York Local Development Framework – Historic Character and Setting (January 2011) and Technical Paper Update (June 2013)
- City of York Heritage Topic Paper Update (June 2013)
- Heritage Impact Assessment September 2017

4.0 THE CASE FOR ALLOCATION

The employment land requirement

4.1 The case for the allocation of the site is that not enough land for employment purposes has been allocated in the Draft Plan to meet the employment requirements of the city. In particular, land allocated for employment purposes caters primarily for local employment growth and makes no allowance for potential large scale inward investors requiring premises at short notice.

4.2 The Background and Vision chapter of the Draft plan explains that because of uncertainties in long term economic forecasting the Plan takes a cautious approach using the baseline forecast to inform the employment land requirements of the Plan (paragraph 1.36). We fundamentally disagree with this cautions approach. As the Plan is defining Green Belt Boundaries for the first time, this is the moment to ensure adequate land is excluded from the Green Belt to provide the flexibility to respond to as yet unknown employment land requirement.

4.3 Table 4.1 of the Draft Plan sets out the employment land requirement for the period 2012 to 2038. The total floorspace allocated is:

Table 1 Employment Land Requirement 2012 to 2038

Use Class	Land (Ha)
B1a	13.8
B1b	2.5
B1c	1.9
B2	0
B8	16.1
Total employment land requirement	34.3
D2 Use	4

4.4 Against this requirement, Policy EC1 the Draft Plan allocates the following land:

Table 2 Draft Plan Employment Land allocations

Use Class	Land (Ha)	Floorspace Sqm
STRATEGIC SITES		
B1a		100,000
B1c, B2, B8	22.6	74,500
B1b	21.5	
B8	10.1	33,330
Sub Total	57.5	207,830
OTHER SITES		
B1b, B1c, B2 and B8	9.49	31,317
Sub Total	9.49	31,317
Total Allocations	66.99	239,147

4.5 The local plan identifies a requirement for only 34 hectares of employment land over the 15-year plan period plus the additional 5 years for the period 2033 to 2038. Against this the plan allocates 57 hectares of strategic employment land. However, of this 57 hectares, 10 hectares is already allocated for Autohorn at Whitehall Grange and 21 hectares is allocated for the knowledge based activities at the York University but is only expected to accommodate 21,500 sq m of floorspace. The majority of the 21 hectares allocation is for landscaping.

4.6 An additional 9.5 hectares of land is allocated for non-strategic employment use of but in relatively small parcels of land.

4.7 It is clear therefore that much of the land allocated for employment is already committed or, in the case of the University allocation, will realise only very small amount of floorspace.

4.8 The identified employment land supply is inadequate to meet York's future needs. A report (Appendix 2) prepared by property agents Lawrence Hannah in March 2018 found that the industrial market sector performed reasonably well over the last 5 years

principally as a result of no real stock coming through in the last 10 years. The report concluded that demand way outstrips supply with potential occupiers struggling to find suitable land either immediately available or in the medium term

4.9 It is important to recognise that although it is a Unitary Authority, York is also the largest urban area in North Yorkshire. In responding to previous versions of the Draft Plan, North Yorkshire County Council commented:

> *York is an important driver for growth both within the York, North Yorkshire and East riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland*

4.10 This important role that York has to play in the wider region is not fully reflected in the economic policies of the Plan.

4.11 In light of this, further land should be identified to broaden the portfolio of sites available to cater for York's diverse commercial and industrial businesses, many of which cannot be accommodated in the York Urban Area. A wider portfolio of sites would also provide the flexibility to respond to opportunities that will allow the City to meet its role as an economic driver for the wider region. Such sites should be located in areas accessible by the major road network and which are deliverable in the short term. The land at Malton Road meets these criteria.

4.12 It is considered that the potential impacts arising from development of the site can be readily addressed. A search of the natural England MAGIC database indicates that the site is not subject to any statutory nature conservation, landscape or other designations that would impede development. However, the site is within a much wider area identified as a priority area for Countryside Stewardship measures addressing Lapwing habitat issues.

4.13 The site falls squarely into National Landscape Character Area NCA 28: Vale of York. The following extracts on aspects of landscape character within NCA28 taken from Natural England's profile are relevant. The key characteristics of the area relevant to this study include:

- A largely open, flat and low-lying landscape ...
- Predominantly agricultural land use, with medium to large scale arable fields defined by hedgerows (which are often low and intermittent with sparse hedgerow trees) and fences. Large dispersed farmsteads and small villages on higher land set within a quiet rural landscape.

4.14 City of York Council published a Landscape Character Appraisal in 1996 which was undertaken on their behalf by Environmental Consultancy University of Sheffield (ECUS). Within this document the site lies towards the eastern edge of landscape character type 10 'Mixed Fringe Farmland' which is summarised in the document as:

> *A combination of low quality agricultural land and the influence of the urban fringe of York has given rise to a degraded landscape upon which development pressures are high. A lack of good farming and management practices has led to neglected hedgerows and hedgerow trees and nature conservation value is generally low…Smaller fields and interruption of long distance views by hedgerow trees or urban features creates a more enclosed, smaller scale landscape with little unity or balance. Negative human influences are high with main roads, transmission lines and towers, sub-stations, office, industrial, housing and retail development bringing noise, congestion and visual intrusion to the area.*

4.15 Under the heading 'Landscape Strategy' the document proposes that this:

> *…should be to identify and restore/enhance the positive features which lend character and, where these are lacking, to consider the creation of a new and different landscape to enhance the area, provide structure and a setting for the development that is taking place…The remnants of the area's traditional field pattern and, in places, mature hedgerows and hedgerow trees provide positive features which should be conserved and restored where possible.*

4.16 The document sets out a series of Management Guidelines for the area. The following are considered applicable to the site:

> - *Restore fragmented hedgerows through re-planting and allow selected hedgerows to grow taller and thicker to provide landscape enhancement and wildlife opportunities (LM1);*
> - *Encourage planting of new broad-leaved woodland ideally as an extension to or linking with existing woodlands, or as small blocks within the landscape (LM5);*

- *Promote the creation of new habitats where possible and secure appropriate management to ensure their long term development (LM14);*
- *Identify and conserve where appropriate and remaining historic hedgerows and historic field patterns which provide an invaluable record of the development of the landscape over the last thousand years (LM17);*
- *Diversify roadside character through tree planting and the creation and management of flower-rich verges (LM22); Enhance roadside character on approaches to settlements by planting appropriate native and ornamental trees (LM23);*
- *Enhance the landscape character of major road…corridors. Maintenance of existing vegetation and planting of new woodland belts and hedgerows as appropriate to landscape character, on … adjacent field margins would assist in integration of intrusive infrastructure…Opportunities for establishment of wildlife corridors should be considered (LM24)*

4.17 In terms of landscape character, the east and south boundary of the site are well defined by existing vegetation. The west boundary with the A64 is in part defined by a well-maintained hedgerow and towards the southern section of the boundary and thereafter the planting is sparser, affording views across the site from the A64, when travelling south, to the industrial estate to the south. A sparse line of existing vegetation defines the north boundary of the site.

4.18 Despite these varied boundaries, the flat landscape in the locality ensures that the site is visually well-contained. The industrial estate and other development to the west of the Malton Road (i.e. Vertigro Plant nursery and the Highwayman Café) form part of a larger area of more urban development.

4.19 Development of the site would provide the opportunity for new landscaping that would implement the management guidelines recommended by the ECUS landscape study including restoration of fragmented hedgerows; planting of new broad-leaved woodland ideally; diversification of roadside character through tree planting and the creation and management of flower-rich verges and would assist in integration of intrusive infrastructure; and provision of opportunities for establishment of wildlife corridors.

4.20 Access to the site can be achieved through the existing industrial estate. The access to the industrial estate off the A64 is to be improved as part of development proposals for

new industrial units on the site. Although there is some uncertainty regarding future access to the site arising from the proposed dualling of the A64, there is little information at present to inform how the proposed dualling will affect the existing access As and when that information does become available, our representation will be updated, if necessary.

4.21 With regards to the drainage for the site, Birk Carr Drain runs along the eastern boundary of the site. All opportunities for SUDS drainage will be explored but if these are not suitable, surface water could be discharged to the drain at a greenfield runoff rate. The site is large enough to incorporate attenuation in the form of balancing ponds if required.

Green Belt

4.22 In the absence of an adopted Local Plan, some considerable confusion surrounds the status of the Green Belt. Much of the commentary relating to the Green Belt speaks from a position that assumes the Green Belt boundaries are fixed in an adopted plan and that any suggestion that sites should be allocated for development will result in land being taken out of the Green Belt (in which case the second sentence of paragraph 83 of the NPPF would apply i.e. Green Belt boundaries should only be altered in exceptional circumstances).

4.23 This is, however, an erroneous assumption because the Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. In this case, paragraph 85 of the NPPF is therefore the Key advice to be considered. In defining/ establishing boundaries the Council must meet the identified requirement for sustainable development i.e. it must allocate land to meet identified needs for housing, employment, leisure etc… and other needs.

4.24 In other words, it is not a question of what land should be taken out of the Green Belt. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.

Assessment of the site against the purposes of Green Belt

4.25 In order to determine whether it is appropriate to allocate the site to meet the development needs of the City and exclude the site from the Green Belt, the site is assessed against the 5 purposes of the Green Belt:

1. To check the unrestricted sprawl of large built-up areas

The allocation of the site will assist in meeting identified requirement for sustainable employment development. The allocation of the site will enable the Council to define Green Belt boundaries that will endure beyond the plan period and therefore check the unrestricted sprawl of the larger urban area.

2. To prevent neighbouring towns merging into one another

The Council Green Belt appraisal indicates that the site does not perform an important role in preventing neighbouring town merging into one another.

3. To assist in safeguarding the countryside from encroachment

The allocation of the site will assist in meeting identified requirement for sustainable development. The allocation of the site will enable the Council to define Green Belt boundaries that will endure beyond the plan period and therefore safeguard the countryside from encroachment.

4. To preserve the setting and special character of historic towns

In the Council's Green Belt Appraisal, the site is not identified as being important to the setting or special character of the City. It is not Stray Land, an area preventing coalescence, a river corridor or as an area retaining the rural character of the city. It does fall within a proposed extension to a Gren wedge. However, the designation of Green Wedge Extension is a consultation proposal and is not defined in a Statutory Local Plan. Furthermore, development land is often a common feature of Green wedges and with appropriate landscaping, the allocation of the site for employment purpose should not conflict with the Green Wedge Objective. Therefore there is no risk to the setting and special character of York as a historic city.

5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land

There are few areas of York in need of regeneration. Most, if not all, of the few remaining brownfield sites have planning applications pending or redevelopment proposals outstanding. In view of the scale of additional house allocation required to meet the objectively assessed housing needs of the City, significant additional housing allocation are required. In this context the development of the site will have no impact on the viability of remaining brownfield sites in the City.

Safeguarded Land

4.26 Paragraph 85 of the NPPF advises that when defining Green Belt boundaries for the first time, local planning authorities should identify areas of 'safeguarded land' between the urban area and the Green Belt, to meet longer-term development needs beyond the plan period and make clear that the safeguarded land is not allocated for development at the present time.

4.27 As has already been stated, the Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.

4.28 Critically, the Council have not demonstrated that the Green Belt boundaries will not have to be altered at the end of the plan period. It can remedy this deficiency by including in areas of safeguarded to meet development need beyond the plan period.

4.29 The 2013 Preferred Options Draft Local Plan sensibly included a reasonable amount of safeguarded land to ensure the proposed Green Belt Boundaries would remain permanent beyond the Plan period. Unfortunately, this sensibility appears to have been abandoned in the latest further site consultation document.

4.30 The previous two Planning Inspectors in 2000 and 2010 both dismissed the draft Development Plan due to a lack of evidence confirming that Green Belt boundaries would endure beyond the Plan period.

4.31 The omission of this key component of the Local Plan spatial strategy is a serious weakness and may well result in the Plan being found unsound, particularly as the Plan period is only up to 2033.

5.0 SUMMARY AND CONCLUSIONS

5.1 The Draft Local Plan is unsound because it fails to allocate enough land to meet the existing and future employment land requirements of the City.

5.2 The Draft Plan takes an overly cautious and unjustified approach to employment land allocation. As Green Belt Boundaries are being defined for the first time the Plan should exclude enough land from the Green Belt to cater for anticipated and unexpected development needs for at least 10 years beyond the Plan period, not 5 years as proposed.

5.3 Market evidence indicates there is strong and unfulfilled demand for employment floorspace in the District.

5.4 There is a need for employment land to meet the requirements of small indigenous businesses for reasonably cheap premises that are priced out of the urban area by demand for residential land.

5.5 There is a need to have land available to meet potential major inward investment requirements. The cautious approach of the Draft Plan fails to meet this objective.

Suggested changes to the Plan

5.6 To make the Plan Sound,

(i) the 14.66 hectares at the Malton Road Business Park should be included as an employment allocation in Policy EC1 of the Plan;

(ii) The site outlined red on the Plan at Appendix A should be identified on the Local Plan Proposals Map as an employment allocation;

(iii) Should the Inspector conclude the site is not required at the present time to meet the employment land requirement, the undeveloped 10.66 hectares to the north of the business park should be designated as safeguarded land in the Local Plan

5.7 There are no overriding technical constraints that would prevent development of the site. The site is not constrained by any nature conservation, landscape or other planning designations. The site should be allocated for employment use in the Draft Local plan.

Appendix 1

Location Plan

O'Neill
ASSOCIATES

Malton Road Business Park

General Location

SITE LOCATION PLAN

Do not scale from this drawing

Drawing to be read in conjunction with the specification document

Contractor to check all dimensions on site and notify dc-architecture of any discrepancies prior to commencement of the works

N

revision	date	description

dc-architecture
Studio 12, Middlethorpe Business Park
Sim Balk Lane, Bishopthorpe, York. Y023 2BD
t: 01904 700941 e: studio@dc-architecture.com

project
Parkers Yard, Malton Road
York

drawing
Existing Site Plan
-
-

scale
1:1000 @ A1
20 40 60 80 100

job number	date	status	drawing number	revision
17031	23/06/17	Draft	006	D00

Appendix 2

Agents Report

O'Neill
ASSOCIATES

27th March 2018

Our Ref: ML/KJW/123
Your Ref:
milesl@lh-property.com

R Wood Esq
31 Bootham
York
North Yorkshire
YO30 7BT

Dear Richard

York Industrial Market

As requested I have set out below a further resume of the current industrial property market sector for the immediate central York area by picking up on the main estates, availability/supply, values and a view on current demand.

As we suggested in the June 2017 report in the same, the industrial sector for York and the wider region has continued to perform well, principally as a result of continued and reasonable levels of demand coupled with general lack of stock for good quality warehousing/industrial space. No real speculative development in this sector has taken place in and around York over the last 10 years and the transactional churn/trading of existing stock has seen an increase in both rental and capital values. Fund & Prop Co investment in this sector has also been strong with the prospects of rental growth and minimal voids pushing net initial yields well below 7% on the estates with good asset management opportunities.

The principal industrial pocket for the city are as follows.

1. Northminster Business Park

   Mixed office & industrial estate with little or no current availability. The best rents achieved on the estate are at circa £6.50 psf for a cluster of refurbished units completed late 2015 offering 4 units all sub 5,000 sq ft. Capital values for average 2nd hand stock are at circa £70 per square foot. Land values are devaluing to circa £300,000 per acre. There is potentially another 3-4 acres of adjoining land but this will only be developed on a pre-let or building sale basis. Northminster Properties will not just sell the land to occupiers. There is only 1 single second hand unit of 3,460 sq ft available on the estate at £19,950 pa

2. York Business Park

   The industrial element to this estate is virtually 100% occupied with only unit 6 Hudson Court currently under offer subject to a change of use on the market comprising 8,901 sq ft including 1,600 sq ft. To date the best rent have been at £6.25 - £6.50 psf for units ranging from 3,000 – 7,500 sq ft and the units of 10,000 – 20,000 sq ft have attracted rents at £5.75 psf or thereabouts. We are just dealing with a lease renewal for one of the estate occupiers and we will probably look to settle at a new rate equivalent

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to £7 00 psf Unit 4 Hudson Court comprising 10,000 sq ft will be coming back to the market in July this year on a leasehold basis. At the bottom of the estate is a small independent industrial cluster of smaller units known as The Rose Centre built principally for the owner occupier market. Sales here have achieved rates in excess of £110 psf for new units of sub 2,000 sq ft. This is now all developed and occupied.

The balance of the estate in terms of land has now been acquired through operators in the Motor Trade sector SG Petch acquired 2 acres in 2016 for £1,000,000 from Evans and 8 acres were acquired from Dobeys/Tesco in late 2015 by Arnold Clark at circa £300,000 per acre. On this site, there is approximately 2 acres currently surplus but Arnold Clark have currently no plans to dispose of it. We did have Plot 10, a 1.62 acre site, under offer to another motor retailer at the equivalent of circa £600,000 per acre. however, the City Council in their wisdom are wanting to allocate this site in the immerging local plan for 'a site of importance to Nature Conservation'

Immediately adjacent to the estate is Millfield Lane and one of the Savills Electronic buildings owned by London & Ebor Estates is on the market comprising 14,000 sq ft at £4 50 psf

3. Clifton Moor

The majority of the overall estate is held within an L&G Fund and availability within this ownership is relatively low, mainly concentrated around the smaller units off Audax Lane/Spitfire Close where there is always an element of churn in smaller/new business's. The Stirling Court cluster has approximately 7,500 sq ft available in a terrace of combined units at a quoting rent equivalent to £7.00 psf. The former Magsons House currently occupied by Gear4Music will be coming available potentially in the next 12 months through a lease expiry and comprises approximately 135,000 sq ft. Gear4Music have acquired the CPP HQ off Holgate Road for their office/management function and will be shifting their distribution function to the Doncaster area where they have aspirations for up to 450,000 sq ft of warehousing space which has not been an option for the immediate York area Headline rents for reasonable second hand stock are between £7.00 – £7.50 psf the smaller sub 2,000 sq ft units are trading at between £10.00 - £11.00 psf and some of the detached "Trade" units are being achieving rents in excess of £9.00 psf.

Available land on the estate is centred around the demolished office cluster off Lysander Close where L & G had been promoting pre-let opportunities in the Trade Counter sector for approximately 20 – 25,000 sq ft however this site has now been taken in the main for a new Jaguar Land Rover dealership

The majority of development and trading activity for the estate had taken place in the conversion of most of the estates office stock to residential use through Permitted Development rights. Pioneer Business Park, Aviator Court, Adva House totalling almost 70,000 sq ft have now all been converted to residential apartments.

LAWRENCE HANNAH

4. Monks Cross

This estate as we know is dominated by retail/leisure/offices and the Portacabin Business. There is only 2.5 acres of cleared available land off Jockey Land but this is unlikely to be sold or developed unless part of Portakabin empire. The remaining land has been taken through the pre-let & pre-sale of 2 sites to Travelodge and Herbert Todd & Sons. A planning decision is pending for the former Pigeon Cote Farm site for a detached 15,000 sq ft self-storage unit and a smaller cluster of starter warehouse units of 2,000 sq ft and below

5 Birch Park off Huntington Road

Small estate principally dominated by a Royal Mail sorting office. The last unit on the market here was second hand unit of approximately 9,000 sq ft which I understand was sold in 2015 for circa £50 psf.

6 Link Road & Outgang Land, Osbaldwick

Current availability is a single unit of 9,905 sq ft at £55,000 pa. The Smiths Brothers unit off the Link Road was recently closed and I believe this has been purchased with vacant possession by the adjoining occupier Cyclops Electronics. Smaller relatively modern units owned by Shouksmiths often come to the market and achieve rents in the order of £5.00 - £6.00 psf

7 Chessingham Park & Dunnington

Mixed office and warehouse estate. Most recent development actively in the location was a small office and industrial park by Simpsons adjoining their HQ. The warehouse element of the scheme went well but the offices struggled. We recently assigned a lease of a 20,000 sq ft unit for Costcutter where the passing rent was £4.75 psf. The only land availability is approximately 4 acres with a 15,000 sq ft warehouse unit on it at Derwent Valley Industrial Estate. This is held on a ground lease by Shepherds with my office currently looking to assign their leasehold interest. Adjoining this site is the former Matthew Clark drinks company distribution centre which has been taken by Miller Food Group.

8 Elvington

There are 2 estates in this location. The estate adjacent to the Air Museum, developed by Birch has been relatively successful and capital values for new warehousing over 5,000 sq ft has been in the order of £75 - £80 psf. There is a smaller phase of freehold units that has recently been completed by Birch and these units have achieved approximately £110 psf. There is a single unit of 8,783 sq ft currently on the market through Briggs Burley.

The other estate on the opposite side of the road is principally made up of low grade warehousing with currently now availability and rents tend to range from £2.50 - £4.00 psf dependent on the quality/

9. Hospital Fields Road

Mixed office and industrial estate with the majority of the lad held on long ground leases to the City of York Council. Millers Food unit is currently on the market comprising 8,000 sq ft by way of assignment as they are looking to relocate to the former Matthew Clark premises at Dunnington as mentioned above 36 Hospital Fields Road was recently acquired by this office for ACM Global at £5,50 psf and the smaller units on the estate have recently achieved rents in the order of £6.75 psf.

10. James Street/Hallfield Road

Relatively large cluster of warehouse and trade counter units adjacent to the City. The Raylor Centre has achieved a rent equivalent to £8.50 psf for the 20 000 sq ft Stadium Storage unit who look another 15-year lease in late 2015. We are dealing with lease renewal on the Plumb Centre building, approximately 12,000 sq ft and are looking at £7 50 psf for a new 5 year term. Scothern Developments have recently placed 2 refurbished units of 3,200 sq ft & 4,000 sq ft off Layerthorpe at £10.30 psf to Trade Counter operators The only other availability is the former 30,000 sq ft Saica Packaging unit off James Street owned by Richard Gray but this is only for a short term as they look to redevelop their site for a new Lidl Food Store.

In addition to the above there are only a handful of smaller warehouse clusters and principally consist of either single buildings or small terraces.

As to demand I would say that this currently way outstrips supply The owner occupier market for smaller units is strong for sub 2,500 sq ft. we recently sold a small unit at Isis Court of Ouseacres at £135 psf The mid-market 5 – 15,000 sq ft has a reasonable chum of enquires, I would say we have approximately 50,000 sq ft of demand registered at our office. The opportunities for occupiers looking for 20,000 sq ft and above are very limited. Cushman's are looking for 40 – 70,000 sq ft or 3 – 6 Acres. Get Lenses are looking for 40,000 sq ft around the outer ring road, LSH have 2 separate requirements for 20,000 plus and we are aware of several large requirements in the food production sector for sites for 10 acres and above. Clearly as we demonstrated above. these requirements are going to struggle to find suitable option either immediately available or in the medium term The provision for employment land schedule in the draft plan is somewhat misleading in my opinion and the majority of the larger proposed allocation are many years away from being in a position to deliver warehousing stock to meet current and future levels of demand For example the proposed Whitehall Grange allocation of 33,330 sq m for B8 use is the Autohorn application for a single office building open car storage land. The University expansion land is for a continuation of the Science Park and the Annamine Nurseries allocation is owned by the Portakabin business and will not be coming to the market or developed unless its for a Shepherd Group business

LAWRENCE HANNAH
PROPERTY & CONSTRUCTION CONSULTANTS

I hope the above is sufficient for next week and if you need me to expand on anything further, give me a call.

Kind regards

Yours sincerely

[redacted]

Miles A T Lawrence

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:
ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mr
First Name		Eamonn
Last Name		Keogh
Organisation (where relevant)	Malton Road Developments Ltd	O'Neill Associates
Representing (if applicable)		
Address – line 1	C/O Agent	Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO30 4GR
E-mail Address		e.keogh@oneill-associates.co.uk
Telephone Number		01904 692313

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	√
Policies Map	√
Sustainability Appraisal/Strategic Environmental Assessment	

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☑

4.(3) Please justify your answer to question 4.(1) and 4.(2)

With regard to the duty to co-operate it may be the case the Council has consulted with neighboring authorities, but some of those authorities have expressed concerns that have not been fully resolved. Annex B to Agenda item 11 on the report of the Local Plan to the Council's Executive on the 25th January reported:

Hambleton Council: *"…It* [the Draft Plan] *does not safeguard land for development and recognises the build out time of the Strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed. If the City of York does not ensure that its longer-term development needs are met this will place pressure on area in neighbouring authorities"*

Leeds city region LEP: *"York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment".*

Ryedale Council: Discussions ongoing

Harrogate Council: Discussion ongoing

Selby District Council: *"Having read the SHMA Addendum, it is noted that this figure does not take into account the level of employment growth proposed by the Local Plan…..Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York Boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues".*

Selby Council requested additional information on Strategic site ST15 and the university site ST27 before providing any further comments on the potential impact these allocations may have on Selby.

What these comments demonstrate is that whilst the Council may have engaged in a process of dialogue with neighbouring authorities, it has not produced outcomes that have addressed some significant concerns of neighbouring authorities. Indeed, at this stage the views of some adjoining Authorities are not known and it is difficult to see how, in these circumstances, the Duty to Co-Operate has been complied with.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☑

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☑	**Justified**	☑
Effective	☑	**Consistent with national policy**	☑

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	4.1 to 4.8	Policy Ref.	**EC1**	Site Ref.	**957**

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached representation document ref. 1803.0003.lpreps.ek

Representations must be received by Wednesday 4 April 2018, up until midnight.
Representations received after this time will not be considered duly made.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

(If you are suggesting that the plan is legally compliant or sound please write N/A)

Proposed changes are included in the representation document included with this representation ref. 1803.0003.lpreps.ek

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	√

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

There range of issues to be considered in relation to the employment policies in the Plan merit further discussion directly with the Inspector. We have identified significant failings in the Local Plan and we wish to discuss those concerns with the Inspector.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.[1]

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.[1]The Council must also notify those on the database at certain stages of plan preparation under the Regulations. [2]

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.[3]

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) https://ico.org.uk/for-the-public/

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on 01904 554145

Signature	[redacted]	**Date**	3 April 2018

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

[redacted]

From: Eamonn Keogh [E.Keogh@oneill-associates.co.uk]
Sent: 04 April 2018 01:03
To: localplan@york.gov.uk
Subject: Comments on Publication draft Local Plan Consultation by York and North Yorkshire Chamber of Commerce Property Forum
Attachments: YNYCC rep to CYC re local plan cons April 2018 SUBMIT.pdf; Chamber Comments_form_EC1` SUBMIT.pdf; Chamber Comments_form_H1 SUBMIT.pdf; Chamber Comments_form_GB SUBMIT.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs,

Please find attached representations on the Publication Draft Local Plan Consultation submitted by York and North Yorkshire Chamber of Commerce Property Forum.

Yours sincerely,

Eamonn Keogh

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3 April 2018

CITY OF YORK LOCAL PLAN

PUBLICATION DRAFT REGULATION 19 CONSULTATION

REPRESENTATIONS ON BEHALF OF THE YORK AND NORTH YORKSHIRE CHAMBER OF COMMERCE

> *"For 30 or 40 years we simply haven't built enough homes. As a result, prices have risen so much that the average home now costs almost 8 times average earnings. And that's been a disaster for young people in particular. We have begun to put this right. "*
>
> Theresa May 2017 Conservative Party conference speech. 4 October 2017

> *"For years politicians have waffled about house building while tinkering at the edges of the market. I want to recapture the pioneering spirit that in the mid-20th century brought about developments like Milton Keynes and the new towns…I want to see a new generation of garden cities and garden villages spring up in places where demand presently outstrips supply."*
>
> Vince Cable 2017 Liberal Democrat Party Conference Speech, 19 September 2017

> *"The next Labour government will tackle the housing crisis.*
> *"We will create a new Department for Housing and build 100,000 homes a year by the end of the next Parliament.*
> *"Housing should be about homes for the many, not investment opportunities for the few."*
>
> Jeremy Corbyn, Milton Keynes rally 14th August 2017

1 The Chamber of Commerce welcomes this consultation on the next stage of the Local Plan that will hopefully take the City to an adopted Local Plan in the near future. The Chamber has commented on previous stages of the Plan, most recently the Pre-Publication Draft Plan in October 2017.

2 In our last representation in October 2017 we expressed our disappointment that the Pre-Publication stage of the Plan had not advanced the progress of the Local Plan beyond the Further Site Consultation stage of the Plan. We regret that the Chamber finds itself once again in the same position, as this Publication stage of the Plan has not advanced the progress of the Local Plan and the concerns we expressed in our previous representations in September 2016 and October 2017 about the under provision of housing and employment land, and the negative impact this will have on the City's longer term economic growth, have not been addressed.

3 We therefore find ourselves in the position of re-iterating almost every point made in our representation on the Preferred sites consultation in September 2016 which we have attached as Annex A. Those representations should be read as part of this representation which expands and updates previous comments following a similar format.

4 Our comments address:

- General observations
- The barriers to achieving a sound Local Plan
- Green Belt
- The housing land requirement
- The employment land requirement
- Transportation
- York Central
- Delivery

GENERAL

5 In this section we set out some broad observations made by Chamber members on the Plan. Some of these comments are expanded later in the representation.

6 There is a disconnect between the broad ambitions in the plan and how they are to be delivered. For example, Policy DP1 sets the aim for York to fulfil its role as a key economic driver within both the Leeds City Region and the North Yorkshire and East Riding Sub-Region, but then sets out restrictive policies on employment and housing land provision that do not reflect this ambition and will hinder its implementation.

7 We note that this point is also reflected in the comments made by North Yorkshire County Council on the Pre-Publication stage of the plan. The County Council commented:

> *York is an important driver for growth both within the York, North Yorkshire and East Riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland.*

8 The analysis presented in the Background and Vision Chapter is somewhat confusing and contradictory. For example, paragraph 1.24 starts by saying the City is in good shape, offering a superb quality of life to residents. But paragraph 1.31 then highlights that on the index of Multiple Deprivation 2015, the ranking indicates that the City as a whole has become more deprived.

9 The Background and Vision acknowledges the importance of the City's two Universities to the City's economic strength but later fails to allocate the land the University of York says it requires to accommodate its future growth.

10 The Background and Vision explains that because of uncertainties in long term economic forecasting the Plan takes a cautious approach using the baseline forecast to inform the employment land requirements of the Plan. The Chamber fundamentally disagrees with this cautions approach. As the Plan is defining Green Belt Boundaries

for the first time, this is the moment to ensure adequate land is excluded from the Green Belt to provide the flexibility to respond to as yet unknown employment land requirements. Given the economic uncertainties surrounding the Country's exit from the European Union, this is not a time to be cautious.

11 The Local Plan is an important document guiding the future development of the City. It is a document that many businesses will refer to when considering plans for expansion and future growth and development. The document should be accessible and easy to read and follow. We believe that for people not involved in the planning system regularly, the document will appear lengthy and intimidating.

12 The document could be shortened by including some policies in supplementary documents. For example, many of the policies in the Health and Wellbeing section are aspirational and do not relate directly to land use. The aspirations are well intentioned and would be supported by all, but we question whether they should be included as policies, particularly given the uncertainty over their delivery which we address further on.

13 We believe that there should be a summary/ explanatory chapter (Colloquially referred to an "an idiot's guide") at the beginning of the Plan document explaining how the policies in the plan will be used in determining planning applications, particularly for existing businesses looking to expand and for inward investors looking to locate to the City.

THE BARRIERS TO ACHIEVING A SOUND PLAN

14 Our comments made under this heading in our 2016 representations remain unchanged. In summary:

- We believe that on the basis of the information presented in the Draft Plan document, the Local Plan fails the tests of soundness. The Chamber is concerned that the Plan:
  - is not being positively prepared as there is inadequate provision for housing and employment land
  - will not be effective as it is will not meet the development needs of the city
  - makes no provision for safeguarded land;
  - will not be consistent with national policy as it will not enable the delivery of sustainable development in accordance with the policies of the NPPF.

GREEN BELT

15 Our comments in our 2016 representations made under this heading remain relevant. The Chamber is increasingly concerned at the failure of the Council to acknowledge the need to exclude enough land from the Green Belt in the form of both allocations and safeguarded land to provide the necessary flexibility to meet the development needs of the City, particularly for housing and employment land.

16 Our views on this point are echoed in the comment made by North Yorkshire County Council, Hambleton District Council and Selby District Council.

17 NYCC commented that:

> *NYCC recognise that the Plan makes provision up to 2038, providing for an additional 5 years beyond the plan period. In adopting this approach it is acknowledged that in the longer term consideration will need to be given to how future growth needs will be managed to provide confidence in relation to planning for infrastructure and services including within neigbouring parts of North Yorkshire*

18 Hambleton District Council commented that:

The document identifies sufficient land to meet the development needs of the City and establishes a Green Belt enduring 20 years. It does not safeguard land for development and recognises the build out time of the strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed in the White Paper, should this be required.

19 Selby District Council commented that

Question whether a Green Belt boundary enduring for 20 years is sufficient to meet the NPPF as it pertains to the intended permanence of Green Belt boundaries in the long term so they are capable of enduring beyond the plan period.

HOUSING

20 Our comments made in 2016 remain relevant. We believe the Council, has adopted the wrong approach in estimating housing commitments, housing backlog and the inclusion of student housing in the backlog and housing commitments.

21 The Council have used a baseline requirement figure of 867 dwellings per annum. This is significantly short of the 953 dwellings per annum recommended by the Councils consultants G L Hearne.

22 The Chamber is particularly concerned at the scale of the backlog in house provision in recent years. The data from the Council shows that since 2012 the backlog amounts to 2,064. We have excluded student house units from the completion data as this is not meeting general housing requirements.

Table 1 Housing completion backlog for the period 2012-2017

Year	Net Housing Additions	Less student units	Net C3 Dwelling units	SHMA recommended figure	Backlog/ Surplus
2012/13	482	0	482	953	-471
2013/14	345	0	345	953	-608
2014/15	507	0	507	953	-446
2015/16	1121	579	542	953	-411
2016/17	977	152	825	953	-128
Total	3,432	731	2,701	4,765	-2064

23 The failure to meet housing need has significant direct and indirect negative impacts. The economy fails to benefit from the direct economic benefits from construction activity, from jobs that could have been provided and the missed purchasing power through the supply chain. The undersupply of housing also creates upward pressure on house prices which puts pressure on wage inflation. Lower paid workers, for example in the hospitality sector, are priced out of the York housing market and forced to seek lower priced housing further from York which in turn leads to increased commuting into the City and consequent congestion.

24 In the 5 month period since our previous representations, the Government has published a consultation document on a methodology for assessing housing need that every Local Planning Authority would have to use when preparing a Local Plan. The methodology uses the projections of household growth as the demographic baseline

for every local authority area. To this is added an adjustment to take account of market signals in house prices. Along with the Consultation Paper the Government included a calculation of the housing requirement for each local authority in the country. The calculation for York was a housing requirement of 1,070 dwellings per annum. The consultation paper explains that this should be treated as the starting point for assessing the housing requirement

25 In view of the above factors, the Chamber is concerned that the Council appears to be aiming to provide the minimum level of housing. The Chamber considers this to be the wrong approach. In light of the persistent under delivery of housing every year since 2008, the Council should be incorporating a considerable element of flexibility into the housing figures in the plan, particularly when the latest evidence is indicating yet further upward pressure on the requirement for housing. The housing requirement should therefore be increased and additional land allocations made to meet the housing need of the city.

THE EMPLOYMENT LAND REQUIREMENT

26 Our comments made on this issue in our 2016 representation remain relevant. The Local Plan identifies a requirement for only 34 hectares of employment land over the 15-year plan period plus the additional 5 years for the period 2033 to 2038. Against this the plan allocates 57 hectares of strategic employment land. However, of this, 10 hectares is already allocated for Autohorn at Whitehall Grange and 21 hectares is allocated for the knowledge based activities at the York University but is only expected to accommodate 21,500 sq m of floorspace. The majority of the 21 hectares allocation is for landscaping.

27 An additional 9.5 hectares of land is allocated for non-strategic employment use, but in relatively small parcels of land.

28 It is important to recognise that although it is Unitary Authority, York is also the largest urban area in North Yorkshire. In responding to previous versions of the Draft Plan, North Yorkshire County Council commented:

> *York is an important driver for growth both within the York, North Yorkshire and East riding LEP area and the Leeds City Region. It is important that the City has a robust and high quality Local Plan in place that best enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland*

29 This important role that York has to play in the wider region is not fully reflected in the economic policies of the Plan.

30 In summary, the Chamber concludes that the identified employment land supply will not cater for York's future needs and this will constrain economic growth. In light of this, the Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value-added businesses and new inward investment to the City. Such sites should be located in areas accessible by public transport and the major road network and be deliverable in the short term.

TRANSPORTATION AND COMMUNICATIONS INFRASTRUCTURE

31 The comments on transportation in our 2016 representations are superseded by these representations.

32 The Chamber welcomes the commitments to the strategic road and rail networks outlined in Section 14 of the Draft Plan. Whilst the private sector can make some payment towards that infrastructure through developer contributions, the Local Plan

is also looking to the private sector to deliver many other policies of the plan. The scale of funding required to deliver the transport infrastructure identified in the Draft Plan is significant and considerable public-sector funding will be required alongside the private-sector funding. The Chamber is working with the Council to lobby Government to ensure that funding is forthcoming.

Policy T8 - The implementation of demand management must be carefully considered in the York city context. The City is not large enough and the historic environment is not conducive to accommodating a rapid transit system. For the foreseeable future, access by car to the City Centre will remain a necessity and parking provision should continue to be provided. Congestion and air quality issues will however, impose their own constraints. The move to low emission vehicles will begin to address issues of air quality. The business community should be consulted on proposals to restrict car access beyond the current pedestrianised areas of the City. The Chamber supports the continued development of the Park and Ride service and simple changes such as longer opening hours would help encourage the evening economy.

Policy T9 The policy should refer to, and make provision for, other Alternative Fuel Fuelling stations such as hydrogen stations and electric recharging stations

Policy C1 Communications Infrastructure. This policy should require refurbishment and new development schemes to be future proofed to facilitate the provision of mobile, broadband and wireless communications infrastructure. This would include infrastructure in the public realm and within private buildings.

YORK CENTRAL

33 The comments made in our 2016 representations remain relevant.

34 The Chamber is aware that some progress has been made towards the submission of a planning application for the York Central site. However, given the continued uncertainty surrounding the delivery of housing on the site – which the Draft Plan acknowledges, the housing provision from the site should be treated as windfall to the housing supply.

35 The Draft plan refers to the net developable area of 35 hectares on the York Central site. The Chamber believes the figure could be considerably less than 35 hectares and a plan providing a clear indication what land can be developed at the York Central site would help clarify this matter.

CONCLUSION

36 The Chamber is concerned that the Draft Plan does not present a positive or ambitious response to the challenges set out in the Background chapter of the plan. The City's economy continues to do well but is facing considerable challenges in the years ahead. A growing population needs to be housed; demands for employment floorspace must be addressed as well as being flexible so as to be able to quickly respond to changing market conditions; the expansion of the City's highly rated Universities must be accommodated; and significant investment is required for public transport and road infrastructure.

37 The Draft Plan fails to properly address these challenges in a joined-up way. The failure to adequately provide for the housing and employment needs will force people out of the City to find housing elsewhere and will stifle job growth. More importantly the

significant funding for infrastructure that could be forthcoming for the private sector if the full development needs of the City were to be accommodated will not be realised.

Proposed Changes to the Local Plan

36 The Chamber represents a broad spectrum of business interests in the City including many companies involved in property and construction. To maintain its impartiality the chamber doers not comment on specific sites. Our suggested changes to make the Plan sound therefore relate to the broader strategic policies. The chamber suggests:

- The proposed housing requirement figure is increased to at least 1,070
- Additional employment land allocations are made to increase the range of sites available to the market

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ANNEX A

Chamber representation to the 2016 Preferred Sites Consultation

COMPANY LIMITED BY GUARANTEE
REGISTERED IN ENGLAND
REGISTRATION NUMBER 54840

Chamber International

INVESTOR IN PEOPLE

Project Part-Financed by the European Union
European Regional Development Fund

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COMPANY LIMITED BY GUARANTEE
REGISTERED IN ENGLAND
REGISTRATION NUMBER 14040

RESPONSE TO THE CITY OF YORK COUNCIL'S CONSULTATION ABOUT PREFERRED SITES

As chair of the York Chamber of Commerce's Property Forum I am responding on behalf of the Chamber to the council's consultation about "preferred sites". The Chamber of Commerce, as one of the largest private sector business representation organisations in the region, welcomes the opportunity to respond because it firmly believes that the city needs a plan to guide commercial and residential development in the city.

The Chamber has responded to previous consultations in the course of the preparation of the Local Plan and engaged in detailed discussions with the Council with regard to the issues of viability surrounding affordable housing policy.

This response from the Chamber reflects the feedback and comments it has received from members and highlights the high level of interest amongst its membership in relation to the development of the city's Local Plan.

The Chamber understands that this consultation is aimed specifically at identifying the scale of need for housing and employment land and revisions to the proposed site allocations for residential and employment development. In response to the Consultation, the Chamber's comments are directed in the main, at broad strategic issues and – with the exception of the York Central Site - avoiding comments on specific sites.

Our comments address:

- The barriers to achieving a sound Local Plan
- Green Belt
- The housing land requirement
- The employment land requirement
- Transportation
- York Central

York & North Yorkshire Chamber of Commerce
Part of West & North Yorkshire Chamber of Commerce
Chamber International
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The barriers to achieving a sound local plan

In 1996 the then newly formed Unitary Authority of York began work on producing a Local Plan for the City. The key objective for the Local Plan was to establish the detailed boundaries for the York Green Belt, for the first time in a statutory Local Plan. In the absence of a statutory Local Plan the Council relies on the saved policies of the abolished regional Spatial Strategy to lend statutory weight to the general extent of the Green Belt around York

The Council's current timetable for achieving an adopted Local Plan is 2018, 22 years after work first started on the Plan. It is becoming increasingly clear that as the supply of brownfield sites in the urban are has essentially been used up, and the application of a 'blanket' Green Belt policy is severely hampering the ability of the city to meet its housing and employment land requirements. The City has failed to meet its housing targets every year since 2009 and on the employment front, several employers with requirements for floorspace that cannot be met in the urban area may be forced to move away from the city.

The City's two successful universities have grown considerably and, following the successful development of the initial phases of the its new Heslington East Campus, the University of York is looking for additional land to accommodate it longer term expansion. Consequently, the Chamber is increasingly concerned that the absence of a Local Plan is inhibiting the provision of housing and employment floorspace required to maintain the continued economic growth and success of the City. Certainty about the direction of the future development of the city is an essential pre-requisite for economic stability and growth. Without certainty, decision makers will delay or postpone investment and the validity of planning decisions will increasingly be challenged.

Changes in political leadership over the past 20 years has added to the delay in producing a Local Plan and now more than ever, a degree of political consensus is needed to secure a Local Plan for the City.

Paragraph 182 of the National Planning Policy Framework (NPPF) advises that to be found sound, a local plan must be positively prepared, justified, effective and consistent with national policy. For the reasons set out in the sections to follow we believe that on the basis of the information presented in the Further Sites Consultation document, the Local Plan fails the tests of soundness. The Chamber is concerned that the Plan:

- will not be positively prepared there is no flexibility in the housing provision
- will not be effective as it is will not meet the development needs of the district

- makes no provision for safeguarded land;
- will not be consistent with national policy as it will not enable the delivery of sustainable development in accordance with the policies of the NPPF.

Green Belt

The parameters for establishing and defining Green Belt boundaries are set out in Paragraphs 82 to 85 of the NPPF. Paragraph 82 states that new Green Belts should only be established in exceptional circumstances. Local planning authorities proposing a new Green Belt should demonstrate why normal planning and development management policies would not be adequate, having regard for the other objectives of the Framework and the consequences of the proposal on sustainable development.

Paragraph 83 indicates that local planning authorities should establish Green Belt boundaries in their Local Plans having regard to their intended permanence so that they can endure beyond the plan period. Paragraph 85 states that when defining boundaries, local planning authorities should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- identify areas of 'safeguarded land' between the urban area and the Green Belt, to meet longer-term development needs beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

As the preparation of the Local plan has been drawn out over the past 20 years, some considerable confusion surrounds the status of the Green Belt. Much of the commentary relating to the Green Belt speaks from a position that assumes the Green Belt boundaries are fixed in an adopted plan and that any suggestion that sites should be allocated for development will result in land being taken out of the Green Belt (in which case the second sentence of paragraph 83 of the NPPF would apply i.e. Green Belt boundaries should only be altered in exceptional circumstances).

This is, however, an erroneous assumption because the Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. In this case, paragraph 85 of the NPPF is therefore the Key advice to be considered. In defining/ establishing boundaries the Council must meet the identified requirement for sustainable development i.e. it must allocate land to meet identified needs for housing, employment, leisure etc... and other needs.

In other words, it is not a question of what land should be taken out of the Green Belt. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.

Critically, the Council will have to demonstrate to a Local Plan Inspector that the Green Belt boundaries will not have to be altered at the end of the plan period. It can do this by including in areas of safeguarded to meet development need beyond the plan period. The June 2013 Preferred Options version of the Plan did include areas of safeguarded land. The omission of this key component of the Local Plan spatial strategy is a serious weakness and may well result in the Plan being found unsound.

The absence of safeguarded land also reduces the flexibility of the Council to response to indigenous or inward investing companies that have unforeseen requirements for growth.

The housing land requirement

The Consultation Draft Plan proposes a significant reduction in the housing requirement and in the amount of land available for housing development. In particular there has been a noticeable decrease in the number of smaller non-strategic housing sites. We understand other member companies of the Chamber are submitting representations challenging the Councils assessment of the housing need in the District. The Chamber does not have the resources to provide its own objectively assessed need calculation. However, the following points suggest that the proposed annual housing requirement figure of 841 dwellings per annum is too low:

Housing requirement Shortly before publication of the Consultation document, the Office for National Statistics (ONS) published a new set of (2014-based) sub national population projections (SNPP) which show a higher level of population growth than suggested by the 2012 based versions or the main projection developed in the Strategic Housing Market Assessment (SHMA). Modelling

the 2014 based SNPP in a consistent manner to the SHMA (and including a "market signals" adjustment) suggests a need for some 898 dwellings per annum in the 2012 to 2032 period – this is about 7% higher than derived in the main SHMA – a need for 841 dwellings per annum. Given that the main SHMA document identifies an objectively assessed need for 841 dwellings per annum which sits within the range set out in the SHMA addendum (706 to 898 dwellings per annum), the Council has decided to retain this number (841) on the basis of the newly available evidence published by ONS – particularly given concerns about the impact of student growth in the 2014 based SNPP and also longer terms trends not reflecting the most recent trends.

Student Housing

Housing completion data released by the Council for the Local Plan Working Group on 27th June 2016 revealed that after many years of under provision, completion figures for the year 2015/16 suggested a surplus. However, the completion figure of 1,121 for 2015/16 must be treated with some caution as it includes 579 purpose built student accommodation units (Source: Councils Housing Monitoring Update for Monitoring Year 2015/16).

The Council have included the student units based on the definition of dwelling units used in the DCLG General Definition of Housing Terms. However, this is a misreading of the guidance in the definition which excludes communal establishments from being counted in the **overall housing supply statistics**, but adds that all student accommodation whether it consists of communal halls of residence or self-contained dwellings, on or off campus, can be included towards the **housing provision** in local development plans). Planning Practice guidance (which is more recent than the DCLG dwelling definition) is that student accommodation units can only be included within the housing supply *"...based on the amount of accommodation it releases in the housing market."* (*Planning Practice Guidance* Reference ID: 3-038-20140306).

The Council have not produced any evidence to demonstrate how market housing supply has been increased by students transferring from traditional private sector shared housing. Indeed, the available evidence presented in

the City of York Council Strategic Housing Market Assessment June 2016 is that new purpose built student accommodation has not displaced students from market or family housing. Paragraph 10.67 of the SHMA states:

> *We have undertaken some qualitative research on the student housing market. This revealed there was an increase in capacity as new purpose built accommodation has been built on and off campus. However, it was discovered that this this not reduce demand for traditional private sector share housing.*

In addition the Council has not demonstrated that students form part of the objectively assessed housing need nor demonstrated that new student housing accommodation would contribute towards meeting the housing requirement.

Student "housing" completions should therefore not be included in the supply of housing

Windfall sites

The Councils assessment of housing provision includes an allowance for 150 dwellings per annum from year 4 of the plan – 1,976 units in total. Guidance in paragraph 48 of the NPPF is that windfalls can be included in the calculation of five-year supply, i.e. not as a source of housing supply across the plan period. This is because the supply of windfalls is variable and including it across the plan period does not provide the certainty of delivery compared with actual allocations. Other Authorities, most recently Scarborough Borough Council, have adopted this approach whereby a windfall allowance is identified across the plan period but treated as a flexibility allowance to the allocations and not included in the housing provision. The Scarborough Local Plan Inspector has endorsed this approach.

In view of the above factors, the Chamber is concerned that the Council appear to be aiming to provide the minimum level of housing indicated by available evidence. The Chamber considers this to be the wrong approach. In light of the persistent under delivery of housing every year since 2009,

the Council should be incorporating a considerable element of flexibility into the housing figures in the plan, particularly when the latest evidence is indicating yet further upward pressure on the requirement for housing. It's is also evident from recent press report that one of the largest brownfield sites in the City, British Sugar, will not start delivering houses until 3 years after the grant of planning permission. This simply serves to highlight the need for greater flexibility in plan and the need for additional housing allocation to provide that flexibility.

The Chambers members also highlighted the need for the Plan to be clear about the infrastructure required to support the proposed housing allocations. Education provision was one topic specifically mentioned. If housing allocation has been reduced in scale, will they still be viable and able to support education and other infrastructure requirements.

The Consultation document refers to the housing needs of specific groups, in particular the growth in demand for housing to accommodate the growth in the number of older people. However, no specific provision appears to be made for this group and this is an issue that could be addressed in the next iteration of the Plan.

Student Housing is another specific requirement that should be clarified in terms of how much student housing is required going forward to meet the growth of the universities, when it will be needed and where it will be provided.

The employment land requirement

The Chamber welcomes the allocation of land to meet the future employment needs of the City. We support the drive to retain and attract high quality well paid jobs to the City. The York Central site clearly has a role to play in this subject to the reservations expressed below.

However, we are concerned that the employment sites are dispersed around the City and notwithstanding the existing employment areas in the City we believe that in some of the locations the scale of the employment allocations could be increased to ensure the sites achieve a critical mass that will attract new occupiers.

The Chamber has considered the advice contained in the NPPF in reaching a view on the economic development needs of the emerging Draft Local Plan. In particular, the Chamber notes the comments in paragraph 160 which encourages Local Planning Authorities in formulating plans to

work closely with the business community to understand the changing needs and identify and address barriers to investment. The Chamber is uniquely placed to be able to provide such insight working in partnership with the Local Planning Authority and other key stakeholders.

The Chamber through its role acting on behalf of and as a voice for local businesses is concerned that the emerging Draft Plan fails to identify an adequate range and supply of sites to cater for York's future economic development needs. The Chamber through its significant contacts with a range of professional organisations and businesses has given consideration to the sites put forward in the Draft Plan.

The clear conclusion the Chamber has reached in relation to the identified employment land supply is that this will not cater for York's future needs. In light of this, the Chamber feels that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added businesses. Such sites should be located in areas accessible by public transport and the major road network and which are deliverable in the short term.

On the basis of the sites identified in the Draft Local Plan, the Chamber believes it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers.

The Chamber is aware that some existing logistics operators requiring sites well connected to the strategic trunk road network are struggling to find sites and the needs of this sector should be afforded further consideration in the Draft Plan.

Finally, the impact of a struggling road infrastructure on local business is an ongoing matter of concern and is highlighted in the next section.

Transportation

Although not a specific issue for this particular Consultation, the integration of new development with the city's transport infrastructure should be given particular attention in the draft plan. In the centre of the City, we believe that York Central cannot succeed without improvement to the rail infrastructure to enable the site to take maximum advantage of HS2 and, on the east west route, Northern Powerhouse Rail. The next stage of the Local Plan should contain explicit proposals to address this issue. The City must be equipped to take advantage of these future improvements in rail infrastructure and connectivity across the north of England.

As well as improvements to rail infrastructure, connectivity from the rail station to the wider City is also important. In particular connectivity by non-car modes should be prioritised.

The next version of the plan should be clear in identifying how proposed employment land allocations will be served by road and public transport infrastructure.

York Central

The Chamber is aware of the difficulties there have been, and continue to be about bringing this site to the market and the Chamber supports the Council on the work it has done, and the plans it has to open it up for development activity.

The site could, if developed appropriately, deliver a reasonable amount of the commercial and residential needs of the city. However there is considerable scepticism amongst many of our members at to whether and when the site will be available for development. More work needs to be done to convince the sceptics that the site will be delivered and that the relevant funds are in place to make this happen.

Clarification would also be welcome on the amount of land available for commercial and residential development because again different figures have been mentioned which is leading to confusion. Similarly, there is confusion about the proposed mix of commercial and residential development. There are concerns that there is too little commercial development being proposed particularly when in other parts of the city there has been a loss of commercial land to residential development. Consequently, will the York Central site be able to deliver the majority of the commercial development land that the city might need to grow its economy. Should other sites also be considered? In addition, questions have also been asked about whether York would be able to deliver the "rent returns" that a private sector developer would want to make the development a viable proposition.

As regards residential development again there seems to be a lack of clarity about what is being proposed. However medium sized, high density development seems to be what many are expecting but will this type of development meet the City's housing requirement including an element of affordable housing? Certainly it would seem to fall short of meeting the mix of housing types that the city needs. Also what proposals are there for supporting development (such as shops, green space, doctor's surgeries, etc) to complement the residential construction?

Finally, and as previously mentioned there is scepticism about whether and when the site might be ready for development so, to put it quite bluntly, is there a "plan b"?

In view of the strategic importance to the Local Plan, if these fundamental questions cannot be answered, there is a real threat the plan will fail the soundness test. To address this weakness, additional sites should be allocated to make up the potential shortfall I the delivery of York Central.

Summary

As previously mentioned the Chamber supports the development and production of a Local Plan for the City however there is considerable concern as to whether the commercial and residential sites being proposed are sufficient to meet the possible future expansion of the city. The reduction in housing numbers compared with previous plans is of particular concern with an unconvincing explanation of how the revised figures have been arrived at. In addition the current annual housebuilding requirement is not being met there needs to be a strategy in the Local plan to bring forward sites in the immediate short term to reverse the current situation. The allocation and re-allocation of some smaller non-strategic sites would help in addressing the immediate short term housing requirement.

In the medium to longer term the scale of the housing requirement and the supporting infrastructure required to accommodate it will require greater provision from strategic sites. However, the Consultation proposals suggest that the scale of many strategic sites has been reduced without any analysis or explanation of the impact of these changes on the ability of revised sites to support the infrastructure requirements.

In addition, and with reference to the devastating floods in the city last December, questions have been raised about whether sufficient emphasis is being placed upon flood mitigation in relation to new development, irrespective of whether it's commercial or residential. Have standards now been increased because of the flooding that occurred or are the same ones being used that were in place prior to the flooding?

The Chamber welcomes the opportunity to participate in the consultation and the comments mention above are a reflection of what are our members are saying. The Chamber will want to continue its engagement with the council on this very important matter for the city and looks forward to further discussion and consultation.

Yours Sincerely

Eamonn Keogh

Chairman

York Chamber of Commerce Property Forum.

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:
ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title	Mr	
First Name	Eamonn	
Last Name	Keogh	
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Representations must be received by Wednesday 4 April 2018, up until midnight.
Representations received after this time will not be considered duly made.

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via http://www.york.gov.uk/consultations. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	√
Policies Map	√
Sustainability Appraisal/Strategic Environmental Assessment	

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☑

4.(3) Please justify your answer to question 4.(1) and 4.(2)

With regard to the duty to co-operate it may be the case the Council has consulted with neighboring authorities, but some of those authorities have expressed concerns that have not been fully resolved. Annex B to Agenda item 11 on the report of the Local Plan to the Council's Executive on the 25th January reported:

Hambleton Council: *"…It* [the Draft Plan] *does not safeguard land for development and recognises the build out time of the Strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed. If the City of York does not ensure that its longer-term development needs are met this will place pressure on area in neighbouring authorities"*

Leeds city region LEP: *"York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment".*

Ryedale Council: Discussions ongoing

Harrogate Council: Discussion ongoing

Selby District Council: *"Having read the SHMA Addendum, it is noted that this figure does not take into account the level of employment growth proposed by the Local Plan…..Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York Boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues".*

Selby Council requested additional information on Strategic site ST15 and the university site ST27 before providing any further comments on the potential impact these allocations may have on Selby.

What these comments demonstrate is that whilst the Council may have engaged in a process of dialogue with neighbouring authorities, it has not produced outcomes that have addressed some significant concerns of neighbouring authorities. Indeed, at this stage the views of some adjoining Authorities are not known and it is difficult to see how, in these circumstances, the Duty to Co-Operate has been complied with.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☑

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☑	**Justified**	☑
Effective	☑	**Consistent with national policy**	☑

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	**4.1 to 4.8** Ref.	Policy	**EC1**	Site Ref.	

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached representation document

Representations must be received by Wednesday 4 April 2018, up until midnight.
Representations received after this time will not be considered duly made.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

(If you are suggesting that the plan is legally compliant or sound please write N/A)

Proposed changes are included in the representation document included with this representation

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	√

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Signature	[redacted]	**Date**	3rd April 2018

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please fill in a separate part B for each issue/representation you wish to make.
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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title	Mr	
First Name	Eamonn	
Last Name	Keogh	
Organisation (where relevant)	York and North Yorkshire Chamber of Commerce Property Forum	
Representing (if applicable)		
Address – line 1	Innovation Centre	
Address – line 2	York Science Park	
Address – line 3	Innovation Way	
Address – line 4		
Address – line 5		
Postcode	York YO10 5DG	
E-mail Address	susie.cawood@yorkchamber.co.uk	e.keogh@oneill-associates.co.uk
Telephone Number	01904 567838	01904 692313

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Guidance note

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Do I have to use the response form?

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Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft	√
Policies Map	√
Sustainability Appraisal/Strategic Environmental Assessment	

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes ☐ No ☐

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes ☐ No ☑

4.(3) Please justify your answer to question 4.(1) and 4.(2)

With regard to the duty to co-operate it may be the case the Council has consulted with neighboring authorities, but some of those authorities have expressed concerns that have not been fully resolved. Annex B to Agenda item 11 on the report of the Local Plan to the Council's Executive on the 25th January reported:

Hambleton Council: *"…It* [the Draft Plan] *does not safeguard land for development and recognises the build out time of the Strategic sites will extend beyond the plan period. The proposed detailed boundaries of the Green Belt offer little opportunity to accommodate the increased level of growth proposed. If the City of York does not ensure that its longer-term development needs are met this will place pressure on area in neighbouring authorities"*

Leeds city region LEP: *"York has not applied the 10% market signals adjustment as recommended in the York 2017 Strategic Housing Market Assessment".*

Ryedale Council: Discussions ongoing

Harrogate Council: Discussion ongoing

Selby District Council: *"Having read the SHMA Addendum, it is noted that this figure does not take into account the level of employment growth proposed by the Local Plan…..Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York Boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues".*

Selby Council requested additional information on Strategic site ST15 and the university site ST27 before providing any further comments on the potential impact these allocations may have on Selby.

What these comments demonstrate is that whilst the Council may have engaged in a process of dialogue with neighbouring authorities, it has not produced outcomes that have addressed some significant concerns of neighbouring authorities. Indeed, at this stage the views of some adjoining Authorities are not known and it is difficult to see how, in these circumstances, the Duty to Co-Operate has been complied with.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☑

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☑	**Justified**	☑
Effective	☑	**Consistent with national policy**	☑

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.	**3.13 to 3.15**	Policy Ref.	**SS2**	Site Ref.	

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached representation document

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6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note *your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

(If you are suggesting that the plan is legally compliant or sound please write N/A)

Proposed changes are included in the representation document included with this representation

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation	☐	**Yes**, I wish to appear at the Examination	√

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1. Personal Details		**2. Agent's Details** (if applicable)
Title	Mr	
First Name	Eamonn	
Last Name	Keogh	
Organisation (where relevant)	York and North Yorkshire Chamber of Commerce Property Forum	
Representing (if applicable)		
Address – line 1	Innovation Centre	
Address – line 2	York Science Park	
Address – line 3	Innovation Way	
Address – line 4		
Address – line 5		
Postcode	York YO10 5DG	
E-mail Address	susie.cawood@yorkchamber.co.uk	e.keogh@oneill-associates.co.uk
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3. To which document does your response relate? (Please tick one)

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Positively prepared	☑	**Justified**	☑
Effective	☑	**Consistent with national policy**	☑

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(Complete any that apply)

Paragraph no.	**5.1 to 5.16**	Policy Ref.	**H1**	Site Ref.	

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Signature	[redacted]	**Date**	3rd April 2018

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[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

[redacted]

SID591

From: Graeme Holbeck [g.holbeck@oneill-associates.co.uk]
Sent: 03 April 2018 16:49
To: localplan@york.gov.uk
Subject: Comments on Publication draft Local Plan Consultation (Strategic Housing Site ST17)
Attachments: Comments_form_FINAL.pdf

Dear Local Plans Team,

I am attaching a copy of our response form on the Local Plan Publication Draft (2018). This relates to strategic housing allocation ST17 (Nestle South) and is submitted on behalf of the owners, Newby Developments

Thank you

Graeme Holbeck

O'Neill ASSOCIATES
Chartered Town Planning Consultants
Graeme Holbeck
www.oneill-associates.co.uk
Lancaster House
James Nicolson Link
Clifton Moor
York YO304GR
01904 692313

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mr
First Name		Graeme
Last Name		Holmes
Organisation (where relevant)	Newby	O'Neill Associates
Representing (if applicable)		Newby
Address – line 1		Lancaster House
Address – line 2		James Nicolson Link
Address – line 3		Clifton Moor
Address – line 4		York
Address – line 5		
Postcode		YO304GR
E-mail Address		g.holbeck@oneill-associates.co.uk
Telephone Number		01904 692313

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
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- City of York Council West Offices
- In all libraries in York.

Part B -Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)

3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft [X]

Policies Map [X]

Sustainability Appraisal/Strategic Environmental Assessment [ ]

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Yes [ ] No [ ]

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes ☐ No ☐

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared	☐	**Justified**	☐
Effective	☐	**Consistent with national policy**	☐

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.		Policy Ref.		Site Ref.	ST17

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

In September 2017, Newby Developments obtained planning permission to convert the former factory buildings at Nestle South into 258 apartments. They have now obtained the remaining land to the west and are currently progressing a scheme to redevelop it for around 595 dwellings. This is consistent with proposed allocation (ST17) in the Local Plan. It is expected that the outline application will be submitted in May 2018, with the construction period running between 2020 and 2025. i.e. the first 1-10 years of the plan period. The estimated phasing is the only change that we would propose to the housing allocation

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.

You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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Not applicable to our representations

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation [X]

Yes, I wish to appear at the examination [ ]

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Part C - How we will use your Personal Information

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Retention of Information

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Signature	[redacted]	**Date**	29 March 2018

[1] Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012
[2] Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012
[3] Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

[redacted]

From: Graeme Holbeck [g.holbeck@oneill-associates.co.uk]
Sent: 03 April 2018 16:46
To: localplan@york.gov.uk
Subject: Comments on Publication draft Local Plan Consultation (H33)
Attachments: Comments_form_FINAL.pdf; Representations on behalf of Yorvik Homes.pdf

Dear Sir / Madam,

Please find attached a copy of our representations on the York Local Plan (Publication Draft). These have been prepared on behalf of Yorvik Homes in relation to previous housing allocation H33 (Water Tower Site, Dunnington) and also relate to Draft Policy H1.

I have included a signed copy of the consultation response form as part of the submission. I trust this is sufficient information for the response to be registered and look forward to receiving your confirmation of this.

Should you require anything further, please don't hesitate to contact me

Thanks

Graeme

O'Neill ASSOCIATES
Chartered Town Planning Consultants
Graeme Holbeck
www.oneill-associates.co.uk
Lancaster House
James Nicolson Link
Clifton Moor
York YO304GR
01904 692313

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make.
Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

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1. Personal Details		**2. Agent's Details** (if applicable)
Title		Mr
First Name		Graeme
Last Name		Holmes
Organisation (where relevant)	Yorvik Homes	O'Neill Associates
Representing (if applicable)		Yorvik Homes
Address – line 1		Lancaster House
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Paragraph no.		Policy Ref.	Policy H1 Policy H2	Site Ref.	

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Signature	[redacted]	**Date**	29 March 2018

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CITY OF YORK LOCAL PLAN PUBLICATION DRAFT (MARCH 2018)

PREVIOUS HOUSING ALLOCATION H33: LAND TO THE SOUTH OF THE WATER TOWER, DUNNINGTON

REPRESENTATIONS ON BEHALF OF YORVIK HOMES

April 2018

O'Neill ASSOCIATES
Chartered Town Planning Consultants

Lancaster House James Nicolson Link Clifton Moor York YO30 4GR 01904 692313 www.oneill-associates.co.uk

EXECUTIVE SUMMARY

These representations are submitted on behalf of Yorvik Homes in relation to land to the east of Church Balk, at the northern entrance into Dunnington. The site was previously allocated for housing development (Site reference H33) within both the York Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). However, the allocation has not been retained in subsequent versions of the Local Plan following a substantial reduction in the amount of land allocated for housing development across the city.

The reduced number of allocations within the Local Plan follows a revised assessment of the Council's housing requirement over the 16 year planning period (2017-2033) and the 5 years beyond it (2033-2038).

This report contains an in-depth analysis of the Council's housing requirement for the same 21-year period The key message to be taken from the representations is that a substantial amount of additional housing land should be identified within the Local Plan if Council is to meet the housing requirements of the city and to confirm a permanent Green Belt boundary for York. Otherwise, the Plan should be found 'unsound'.

Within this context, the case is presented for re-introducing previous allocation H33 (Water Tower Land in Dunnington) as a housing site within the final version of the Local Plan. The site is under an options agreement with a local housebuilder, Yorvik Homes. It is not significantly constrained, is available now and there is a realistic prospect that housing will be delivered on the site within the first five years of the plan. This was accepted by the Council in their decision to allocate the site in previous version of the document and is also confirmed by the housebuilder.

The final part of the statement focuses on the Council's reasons for excluding the land from the Preferred Sites Consultation Document, in favour of alternative housing sites within the village. It contends that the development of H33 would create a consistent boundary to the northern edge of the village, following the line that has already been established by suburban housing to the west of Church Balk and will be continued by the expansion of Dunnington Cemetery to the east. The proposed allocation is not considered to impact on the York Moraine or the historic setting of the village. It has the potential to deliver areas of planning gain and performs well against the sustainability and deliverability criteria applied by the Council in previously allocating the site for housing. On this basis, the site is considered to provide the primary location for residential development within Dunnington.

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1. Introduction

2. Description of the Site

3. Assessment of Housing Need

4. Analysis of Proposed Housing Allocations

5. Representations

6. Summary

APPENDICES

1. Representations on 2016 Preferred Sites Consultation (Yorvik Homes)

2. Site Location Plan

3. Site Photographs

4. Analysis of allocated sites and their expected rates of delivery

5. Land use plans

6. Illustrative Layout

Reference: Ydwt1710.reps.gh
Date: October 2017

1.0 INTRODUCTION AND CONTEXT

1.1 These representations are submitted on behalf of Yorvik Homes in relation to land to the east of Church Balk, at the northern entrance into Dunnington. The site is owned by a local farmer, David Sherry, but is subject to a long-standing options agreement with the York-based housebuilder. It was previously allocated for housing development (Site reference H33) within both the Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). However, following a substantial reduction in the amount of land allocated for housing development across the city, the site was not retained in the Preferred Sites Consultation (July 2016) and it has also been excluded from the Pre-Publication Draft Local Plan (September 2017) and the current Publication Draft (March 2018).

1.2 For the sites that were removed from the Preferred Sites Consultation, the Council provided a written summary setting out the reasons for their removal. The subject site (H33) is identified as 'Water Tower Lane, Dunnington'. The summary on page 94 of the document states that:

"Following further technical officer assessment it is considered that the site would extend the existing village settlement boundary beyond Church Lane / Eastfield Lane and to the east of Church Balk and would encroach into open countryside, therefore conflicting with greenbelt purposes. The creation of defensible greenbelt boundaries would also be difficult for related reasons. The site is partially contained by trees but this is intermittent with views into the site from Church Balk. The site also forms part of York Moraine, which contributes to the historic character and setting of the village"

1.3 In September 2016, Yorvik homes submitted representations on the Preferred Sites Consultation, rebutting the points raised by the Council in their decision to remove the housing allocation. A copy of these representations is included at Appendix 1. The conclusions were:

- a substantial amount of additional housing land should be identified within the Local Plan if the Council is to meet the housing requirements of the city and confirm a permanent Green Belt boundary.
- the development of H33 would create a consistent boundary to the northern edge of the village, following the line that has already been established by suburban housing to the west of Church Balk
- The proposed allocation is not considered to impact on the York Moraine or the historic setting of the village.

- The development of has the potential to deliver areas of planning gain and performs well against the sustainability and deliverability criteria applied by the Council in previously allocating the site for housing.
- The site is considered to provide the primary location for residential development in Dunnington.

1.4 The Publication Draft (2017) is not substantially different from the Preferred Sites Consultation (2016) in the sites that put forward for housing development although changes have been made to the size and potential yields of some of the strategic sites. In view of this, the key questions raised by the current consultation are:

- What is the housing requirement of the Council over the Plan period and has sufficient land been allocated to accommodate the housing needs of the city and confirm the boundary of the Green Belt?
- Will the allocated sites deliver an appropriate housing mix, in order to meet the main areas of need identified in the Strategic Housing Market Assessment (2017)?
- Will the focus on 16 strategic sites result in a housing trajectory that is heavily weighted towards the later stages of the plan period (years 5-10 and 10-15), resulting in a housing shortfall, particularly during the first five years?

1.5 This report sets out our response to these questions within Sections 3 and 4 respectively. Section 5 of the representations then goes on to consider the site specific issues raised by the allocation of the land south of the Water Tower (H33). It follows further work carried out by Yorvik Homes on the delivery rate at which new housing could come forward on the site and consideration of an appropriate site layouts which respect the existing urban form and the character of the village.

2.0 THE SITE AND ITS SURROUNDINGS

2.1 For the purpose of these representations, the land put forward by our client is divided into two distinct sections. The site identified in red on the Location Plan at Appendix 2 (site 1) comprises around 1.8 hectares and is primarily used for grazing. It is broadly rectangular in shape, although there is an old water tower in the western corner, which has been converted for residential use.

2.2 The water tower is the first house along Church Balk, when approaching the village from the north. There is a row of bungalows on the western side of the street, which begin opposite the water tower and continue south to the junction of Church Balk and Eastfield Lane. On the eastern side of the street, the site's frontage along Church Balk is lined by a semi-mature hedgerow, which lowers at the junction with Eastfield Lane and tapers at the corner.

2.3 The south east boundary of the site fronts onto Eastfield Lane, an east-west route with housing on its southern side. There is a low timber fence along this boundary with sporadic vegetation cover up to the edge of Dunnington Cemetery. The village's cemetery is located on land gifted to the Parish by the owner of the subject site. It contains around 30 plots at the moment, with designated expansion space to the north. The site's interface with the cemetery is depicted by a post and wire fence and a low hedge. The north west boundary of the site contains hedge planting and occasional tree cover. The curtilage of the old water tower extends almost half way along this boundary.

2.4 The land to the north of site 1 (site 2) is also within our client's control and is edged in blue on the Location Plan at Appendix 2. It comprises approximately 2.4 hectares and extends to the boundary of the A166. The land is in currently in agricultural use and is bordered by mature hedgerows on all sides. A selection of site photographs are included at Appendix 3 to show the general appearance of the site and its surroundings.

3.0 ASSESSMENT OF HOUSING NEED

3.1 This section of our representations focusses on the Council's approach to housing provision, set out in Chapter 5 of the Publication Draft. Specifically, it:

1. Sets out the political context
2. Assesses whether the Council's approach to housing provision will address the housing needs of the City during the Plan period and beyond
3. puts forward an alternative and more realistic housing requirement;

The Political Context

Local plan Working Group July 2017

3.2 The updated housing requirement for the City was reported to the Local Plan Working Group (LPWG) on the 10th July 2017. (There was no equivalent update provided for the 23 January 2018 LPWG). The report identified an annual housing requirement of 953 dwellings per annum based on evidence provided by the Council's own consultants G L Hearn in the Draft Strategic Housing Market Assessment. The 953 is composed of a Demographic baseline of 867 dwellings; and an upward adjustment for 'market signals' of 10%.

3.3 The LPWG report stated that the Plan period runs from 2012 to 2033. The Council acknowledge in the LPWG report that as York is setting detailed Green Belt Boundaries for the first time, it is also necessary to consider the period beyond the end date of the plan to 2038 to provide an enduring Green Belt.

3.4 On the basis of the Local Plan Working Group report, the housing requirement for the Plan period 2012 to 2033 was therefore 20,013 (21 x 953). The housing requirement need calculation for the period 2033 to 2038 would be 4,765 (5 x 953).

3.5 In calculating the land required to meet the housing requirement for the LPWG report, the Council had regard to completions to date and unimplemented permissions. The Council also assumed a windfall completion rate of 169 from year 4 of the plan. Having regard to completions, commitments and windfalls, the Council's estimate of the remaining housing requirement for the Plan Period is:

Table 1: Council's Estimate of Housing Requirement as presented to Local Plan Working Group on 10th July 2017

Plan period 1st April 2012 to 31st March 2033	
Total Need 2012 -2033 (based on 953)	20,013
Completions 1st April 2012 to 31st March 2017	3,432
Unimplemented Permissions @ 1st April 2017 **We believe this figure to be a misprint and should be 3,578*	3,758*
Windfalls (from Year 4) @ 169 pa	2,197
Requirement Remaining	10,806

Source: Local Plan Working Group 10 July 2017

3.6 At the Local Plan Working Group, members did not agree with the assessment of the housing requirement presented by officers. Members set the housing requirement at 867 dwellings per annum and that was the figure used for consultation in the Pre-Publication Draft Local Plan in September 2017.

Local Plan Working Group January 23rd 2018

3.7 On the 23 January 2018, the LPWG considered the representations made on the Pre-Publication draft plan. The officers report presented a number of options for the housing requirement based on the degree of risk associated with each option. The report reminded members that they had previously been advised that the Councils independent consultants had estimated the annual housing requirement to be figure of 867 rising to 953 to allow for a 10% market signals uplift. Members had accepted the 867-baseline figure for consultation in the Pre-Consultation Draft Plan but not the figure of 953.

3.8 Members were also informed that if they were to apply the draft methodology for assessing housing requirement that the Government had consulted on in late 2017, then the housing requirement for the City was estimated to be 1,070 dwellings. They were advised that whereas this figure was an estimate produced by the draft methodology, it nevertheless indicated the direction of travel anticipated for national planning policy.

3.9 Members were advised of their statutory duty to ensure the Submission Draft Plan meets the test of "soundness". Officer's advice was that the direction of travel in national policy indicated that if the site proposals previously consulted on were increased this would be a more robust position. Members were clearly advised that an increase in the supply of

housing would place the Council in a better position for defending the Plan proposals through the Examination process.

3.10 Members were also advised of the options for increasing the housing supply that were set out in four tables in the LPWG report. Those options ranged from:

1. inclusion of MOD sites (table 1);
2. the enlargement of allocated strategic sites (table 2);
3. the inclusion of previously rejected sites, that following further assessment work, officers felt should be reconsidered (table 3); and
4. the inclusion of new sites emerging in response to the consultation on the Pre-Publication draft plan.

3.11 Members rejected any proposal to increase the housing requirement set out in the Draft Plan and only approved the inclusion of the MoD sites in Table 1 of the report (option 1).

Council Executive 25th January 2018

3.12 The recommendations of the LPWG were reported to the Councils Executive on the 25th January 2018. Representatives of the promoters of the three largest strategic Housing sites addressed the Executive. (Site ST 7 Land East of Metcalf Lane (845 units); Sites ST14 Land West of Wigginton Road (1,348 units); and ST15 Land West of Elvington Lane (3,339 units)). They informed members that their sites, as currently proposed in the Publication Draft Local Plan, were not viable or deliverable without additional land and some increase in the number of dwellings proposed for each. The representatives requested that changes be made to the Draft Publication Local Plan before it went to consultation but these requests were subsequently ignored by members.

Publication Regulation 19 Consultation Draft Local Plan

3.13 The Publication Draft Plan proposes a 16-year plan period with a start date of 1st April 2017. This is a change from the report to the July 2017 LPWG that assumed a plan start date of 2012 and alters the basis of the calculation of the housing requirement. Completions are not included in the calculation of the housing requirement as the plan start date is essentially year zero in the calculation. Instead the Council include an allowance for backlog (or under-provision) for the period 2012 to 2017.

3.14 The Housing requirement in the Draft Plan is therefore based on an annual base requirement of 867 dwellings to which the council has added an additional 56 units per annum to account for undersupply in the period 2012 to 2017 giving a total requirement of 923 dwellings per annum

3.15 Taking account of these changes, the housing requirement as now proposed in the Draft Plan is:

Table 2 Publication Draft Regulation 19 Consultation Plan

Plan period 1st April 2017 to 31st March 2033	
Total Need 2017 -2032/33 (based on 923 dwellings per annum 867 + 56))	14,768
Unimplemented Permissions @ 1st April 2017	3,578
Windfalls (from 2020/2021) @ 169 pa	2,197
Requirement to be provided through allocations	8,993

3.16 Furthermore, to ensure what the Draft Plan considers to be enduring Green Belt boundaries, additional land is allocated to meet the annual base requirement of 867 dwellings per annum for the 5-year period of 2033 to 2038 which effectively increases the requirement to 13,328. We consider this assessment of the remaining requirement to be inadequate for the following reasons:

- The housing requirement is too low;
- The calculation of completions since 2012 is too high (i.e. the Councils estimate of backlog is too low)
- Outstanding commitments include student housing that should be excluded
- The assumptions on windfalls are questionable and should not be treated as a component of the Plan

The Housing requirement

3.17 In our representations on the Preferred Sites Consultation September 2016, we included an Assessment of Housing Need prepared By Nathaniel Lichfield and Partners. That Assessment established the scale of need for housing in the City of York based upon a range of housing, economic and demographic factors and trends using NLP's HEaDROOM framework

3.18 The Assessment found that that the objectively assessed housing need for the City of York was in the range of 1,125 to 1,255 dwelling per annum. The approach allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to deliver affordable housing and support economic growth. Using this range would have ensured compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also have reflected paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

3.19 In the 18-month period since our previous representations, the Government has published a consultation document on a methodology for assessing housing need that every Local Planning Authority would have to use when preparing a Local Plan. The methodology uses the projections of household growth as the demographic baseline for every local authority area. Added to this is an adjustment to take account of market signals in house prices and alongside the Consultation Paper, the Government also performed a calculation of the housing requirement for each local authority in the country. The calculation for York was a housing requirement of 1,070 dwellings per annum. The consultation paper explains that this should be treated as the starting point for assessing the housing requirement.

3.20 Taking a robust and conservative approach, the Government's figure of 1,070 dwellings per annum is therefore used in our assessment of the housing requirement for the Local Plan period.

(i) Calculation of completions - Backlog

3.21 The Council have underestimated the scale of the backlog and their annual allowance of 56 dwellings per year, amounting to 896 over the 16-year plan Period, is too low. To calculate the backlog, our assessment uses the alternative figure of 953. This is the housing requirement figure recommend by the Council's independent Consultants, G L Hearn for the period from 2012 (report to the July 2017 LPWG).

3.22 The Local Plan must demonstrate it can provide deliverable sites for the 5-year tranches within the plan period. Government guidance advises that the calculation of the 5-year supply must take account of any shortfall from previous years. How far back the shortfall should be included is a matter of judgement. There is a point at which unformed households from previous years have been permanently displaced and therefore the need to accommodate them has passed.

3.23 In order to calculate the backlog accurately, it is first necessary to analyse the housing completion data contained within the Council's Annual Housing Monitoring Updates. The latest of these updates revealed that after many years of under provision, completion

figures for the year 2016/17 suggested a surplus. However, this is an anomaly that should be treated with some caution. For instance, the completions figure of 1,121 for 2015/16 actually includes 579 purpose built student accommodation units (Source: Councils Housing Monitoring Update for Monitoring Year 2015/16). Likewise, the completions figure of 977 for 2016/17 also includes 152 student units.

3.24 The Council have included the student units in their completion and commitments figures based on the definition of dwelling units used in the DCLG General Definition of Housing Terms. However, this is a misreading of the definition which excludes communal establishments from being counted in the overall housing supply statistics, but adds that all student accommodation whether it consists of communal halls of residence or self-contained dwellings, on or off campus, can be included towards the housing provision in local development plans. Government guidance (which is more recent than the DCLG dwelling definition) is that student accommodation units can only be included within the housing supply "…*based on the amount of accommodation it releases in the housing market." (Planning Practice Guidance* Reference ID: 3-038-20140306).

3.25 The Council have not produced any evidence to demonstrate how market housing supply has been increased by students transferring from traditional private sector shared housing. Indeed, the available evidence presented in the City of York Council Strategic Housing Market Assessment June 2016 is that new purpose-built student accommodation has not displaced students from market or family housing. Paragraph 10.67 of the SHMA states:

We have undertaken some qualitative research on the student housing market. This revealed there was an increase in capacity as new purpose-built accommodation has been built on and off campus. However, it was discovered that this did not reduce demand for traditional private sector shared housing.

3.26 In addition, the Council has not demonstrated that students form part of the objectively assessed housing need nor demonstrated that new student housing accommodation would contribute towards meeting the housing requirement.

3.27 Furthermore, case law has established that in these circumstances purpose built student accommodation cannot count towards the housing supply *Exeter City Council v Secretary of State for Communities and Local Government, Waddeton Park Limited, The R B Nelder Trust. Case No: CO/5738/2104*.

3.28 Removing these 579 student units from the completions data reduces the completions for 2015/16 to 542. Likewise removing the 152 student units from 2016/17 data reduces the completions for that year to 825. These are the figures used in our calculation of the backlog.

Table 3 Housing completion backlog for the period 2012-2017

Year	Actual completions	Less student units	Net C3 Dwelling units	SHMA recommended figure	Backlog/ Surplus
2012/13	482	0	482	953	-471
2013/14	345	0	345	953	-608
2014/15	507	0	507	953	-446
2015/16	1121	579	542	953	-411
2016/17	977	152	825	953	-128
Total	3,432	731	2,701	4,765	-2,064

(ii) Commitments

3.29 We have obtained a list of the planning permissions that make up the Council's estimate of un-implemented planning permissions. The figure of 3,578 includes 542 student units which, for the reasons stated above should not be included in the housing provision figures. This reduces the commitments figure to 3,036. A further discount of 10% should be applied to account for non-implementation of a proportion of these commitments, giving a more robust figure of 2,732 dwellings for outstanding commitments.

(iii) Windfalls

3.30 The Councils assessment of housing provision includes an allowance for 169 windfalls per annum from 2020/2021 of the plan – 2,197 units in total. Guidance in paragraph 48 of the NPPF is that windfalls can be included in the calculation of five-year supply, i.e. not as a source of housing supply across the plan period. This is because the supply of windfalls is variable and including it across the plan period does not provide the certainty of delivery compared with actual allocations. In addition, once the plan is adopted and housing allocations confirmed, the pressure to deliver housing through windfalls should decrease. Other Authorities, most recently Scarborough Borough Council, have adopted this approach whereby a windfall allowance is identified across the plan period but treated as a flexibility allowance to the allocations and not included in the housing provision. The Scarborough Local Plan Inspector has endorsed this approach and the Plan has now been formally adopted.

Conclusion on Housing requirement

3.31 Taking all the above factors into account, our estimate of the housing requirement compared with the Councils estimate Table 2 above is:

Table 4 Estimate of Housing Requirement 2017-2033

Plan period 1st April 2017 to 31st March 2033	Councils Estimate	Our Estimate
Total Need 2017-2033 (based on 867)	13,872 (based on 867per annum)	17,120 (based on 1,070 per annum)
Backlog 2012 to 2017	896	2,064
Gross Requirement	**14,768**	**19,184**
Unimplemented Permissions @ 1st April 2016*	3,578	2,732
Windfalls (from 2020/21) @ 169pa	2,197	0
Net Requirement	8,993	16,452

3.32 It is evident from this analysis that the Council's estimate of the housing requirement is significantly flawed, with a deficit of nearly 7,500 units between the Council's assessed need and the actual housing requirement of 16,452 units needed within the plan period of 2017-2033.

3.33 In addition, to establish the boundaries of the Green Belt there is also a need to look beyond the plan period. The Council has sought to address this by allocating sufficient land for at least the five years after 2033. Using the Council's nominated annual figure of 867 units, this would result in a housing requirement of 4,335 dwellings for the 5-year period up to 2038. However, as stated above, the minimum starting point for this assessment should be the Government's figure of 1,070 units. This would give a 5-year requirement of 5,350 dwellings, and an overall housing requirement of 21,802 to be provided through allocations, and not 13,328 as set out in Paragraph 2.14 above.

3.34 If the Council do not allocate sufficient land to accommodate the higher quantum of development then they will not be in a position demonstrate that the Green Belt boundaries will endure beyond the plan period thus failing one of the fundamental objectives of Green Belt Policy, as set out in paragraph 83 of the NPPF. On the previous occasions that Planning Inspectors have considered the Council's Draft Development Plan for the city in 2000 and 2010, each Inspector has concluded that the Green Belt could not be confirmed due to inadequate development land being identified. The Publication Draft also falls short of this requirement.

4.0 ANALYSIS OF PROPOSED HOUSING ALLOCATIONS

4.1 The Publication Draft includes a list of potential strategic and general housing allocations in Table 5.1 of the document. Viewed together, the sites cover a total area of 525 hectares and have the potential to deliver 14,985 homes during the Plan Period and for the five years beyond it. The previous section of this report considered whether this level of development would meet the housing requirements of the city and identified a shortfall in housing land provision. This section focuses on the allocated sites. Specifically, the rate at which they will be able to deliver new homes and the mix of housing they will provide in order to consider how this is matched with existing need.

Housing Delivery

4.2 It is envisaged that a high proportion of the total number of dwellings to be delivered over the plan period will be derived from the 16 strategic sites identified within the Publication Draft. The estimated housing yield for these sites is approximately 13,500 new homes with smaller housing allocations yielding a further 1,500 units. However, there is no real certainty over the rate of delivery that can be achieved on some of the strategic sites. For example, Strategic Site ST1 (British Sugar) remains undeveloped despite having lain vacant and derelict since 2006. There is a live planning application to develop the site for 1,100 homes although this proposal was refused by Planning Committee in October and an appeal was heard at a Public Inquiry in January 2018. The outcome of the Inquiry is unknown at this point but it could still take some time to resolve the planning issues for the site, which will extend the lead in time for development.

4.3 The difficultly in bringing forward Strategic Site ST5 (York Central) is also well documented. The Plan envisages 1,700 new houses being built on this site, with the vast majority of these to be brought forward during the plan period. Recent consultation on York Central suggests this housing yield is to be achieved through provision of high rise (up to 8 storeys) apartment blocks. However, as with the British Sugar site, there is considerable doubt over York Central's viability and deliverability given it would also require a significant lead-in time to address remediation and access issues. There also remain significant questions over whether high-density development envisaged is deliverable without harm to the historic core of York, and Historic England maintain its objection to the quantum of development proposed.

4.4 In the table below, we have applied what we believe to be reasonable assumptions to the potential delivery rates of the allocated sites. This is based on the information

provided in the Table 5.1 of the Publication Draft, along with other sources. Our complete assessment of the allocations is included at Appendix 4:

Table 5 Anticipated rates of housing delivery from Proposed Allocations

Timescale	Units
Years 1-5	2,818
Years 6-10	5,043
Years 11 to 16	4,168
Sub-total 16-year plan period	**12,029**
Years 17 to 21	2,617
Total 21-year period	**14,646***

*Does not add up to 14,985 because the delivery of site ST15 extends beyond 2038

4.5 This basic analysis demonstrates that the proposed allocations would only be capable of yielding around 12,000 units within the 16 year plan period, representing an under-delivery of 4,400 units from our assessed housing requirement of 16,452 dwellings. For the 5-year period following the Plan period only, the shortfall would be 2,733 dwellings from our assessed requirement of 5,350 dwellings. Again, these housing delivery issues serve to reinforce the point that further sites must be allocated to safeguard a sound Local Plan for York.

Five Year Land Supply

4.6 The figures in Table 6 (below) demonstrate the high level of latent and unmet demand for housing in York and the precarious nature of the existing supply. Our analysis demonstrates that the housing land requirement for the 16-year plan period is significantly flawed. Of equal concern though is the lack of supply in the early years of the plan.

Table 6: Assessment of 5-year land supply

		Assessment using Councils Housing requirement of 867		Assessment using Government Housing requirement of 1,070	
A	Requirement	(5x867)	4,335	(5x1070)	5,350
B	Plus Shortfall 2012-2017		280		2,064
C			4,615		7,414
D	20% buffer	(C x .2)	923	(C x .2)	1,482
E	Total 5-year Requirement	C+D	5,538	C+D	8,896
F	Annual requirement	(E ÷5)	1,108	(E ÷5)	1,779
G	Supply (Commitments)		3,578		2,732
H	Windfall		338		0
I	5-year supply	(G+H) ÷ F	3.53 years		1.53 years
J	Allocations Years 1 to 5		2,818		2,818
K	Potential supply	G+H+J	6,734		5,550
L	Potential 5-year supply	(K ÷ F)	6.08 years		3.11 years

4.7 Our assessment of the 5-year supply position is generally in line with accepted practice. The steps in our assessment are:

I. To provide a fair indication of the range of what the 5-year housing land supply position might be, we use both the Council's housing requirement figure of 867 dwellings per annum and our assessment of the annual requirement of 1,070 dwellings per annum to arrive at a five-year requirement.

II. We then add the undersupply assessed against each of the housing requirement figures for the period of 2012 to 2017. This is known as the "Sedgefield Method" of calculating the 5-year supply and assumes any undersupply is made up in the 5-year calculation period and not spread over the remaining years of the Local Plan. This is the approach favoured by National Planning Guidance which recommends:

> *Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.*
> (NPPG Paragraph: 035 Reference ID: 3-035-20140306)

III. As there has, by any measure, been a period of persistent under-delivery of housing in York for the past 9 years, we add the 20% buffer recommended in paragraph 47 of the NPPF.

IV. The assessment of unimplemented permissions (both the Council's and our own) are added to the table

4.8 Taking these steps into account, we provide two variants of the 5-year supply position. In the first, our assessment assumes the supply consists of just the existing commitments. This gives a 5-year supply of:

- 1.53 years based on the Government's estimate of an annual housing requirement need of 1,070 dwellings per annum and our assumptions on backlog and commitments.
- 3.53 years based on the Council's assessed housing requirement of 867 and their assumption on backlog, commitments and windfalls

4.9 In the second variant, we have included our estimate of supply arising from the proposed allocations. In this scenario, our estimate of supply from allocated sites in the first 5 years of the Plan is 2,818 dwellings. When this is added to the assumptions about the supply from existing commitments the supply position is:

- 3.11 years based on our figure for commitments (2,732 dwellings)
- 6.08 years based on the Council's figure for commitments (3,578 dwellings)

4.10 The scale of the deficit in land supply identified by the 5-year calculation is significant not only in terms of the need to identify more land but also in terms of the longevity of undersupply. By any reasonable assessment, there has been a significant shortfall in the provision of housing every year since 2007/08 – 11 years in all.

4.11 The importance of identifying sites capable of being brought forward in years 1 to 5 is embodied by the recent experience of Scarborough Borough Council. Here, the Inspector for the Examination in Public found that the failure of the submitted Plan to identify a five year supply of deliverable sites meant that it was not positively prepared or consistent with national policy and would not be effective in meeting identified housing needs. This was subsequently accepted by the Council who, in response, proposed the inclusion in the Plan of a number of additional and extended allocations in order to boost the deliverable supply.

Housing Demand

4.12 There is also a question over how the supply of new homes across the plan period will be matched with the existing housing demand. The 2016 SHMA for York reveals that the highest level of demand for market housing in the city is for 2 and 3-bedroom family homes. There is also significant unmet demand for bungalows amongst retirees seeking to downsize. According to local letting agents surveyed for the SHMA, the crucial gap in supply is for good quality family homes. However, there is no perceived shortage of flats or apartments. Based on projections of additional households between the years of 2012 and 2032, the SHMA also indicates that greatest need for market dwellings is for 3-bedroom homes, at 39.2% of additional dwellings. This is followed by two-bedroom homes (37.7%) and 4-bedroom homes (16.5%). The need for 1-bedroom dwellings is comparatively low at 6.6%.

4.13 So whereas the Plan appears to be reliant on the higher densities provided by apartment living to make a significant contribution to the overall supply of housing, the evidence presented in the SHMA suggests that this is not where the main area of demand lies.

4.14 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the advice contained within paragraph 50 of the NPPF is that local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but

not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

In its current form, it is not clear how the allocated sites and their associated yields will address this requirement. The Council has limited powers to implement the densities that they are proposing, if they are not considered to be appropriate for the market.

Safeguarded Land

4.15 Paragraph 85 of the NPPF advises that when defining Green Belt boundaries for the first time, local planning authorities should identify areas of 'safeguarded land' between the urban area and the Green Belt, to meet longer-term development needs beyond the plan period and make clear that the safeguarded land is not allocated for development at the present time;

4.16 As the preparation of the Local Plan has been drawn out over the past 20 years, some considerable confusion surrounds the status of the Green Belt. Much of the commentary relating to the Green Belt speaks from a position that assumes the Green Belt boundaries are fixed in an adopted plan and that any suggestion that sites should be allocated for development will result in land being taken out of the Green Belt.

4.17 This is, however, an erroneous assumption because the Green Belt boundaries around York are being <u>defined</u> (or established) for the first time. They are not being <u>altered.</u> In other words, it is not a question of what land should be taken out of the Green Belt. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.

4.18 Critically, the Council will have to demonstrate to a Local Plan Inspector that the Green Belt boundaries will not have to be altered at the end of the plan period. It can do this by including in areas of safeguarded to meet development need beyond the plan period. The 2013 Preferred Options Draft Local Plan sensibly included a reasonable amount of safeguarded land to ensure the proposed Green Belt Boundaries would remain permanent beyond the Plan period. Unfortunately, this approach appears to have been abandoned in the latter versions of the plan (the 2016 Preferred Sites Consultation, the 2017 Pre-Publication Draft and the current Publication Draft) which is a weakness of these documents.

5.0 REPRESENTATIONS

The need to allocate additional land for residential development

5.1 Section 3 of this Statement includes an assessment of York's housing needs over the 16-year period of the Local Plan and the five years beyond it. The conclusion of this assessment is that Council's estimate of the housing requirement is significantly flawed, with a deficit of nearly 7,500 units between the Council's assessed need and the actual housing requirement of 16,452 (Yorvik Homes).

5.2 In Section 4, the focus switches to the general and strategic housing allocations that have been included within the Publication Draft. The key messages to be taken from this analysis are:

5.3

- The Council are relying on a small number of strategic housing sites to deliver the necessary housing provision but the long lead in times associated with the development of these sites means that they will be faced with a shortfall in years 1-5 of the Plan. This means that the housing policies of the Plan would immediately be out of date (due to the lack of a 5-year deliverable housing land supply) if it were to be adopted in its current form
- The Plan's focus on high density development will inevitably lead to an increase in the number of flatted schemes despite the SHMA for York identifying that the main area of need is in the provision of 2 and 3 bed family homes

5.4 Both of these exercises point to a requirement for the Council to allocate additional land for residential development if the Local Plan is to meet the housing needs of the city and establish a permanent Green Belt boundary. The requirement for additional flexibility is amplified by the absence of any safeguarded land within the Publication Draft. In this context, the case for the allocation of land to the south of the Water Tower is set out below.

Previous Housing Allocation H33: Water Tower Land, Dunnington

5.5 The land to the east of Church Balk was previously allocated for housing development (Site reference H33) within both the York Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). This was on the basis that it offered a sustainable location for new housing development. The site is not significantly constrained, it is available now and there is a realistic prospect that proposed housing will be delivered within the first five years of the plan period. These points were

accepted by officers in their decision to allocate the land in past versions of the Local Plan.

5.6 In previously reaching the stage of being allocated, the site has passed through a series of technical officer assessments during 2013 and 2014. This included an initial sieving exercise to determine whether it contained environmental assets, functioned as an area of open space or was at risk of flooding. The sustainability credentials of the site were then assessed in terms of its access to local services and transport modes. Finally, the site was tested against a range of criteria relating to placemaking and design principles. The key points to emerge from these various assessments were:

- A level of development with access from Eastfield Lane would require extensive improvements to the highway and it is not considered feasible to take access from the A166. Access could be taken from the southern end of Church Balk and would be feasible with some highway improvements
- Development may impact on the identifiable village form of Dunnington. It would also impact on the northern entrance to the village by moving it further north to Stamford Bridge Road. This has already been compromised slightly by development at the south end of Church Balk
- The proposed development could be pulled back from Church Balk and an area of landscaped open space faced onto the road in to the village to lessen the impact on the northern entry point
- An archaeological investigation is required. The line of the Roman Road passing through the site could be represented in the design of the new development
- Green landscaping / buffering may lessen the impact on the setting of the village
- The site is at a low risk of flooding (flood zone 1) and is of no particular ecological value
- There were no design or conservation, noise or air quality issues raised. There was also no mention of the potential impact of development on the York Moraine
- In general, officers considered it suitable to only allocate the land to the south of the water tower (1.8 hectares) to keep development in line with the northern edge of the village and the permission for a cemetery in the adjacent field

Removal of Housing Allocation H33

5.7 The decision to remove housing allocation H33 in the Preferred Sites Consultation (July 2016) followed a substantial reduction in the amount of land allocated for housing development across the city. The main reasons for the removal of site were summarised as:

"Following further technical officer assessment it is considered that the site would extend the existing village settlement boundary beyond Church Lane / Eastfield Lane and to the east of Church Balk and would encroach into open countryside, therefore conflicting with greenbelt purposes. The creation of defensible greenbelt boundaries would also be difficult for related reasons. The site is partially contained by trees but this is intermittent with views into the site from Church Balk. The site also forms part of York Moraine, which contributes to the historic character and setting of the village"

In September 2016, Yorvik Homes submitted representations on the Preferred Sites Consultation rebutting the points made in the technical officer assessment (Refer to Appendix 1). Representations were also submitted by Dunnington Parish Council, who support the removal of the site as a potential housing allocation. The comments made by the Parish Council are summarised at page 90 of the Preferred Sites Consultation Statement (2017) and broadly reflect the previous views expressed by officers (above). They consider that the allocation should be removed from the Plan for the reasons that:

"Eastfield Lane forms a clear and well defined boundary for the northern edge of the village, and provides a significant visual amenity as one enters the village. This land is part of the York Moraine and is currently productive agricultural land within the proposed Green Belt. Inclusion of this land for development would compromise defensible Green Belt boundaries. Any additional housing in this location would potentially make the already precarious surface water drainage issue for the village much worse. The development of this site would impact the junction of Church Balk / Eastfield Lane, which is already problematic Others commenting in support of the site's removal note the impact of development on village character, visual amenity and local infrastructure. Impact on the York Moraine is also a concern."

Our response to the points raised by the Parish Council is set out below:

The extension of the village settlement boundary beyond Church Lane / Eastfield Lane

5.8 The subject site lies to the south of the former water tower in Dunnington, which has been converted for residential use. The building is a local landmark and the first property along Church Balk when approaching the village from the north. On the western side of the street there is a row of dormer bungalows, which form part of a wider suburban estate. The development of these bungalows has already had the effect of shifting the settlement limit of Dunnington to the north of Eastfield Lane. This was acknowledged by officers in their previous technical assessments for housing allocation H33, which stated that:

- The allocation would keep development in line with the northern edge of the village and the permission for a cemetery in the adjacent field

- The northern entrance to the village has already been compromised slightly by development at the south end of Church Balk

5.9 We agree with officer's previous analysis that the allocation of land to the east of Church Balk will establish a consistent boundary at the northern edge of the village. The development of this area will effectively fill a gap between existing housing along Church Balk to the west, Eastfield Lane to the south, Dunnington Cemetery and its associated expansion site to the east and the water tower to the north.

5.10 The land use plans at Appendix 5 present a couple of options for how the existing development limits to the north of Eastfield Lane (the bungalows to the west of Church Balk and the cemetery) could be 'rounded off' by development across the subject site.

- Option 1 shows the provision of open space in the northern corner of the site, with the built development sweeping around from the northern most bungalow on the western side of Church Balk to the existing cemetery east of the subject site. Such a housing layout would create a degree of symmetry in the established development limits eitherside of Church Balk
- Option 2 shows the provision of open space and car parking at the southern corner of the site so that it is well related to both the proposed housing and existing homes within the village, as well as Dunnington Church (for whom the parking is intended). The development limit corresponds with existing field boundaries and does not extend beyond the water tower or the approved expansion site for Dunnington cemetery

5.11 The boundaries of the site that are not already fully enclosed by existing housing are:

- the northern edge with the water tower, which is defined by mature hedging along with intermittent tree cover
- The eastern edge with Dunnington cemetery, which is marked by post and wire fencing and a hedge to the south. It will become further enclosed with the approved expansion of the cemetery to the north

In accordance with the criteria of paragraph 85 of the NPPF, these boundaries are considered to be clear and defined by physical features that a recognisable and likely to be permanent. Therefore, we do not agree with the comments of officers or the Parish Council that the creation of defensible Green Belt boundaries will be difficult for this site.

The site forms part of York Moraine, which contributes to the historic character and setting of the village

5.12 The York Moraine is a low, curving ridge which extends from the east of York towards Sand Hutton. The subject site forms part of this ridge. There is a gradual fall from north to south although the changing topography is only perceptible when standing on the site. Travelling south along Church Balk towards the historic village core, views of the site are screened by high hedging along its western boundary.

5.13 There are other examples of development along the Moraine, most notably on the western side of Church Balk where the presence of a suburban housing estate on the western side of the street has already altered the northern approach to the village. This is acknowledged in the conservation appraisal for Dunnington, which explains that it has become one of the larger villages in the city, due to extensive suburban style development. This has wrapped around the historic village centre, so that much of its original setting has been lost. The appraisal does not make any reference to the York Moraine contributing to the historic character and setting of the village.

Access Issues

5.12 Yorvik Homes has prepared a draft layout for the site (Appendix 6), which is submitted for illustrative purposes only, but is helpful in demonstrating the capacity of the site to accommodate a development of around 55 houses. The primary vehicular access is shown off Church Balk, approximately halfway between the northern boundary of the site and the junction with Springbank Avenue. Whereas a second point of access is provided to a small car park on Eastfield Lane, these spaces are to be assigned to Dunnington Church as a form of planning gain (refer to paragraphs 5.14 to 5.16 below) and are not required to facilitate the housing development. The proposed access off Church Balk will be designed to accommodate all vehicular movements into and out of the site. Its position north of the junction with Church Balk and Eastfield Lane means that there will not be a significant amount of traffic travelling though the junction, since the primary direction of travel will be to the north towards the A166 and the A64 beyond. To the south, existing facilities within the village centre are within close walking distance of the proposed housing reducing the need to travel by car.

Surface Water Drainage Issues

5.13 As a greenfield site, the need to maintain the existing drainage regime (with a surface water run off rate of 5 litres per second, per hectare) is expected to be a standard requirement of any future planning application. There are no existing watercourses nearby but there is the opportunity within the site to incorporate SUDS features so that the development does not exacerbate any surface water drainage issues that already exist within the village.

Detailed Design Issues and Planning Gain

5.14 In developing a detailed masterplan for the site, it is considered that the points raised in various technical officer assessments can be taken into account without impacting on the previous projected housing yield of around 50 homes. The desire to retain a landscaped buffer to the Church Balk frontage and to identify the position of the Roman Road can be accommodated within the layout. There are no other significant constraints that will impact on the developable area of the site.

5.15 In addition, the site forms part of a wider landholding which includes a further 2.4 hectares of land to the north. It is also location within close proximity of Dunnington Church, which offers the potential for some areas of planning gain. The owner has already gifted a parcel of land to the east of the site for the development and subsequent expansion of Dunnington Cemetery. They have also been in discussions with the Church and the Parish Council around:

- The provision of additional car parking on the site to serve Dunnington Church, which lies within a 2-minute walking distance to the south
- The provision of playing pitches on land to the north of the site, between the existing water tower and the A166

5.16 Whereas the main sports provision for Dunnington is located on the southern side of the village and the Parish Council is seeking additional pitch provision in close proximity to those facilities, the land to the north still offers an opportunity to provide an area of open space related to the proposed development. The owner has also shown a willingness to accommodate the additional parking needs of the Church within any future detailed layout. The illustrative layout (Appendix 6) shows this positioned at the southern edge of the development, the closest point to the church. It is also next to the site's principal area of open space, which is again located to be of use to both residents of the new housing and the existing village.

Housing Delivery

5.17 The early part of these representations considered the need for additional housing sites to be allocated for development within the next iteration of the Local Plan. It concluded that land should be identified for the provision of a further 3,085 new homes, with an added emphasis on housing delivery within the first five years of the Plan. Otherwise, there is a risk that the plan will be found unsound.

5.18 A similar circumstance arose at the recent Examination in Public for the Scarborough Local Plan. In that case, the Inspector found that the Council had not allocated sufficient land with the capability of delivering housing within the first five years and requested that further sites be identified in order to address this requirement. Analysis of the Council's 5 year land supply in paragraphs 4.4 to 4.9 of this report shows that with the allocations (and associated housing trajectories) as they stand, the supply position rests at 3.16 years. In the context of paragraph 49 of the NPPF, the housing policies of the Plan would effectively be out of date.

5.19 Prior to submitting the Plan for Examination, it is considered that there is a need for the Council to identify additional sites to be brought forward within the first five years of the Plan and the land south of the Water Tower falls into this category. It is being promoted by a local housebuilder, there are no significant constraints to development and following the adoption of the Plan, it is envisaged that a start on site could be made within 18 months, with the proposed housing being delivered in years 2, 3 and 4. The timings associated with the construction process is set out by Yorvik Homes below:

Table 7: Programme for Delivery

Project Milestone	Anticipated dates
Adoption of the Local Plan	Spring 2019
Determination of Full Planning Application	Autumn 2019
Discharge of Pre-commencement conditions	December 2019
Enabling works and site set up	January 2020
Infrastructure works	January to March 2020
Delivery of phase 1 units (13 plots)	July 2020 to December 2020
Delivery of phase 2 units (25 plots)	December 2020 to December 2021
Delivery of phase 3 units (18 plots)	December 2021 to July 2022
Infrastructure completion	August / September 2022

Alternative sites within the village

5.20 The subject site is considered to offer the primary location for new housing development within Dunnington. Given the shortage of housing sites identified within the Plan, it is not necessarily the case that it should be allocated instead of other sites within the village. However, it is important to recognise that these sites are both less sustainable and more heavily constrained should this issue arise in the future.

5.21 For instance, the Local Plan Publication Draft 2014 allocated the following housing sites within the village, in addition to housing allocation H33 (Water Tower):

- Housing allocation H31: Land at Eastfield Lane, Dunnington
- Housing allocation H35: Land at Intake Lane, Dunnington

5.22 The land at Intake Lane (H35) has now been removed from the Plan due to the constraints with providing an appropriate vehicular access. The site is landlocked and would require purchase of additional land outside of the site boundary in order to gain adequate access. This is effectively a showstopper to the future delivery of the site.

5.23 The land at Eastfield Lane (H31) has been retained as an allocation with an expected housing yield of 84 homes. It is of a similar nature to the subject site in that it is bounded by development on two sides. However, the following points do not weigh in favour of the allocation of the site at Eastfield Lane over the Water Tower site:

- Part of the land is already in active use as an employment site. Although the assessment indicates that there is a willing landowner, the future development of the site would necessitate the relocation of this existing business, which could lead to a delay in its delivery.

- The site fronts on to Eastfield Lane, which narrows to a single carriageway at this point. Highway improvements including carriageway widening and footpath provision would be required in order to facilitate access to the site. This would alter the rural character of the eastern edge of the village.

- The site does not perform as well against the sustainability criteria applied by the Council in their initial sieving of sites. This exercise was carried out in the lead up to the 2013 Preferred Options document. The site selection paper which accompanies the main report awards a score to each individual site based on

their access to local services (4a) and transportation (4b). Both sites performed equally well in relation to criteria 4b, but in terms of access to services, Site H31 achieved a score of 19 compared to a score of 24 for Site H33.

From a sustainability perspective, one of the principle advantages of site H33 is that it is within walking distance of an existing primary school. The delivery of the site does not rely on the location of an existing business and access from Church Balk can be facilitated without significant improvements to the highway.

6 SUMMARY

6.13 These representations are submitted on behalf of Yorvik Homes in relation to land to the east of Church Balk, at the northern entrance into Dunnington. The site was previously allocated for housing development (Site reference H33) within both the York Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). However, the allocation was not retained within the Preferred Sites Consultation (2016) or the Pre-Publication Draft (2017) and is also excluded from the current Publication Draft (2018). This follows a substantial reduction in the amount of land allocated for housing development across the city.

6.14 The reduced number of allocations within the Publication Draft is based on a revised assessment of the Council's housing requirement over the 16 year planning period. For the years 2017 – 2033, they have identified a need to provide 13,845 new homes and after taking into account unimplemented consents and future windfall development, the remaining net requirement reduces to 8,408 houses.

6.15 Section 3 of this statement contains an in-depth analysis of the Council's housing requirement for the same 16-year period and identifies the need to provide a higher number of houses, at 18,114. It explains that future windfall development or student housing cannot be discounted from the overall requirement, meaning that land should be allocated for the provision of at least 15,382 houses (after taking into account unimplemented permissions). When the need to establish a Green Belt boundary that endures beyond the plan period is taken into account, the requirement for the 21 year period rises to 20,732 and is set against housing allocations which will only deliver 14,985 new homes. The key message to be taken from this analysis is that a substantial amount of additional housing land should be identified within the Local Plan if Council is to meet the housing requirements of the city and confirm a permanent Green Belt boundary.

6.16 The need to identify additional housing sites is re-emphasised within Section 4 of the statement, which considers the retained allocations and the rate at which they will deliver the required homes. The conclusions are that the Plan will not deliver the level of housing required during years 0-5 and the drive for higher densities on a number of sites will lead to a potential imbalance between housing need and housing supply, with a shortage of 2 and 3 bed family homes.

6.17 Within this context, the case is presented for re-introducing previous allocation H33 (Water Tower Land in Dunnington) as a housing site within the final version of the Local Plan. The site is under an options agreement with a local housebuilder, Yorvik

Homes. It is not significantly constrained, is available now and there is a realistic prospect that housing will be delivered on the site within the first five years of the plan. This view was accepted by the Council in their decision to allocate the site in previous version of the document and is supported by a programme for the delivery of new homes, which has been provided by the housebuilder. In terms of the housing mix, the proposal is to provide new family homes in the 2, 3 and 4 bed range, 30% of which will be affordable homes in order to meet with the policies of the Plan and the identified housing needs for the city identified in the SHMA.

6.18 The final part of the statement focuses on the Council's reasons for excluding the land from the Preferred Sites Consultation Document, in favour of alternative housing sites within the village. It contends that the development of H33 would create a consistent boundary to the northern edge of the village, following the line that has already been established by suburban housing to the west of Church Balk and will be continued by the expansion of Dunnington Cemetery to the east. The proposed allocation is not considered to impact on the York Moraine or the historic setting of the village. It has the potential to deliver areas of planning gain and performs well against the sustainability and deliverability criteria applied by the Council in previously allocating the site for housing. On this basis, the site is considered to provide the primary location for residential development within Dunnington.

APPENDIX 1

Representation on 2016 Preferred Sites Consultation (Yorvik Homes)

O'Neill ASSOCIATES

CITY OF YORK LOCAL PLAN PREFERRED SITES CONSULTATION (JULY 2016)

PREVIOUS HOUSING ALLOCATION H33: LAND TO THE SOUTH OF THE WATER TOWER, DUNNINGTON

REPRESENTATIONS ON BEHALF OF YORVIK HOMES

September 2016

O'Neill ASSOCIATES

Chartered Town Planning Consultants

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EXECUTIVE SUMMARY

These representations are submitted on behalf of Yorvik Homes in relation to land to the east of Church Balk, at the northern entrance into Dunnington. The site was previously allocated for housing development (Site reference H33) within both the York Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). However, the allocation has not been retained in the current Preferred Sites Consultation following a substantial reduction in the amount of land allocated for housing development across the city.

The reduced number of allocations within the Consultation Draft follows a revised assessment of the Council's housing requirement over the 20 year planning period. For the years 2012 – 2032, they have identified a need to provide 16,820 new homes and after taking into account projected housing completions, unimplemented consents and future windfall development, the remaining requirement reduces to 8,277 homes.

Section 3 of this statement contains an in-depth analysis of the Council's housing requirement for the same 20-year period and identifies the need to provide a higher number of houses, at 22,500. It explains that future windfall development or student housing cannot be discounted from the overall requirement, meaning that land should be allocated for the provision of 16,512 houses rather than 8,277 figure produced by the Council. The key message to be taken from this analysis is that a substantial amount of additional housing land should be identified within the Local Plan if Council is to meet the housing requirements of the city and confirm a permanent Green Belt boundary.

The need to identify additional housing sites is re-emphasised within Section 4 of the statement, which considers the retained allocations and the projected housing yields that they are expected to deliver. The conclusion is that the application of standard residential architypes which are based on high development ratios and housing densities is unrealistic for some of the sites. It does not take into account specific site constraints and could lead to a significant shortfall in the projected housing yield across the allocations.

Within this context, the case is presented for re-introducing previous allocation H33 (Water Tower Land in Dunnington) as a housing site within the next iteration of the Local Plan. The site is under an options agreement with a local housebuilder, Yorvik Homes. It is not significantly constrained, is available now and there is a realistic prospect that housing will be delivered on the site within the first five years of the plan. This was accepted by the Council in their decision to allocate the site in previous version of the document.

The final part of the statement focuses on the Council's reasons for excluding the land from the Preferred Sites Consultation Document, in favour of alternative housing sites within the village. It contends that the development of H33 would create a consistent boundary to the northern edge of the village, following the line that has already been established by suburban housing to the west of Church Balk and will be continued by the expansion of Dunnington Cemetery to the east. The proposed allocation is not considered to impact on the York Moraine or the historic setting of the village. It has the potential to deliver areas of planning gain and performs well against the sustainability and deliverability criteria applied by the Council in previously allocating the site for housing. On this basis, the site is considered to provide the primary location for residential development within Dunnington.

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4. Analysis of development ratios and density assumptions for the allocated sites

Reference: Ydwt1609.reps.gh
Date: September 2016

1.0 INTRODUCTION

1.1 These representations are submitted on behalf of Yorvik Homes in relation to land to the east of Church Balk, at the northern entrance into Dunnington. The site is owned by a local farmer, David Sherry, but is subject to a long-standing options agreement with Yorvik Homes. It was previously allocated for housing development (Site reference H33) within both the York Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). However, the site has not been retained in the current Preferred Sites Consultation following a substantial reduction in the amount of land allocated for housing development across the city.

1.2 For the sites that have been removed from the Preferred Sites Consultation, the Council has provided a written summary setting out the reasons for their removal. The subject site (H33) is identified as 'Water Tower Lane, Dunnington'. The summary on page 94 of the document states that:

"Following further technical officer assessment it is considered that the site would extend the existing village settlement boundary beyond Church Lane / Eastfield Lane and to the east of Church Balk and would encroach into open countryside, therefore conflicting with greenbelt purposes. The creation of defensible greenbelt boundaries would also be difficult for related reasons. The site is partially contained by trees but this is intermittent with views into the site from Church Balk. The site also forms part of York Moraine, which contributes to the historic character and setting of the village"

1.3 This statement sets out the case for re-introducing the site as a housing allocation in the next iteration of the Local Plan. The representations include:

- A description of the subject site in Section 2.
- An assessment of York's housing needs in Section 3
- An analyses of the housing allocations that have been included within the Preferred Sites Consultation Draft in Section 4
- Section 5 presents the representations for this site and Section 6 provides a summary of the case

2.0 THE SITE AND ITS SURROUNDINGS

2.1 For the purpose of these representations, the land put forward by our client is divided into two distinct sections. The site identified in red on the Location Plan at Appendix 1 (site 1) comprises around 1.8 hectares and is used for grazing. The site is broadly rectangular in shape, although there is an old water tower in the western corner, which has been converted for residential use.

2.2 The water tower is the first house along Church Balk, when approaching the village from the north. There is a row of bungalows on the western side of the street, which begin opposite the water tower and continue south to the junction of Church Balk and Eastfield Lane. On the eastern side of the street, the site's frontage along Church Balk is lined by a semi-mature hedgerow, which lowers at the junction with Eastfield Lane and tapers at the corner.

2.3 The south east boundary of the site fronts onto Eastfield Lane, an east-west route with housing on its southern side. There is a low timber fence along this boundary with sporadic vegetation cover up to the edge of Dunnington Cemetery. The cemetery is located on land gifted to the Parish by the owner of the subject site. It contains around 30 plots at the moment, with designated expansion space to the rear. The site's interface with the cemetery is depicted by a post and wire fence and a low hedge. The north west boundary of the site contains hedge planting and occasional tree cover. The curtilage of the water tower extends almost half way along this boundary.

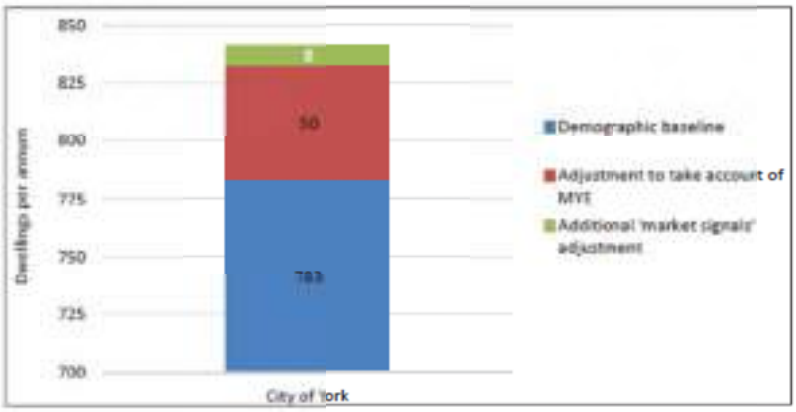
2.4 The land to the north of site 1 (site 2) is also within our client's control and is edged in blue on the Location Plan at Appendix 1. It comprises approximately 2.4 hectares and extends to the boundary of the A166. The land is in currently within agricultural use and is bordered by mature hedgerows on all sides. A selection of site photographs are included at Appendix 2 to show the general appearance of the site and its surroundings.

3.0 ASSESSMENT OF HOUSING NEED

3.1 This section of our representations focusses on the Council's approach to housing provision, set out in chapter 4 of the Draft Local Plan. Specifically, it considers:

- whether the housing needs of the City will be addressed within the plan period
- whether the approach to estimating the quantity of housing is accurate.
- the need for an alternative housing requirement;
- the requirement for a more realistic housing land requirement

3.2 The updated housing requirement of the City was reported to the Local plan Working Group (LPWG) on the 27th June 2016 and is set out in the Further Sites Consultation Document. It identifies an annual housing requirement of 841 dwellings per annum based on evidence provided in the Strategic Housing Market Assessment (June 2016). The 841 is composed of a Demographic baseline of 783 dwellings; an adjustment to take account of mid-year estimates of 50 dwellings and an adjustment for 'market signals' of 8 dwellings.



3.3 The Plan period runs from 2012 to 2032. The Council acknowledge in the LPWG report that as York is setting detailed Green Belt Boundaries for the first time, it is also necessary to consider the period beyond the end date of the plan to 2037 to provide an enduring Green Belt.

3.4 The requirement for the Plan period 2012 to 2032 is therefore 16,820 (20 x 841). The need calculation for the period 2032 to 2037 is based on 660dpa derived from the national household projections for the period 2032 to 2037. This would give a requirement of 3,300 dwellings.

3.5 In calculating the land necessary to meet the housing requirement the Council has had regard to completions to date and unimplemented permissions. They have also assumed

a windfall completion rate of 152 from year 4 of the plan. Taking into account completions, commitments and windfalls, the Council's estimate of the remaining housing requirement for the Plan period is:

Table 1: Council's Assessment of Housing Requirement

Plan period 1st April 2012 to 31st March 2032	
Total Need 2012 -2032 (based on 841)	16,820
Completions 1st April 2012 to 31st March 2016	2455
Unimplemented Permissions @ 1st April 2016	4112
Windfalls (from Year 4) @ 152 pa	1976
Requirement Remaining	8,277

Source: Table 5 CYC Local Plan Working Group 27/06/16

3.6 It is considered that the overall assessment of the remaining housing requirement and the housing allocations set out in the Consultation Document are inadequate for the following reasons:

(i) The housing requirement is too low;
(ii) The calculation of completions since 2012 is too high;
(iii) The assumptions on windfalls are questionable and should not be treated as a component of the Plan

(i) The Housing requirement

3.7 Included with this representation is our Assessment of Housing Need in the District (Appendix 3). The Assessment has been carried out by Nathaniel Lichfield and Partners who have a recognised reputation for this type of work. The Assessment establishes the scale of need for housing in the City based upon a range of housing, economic and demographic factors, trends and forecasts, using NLP's HEaDROOM framework.

3.8 HEaDROOM is NLP's bespoke framework for identifying locally generated housing needs and, since its conception in July 2010, has been applied in over one hundred and fifty studies across the country, including on behalf of a number of Local Authorities in evidence based studies (including SHMAs), to underpin their Local Plan processes.

3.9 The Assessment finds that the Objectively Assessed Housing Number (OAHN) for the City of York is in the range of 1,125 to 1,255 dwellings per annum. This approach allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to deliver affordable housing and support economic growth. Using this range would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

3.10 Taking a robust and conservative approach, the OAN of 1,125 dwellings per annum is therefore used in our assessment of the housing requirement for the Local plan period.

(ii) Calculation of completions - Backlog

3.11 The Local Plan must demonstrate it can provide deliverable sites for the 5 year tranches within the plan period. Government guidance advises that the calculation of the 5-year supply must take account of any shortfall from previous years. How far back to consider previous shortfalls is a matter of judgement. There is point at which unformed households from previous years have been permanently displaced and therefore the need to accommodate them has passed. For the purpose of this calculation, and for some degree of convenience, the plan period from 2012 will be used as the basis of calculating the backlog.

3.12 However, it must be acknowledged that the backlog of 780 dwellings for the period 2004 to 2012 (When assessed against the then extant RSS housing requirement) was significant, bearing in mind that the current Council figure of 841 dwellings per annum is not dissimilar to the RSS figure of 850. This backlog of 780 for the period up to 2012 is essentially 'written off' in the current calculation of the Local Plan housing land requirement.

3.13 Housing completion data released by the Council for the Local Plan Working Group on 27th June 2016 revealed that after many years of under provision, completion figures for the year 2015/16, suggested a surplus. However, the completion figure of 1,121 for 2015/16 must be treated with some caution as it includes 579 purpose built student accommodation units (Source: Councils Housing Monitoring Update for Monitoring Year 2015/16).

3.14 The Council have included the student units based on the definition of dwelling units used in the DCLG General Definition of Housing Terms. However, this is a misreading of the definition which excludes communal establishments from being counted in the **overall housing supply statistics**, but adds that all student accommodation, whether it consists of communal halls of residence or self-contained dwellings, on or off campus, can be

included towards the **housing provision** in local development plans. Government guidance (which is more recent than the DCLG dwelling definition) is that student accommodation units can only be included within the housing supply "…*based on the amount of accommodation it releases in the housing market." (Planning Practice Guidance* Reference ID: 3-038-20140306).

3.15 The Council have not produced any evidence to demonstrate how market housing supply has been increased by students transferring from traditional private sector shared housing. Indeed, the available evidence presented in the City of York Council Strategic Housing Market Assessment June 2016 is that new purpose built student accommodation has not displaced students from market or family housing. Paragraph 10.67 of the SHMA states:

We have undertaken some qualitative research on the student housing market. This revealed there was an increase in capacity as new purpose built accommodation has been built on and off campus. However, it was discovered that this did not reduce demand for traditional private sector shared housing.

3.16 In addition the Council have not demonstrated that students form part of the objectively assessed housing need nor have they shown that new student housing accommodation would contribute towards meeting the housing requirement. Extra purpose built student accommodation will be mostly taken up by the growth in student numbers.

3.17 In these circumstances, case law has established that purpose built student accommodation cannot count towards the housing supply *Exeter City Council v Secretary of State for Communities and Local Government, Waddeton Park Limited, The R B Nelder Trust. Case No: CO/5738/2104*.

3.18 Removing these 579 student units reduces the completions for 2015/16 to 542. This is the figure used in our calculation of the backlog.

3.19 Table 1 below sets out a comparison of the backlog since 2012 using the Councils requirement figure of 841 and our housing requirement figure of 1,125.

Table 2 Comparison of housing completion backlog since 2012

Year	Actual completions	Councils Preferred Sites Consultation Figure	Backlog/ Surplus	NLP OAHN	Backlog/ Surplus
2012/13	482	841	-359	1125	-643
2013/14	345	841	-496	1125	-780
2014/15	507	841	-334	1125	-618
2015/16	542*	841	-299	1125	-583
Total	1,876	3,364	-1,488	5,020	-2,624

*Adjusted from the Councils figure of 1,121

(iii) Windfalls

3.20 The Councils assessment of housing provision includes a windfall allowance for 150 per annum from year 4 of the plan – 1,976 units in total. Guidance in paragraph 48 of the NPPF is that windfalls can be included in the calculation of the five year supply, i.e. not as a source of housing supply across the plan period. This is because the supply of windfalls is variable and including it across the plan period does not provide the certainty of delivery compared with actual allocations. Other Authorities, most recently Scarborough Borough Council, have adopted this approach whereby a windfall allowance is identified across the plan period but treated as a flexibility allowance to the allocations and not included in the housing provision.

Conclusion on Housing requirement

3.21 Taking all the above factors into account, our estimate of the housing requirement compared with the Councils estimate as set out in paragraph 3.5 above is:

Table 3 NLP Estimate of Housing requirement

Plan period 1st April 2012 to 31st March 2032	Councils Estimate	NLP Land Estimate
Total Need 2012 -2032 (based on 841)	16,820 (based on 841per annum)	22,500 (based on 1,125 per annum)
Completions 1st April 2012 to 31st March 2016	2,455	1,876
Unimplemented Permissions @ 1st April 2016*	4,112	4,112
Windfalls (from Year 4) @ 152 pa	1,976	0
Requirement Remaining	8,277	16,512

* The Council completion figure is taken at face value. A breakdown of this figure has been requested but is not yet available. This figure may therefore be adjusted downwards

3.22 It is evident from this analysis that the Council's estimate to the housing requirement is significantly flawed and consequently, significant additional allocations are required to address that shortfall. Without this, the Green Belt boundaries of the city cannot be confirmed.

3.23 On the previous occasions that a Planning Inspector has considered draft development plans for York in 2000 and 2010, both have concluded that the Green Belt could not be confirmed due to inadequate development land being identified.

Five year housing land supply

3.24 Our Assessment of the 5-year supply is set out in Table 4 and is in line with generally accepted practice. The steps in our assessment are:

1. To provide a fair indication of the range of what the 5 year housing land supply position might be, we use both the Councils housing requirement figure of 841 dwellings per annum and our assessment of the annual requirement of 1,255 dwellings per annum to arrive at a five-year requirement.

II. We then add the undersupply assessed against each of the housing requirement figures for the period of 2012 to 2016. This is known as the "Sedgefield Method" of calculating the 5-year supply and assumes any undersupply is made up in the 5 year calculation period and not spread over the remaining years of the Local Plan. This is the approach favoured by National Planning Guidance which recommends: *Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.* (NPPG Paragraph: 035 Reference ID: 3-035-20140306)

III. As there has, by any measure, been a period of persistent under-delivery of housing in York for the past 9 years, we add the 20% buffer recommended in paragraph 47 of the NPPF.

IV. We take the Council estimate of housing supply of 4,112 (Table 5 in the Report to Local Plan Working Group June 27th 2006 (Appendix 16)) at face value without any checking at this point because the schedule of completions from which this figure has been derived has not been provided by the Council. No information is available to indicate what other sites the Council might consider as constituting a five-year housing land supply.

3.25 Our assessment of 5-year supply is set out in Table 3 below and gives a five-year supply of 2.08 years based on the appellant's estimate of an objectively assessed need of 1,125 dwellings per annum. The 5-year supply using the Councils housing requirement of 841 is 3.01 years. Using the upper OAN figure of 1,255 dwellings, the 5-year supply falls to 1.82 years.

3.26 The scale of the deficit in land supply identified by the 5 year calculation is significant not only in terms of the need to identify more land but also in terms of the longevity of undersupply. By any reasonable assessment, there has been a shortfall in the provision of housing every year since 2007/08 – nine years in all.

Table 4 – Assessment of 5-year land supply

		Assessment using Councils Housing requirement of 841		Assessment using NLP Housing requirement of 1255	
A	Requirement	(5x841)	4205	(5x1,125)	5,625
B	Plus Shortfall 2012-2016		1488		2,624
C			5693		8249
D	20% buffer	(C x .2)	1139	(C x .2)	1650
E	Total 5 year Requirement	C+D	6832	C+D	9866
F	Annual requirement	(E ÷5)	1366	(E ÷5)	1980
G	Supply		4112		4112
	5 year supply	(G ÷ F)	3.01	4112÷1633	2.08

* Report to Local Plan Working Group

3.27 The calculation above demonstrates the high level of latent and unmet demand in York and the precarious nature of the housing supply in York. In order to achieve a balance between the housing requirement and housing supply the requirement would have to fall significantly. On the basis of the background evidence prepared for the Local Plan, this scenario is highly unlikely

3.28 Alternatively, the requirement / supply balance could be achieved by a rapid increase in the supply of deliverable sites in the 5-year period. Again, on the basis of the evidence available this is less likely. A significant proportion of the draft housing allocations are large sites that will take several years before they deliver a significant increase in housing supply.

4.0 ANALYSIS OF PROPOSED HOUSING ALLOCATIONS

Application of standard development ratios and densities

4.1 The Preferred Sites Consultation includes a list of potential strategic and general housing allocations in Tables 6 and 7 of the document. Viewed together, the sites cover a total area of 481 hectares and have the potential to deliver 10,112 of homes during the Plan Period.

4.2 The majority of the sites were included in the Publication Draft Local Plan (October 2014) although there are some cases where the site area has changed or the overall housing yield has been altered. There is also a series of new sites that have been added to the list.

4.3 The schedule at Appendix 4 identifies the sites that have been included within the Consultation Draft and shows the gross site areas, the total housing yield and the number of dwellings that each site is expected to deliver during the plan period. It shows a general pattern of increased densities (gross) when compared to the Local Plan Publication Draft (2014).

4.4 For some of the allocations, the estimated housing yields are calculated on the specific circumstances and constraints of the individual site. This is the correct approach and examples include Strategic sites ST1 (British Sugar) and ST32 (Hungate Phases 5+) where the yields are based on an approved masterplan for the proposed developments.

4.5 For sites that have not reached this stage of the masterplanning process, the estimated yields are calculated using standard gross / net development ratios and by applying different density assumptions (dwellings per hectare) for city centre, urban, suburban and rural areas. The density zones are mapped out in Figure 3 of the consultation document and the residential archetypes are identified in Table 5, which is reproduced below.

Area	Site	Size	Gross: net	Density
City centre	Large	1 ha	95%	100
	Medium	0.5 ha	100%	100
	Small	0.2 ha	100%	100
Urban	Large	1 ha	95%	50
	Medium	0.5 ha	100%	50
	Small	0.2 ha	100%	50
Suburban	Large	1 ha	70%	40
	Medium	0.5 ha	95%	40
	Small	0.2 ha	100%	40
Village / Rural	Large	1 ha	70%	35
	Medium	0.5 ha	95%	35
	Small	0.2 ha	100%	35

Table 5: Residential Archetypes (Preferred Sites Consultation 2016)

4.6 Firstly, we would question the basis for the density zones mapped out in Figure 3, since the extent of the urban area appears to take in parts of parts of Fulford, Hull Road, Heworth, Huntington, Clifton, Rawcliffe and Holgate which are considered to be of a suburban character. Such areas may not be appropriate for high density development of 50 dwellings per hectare, particularly with a density ratio which ranges between 95 – 100%, which does not appear to take into account the provision of amenity open space.

4.7 However, the more important point is that the application of standard development ratios and density assumptions can only provide an initial indication of each sites' capacity to deliver new housing. To provide greater certainly over the potential yield of each site, a more detailed level of assessment is required which factors in site constraints.

4.8 A case in point is proposed housing site H56 (land at Hull Road), which the residential archetype assessment identifies as being a large site (over 1ha) within the 'urban area' of York. As such, the consultation document outlines the 4ha site as having an indicative capacity of 190 dwellings (i.e 95% gross to net site area of 3.8ha, with a density of 50dph). However, this does not take account of the site specific circumstances which will have to be considered in further detailed assessment. In this instance, there is a need to retain an on-site access road and significant tree belts, which are subject to a tree protection order. After taking these factors into account, along with a requirement for additional buffer planting, the viable developable area is reduced to 2.13ha. Furthermore, regardless of the 'density zones' illustrated in Figure 3 of the consultation document, the site is, in reality, within a suburban area and application of higher, urban density of 50dph would be unfounded and inappropriate. The combination of these

factors means that the actual housing yield from the site is likely to be circa 80 dwellings, as opposed to the 190 projected by the Council.

4.9 In this context, our view is that the standard development ratios and density assumptions applied to the allocated sites are overly ambitious and in some cases, simply unrealistic

Housing Delivery

4.10 It is envisaged that a high proportion of the total number of dwellings to be delivered over the plan period will be derived from the 14 strategic sites identified within the Consultation Draft. However, there is no real certainty over the rate of delivery that can be achieved on some of these sites. For example, Strategic Site ST1 (British Sugar) remains undeveloped despite having lain vacant and derelict since 2006. The difficultly in bringing forward Strategic Site ST5 (York Central) is also well documented. The draft plan envisages 1250 new houses being built on this site within the plan period at a projected density which ranges between 95 – 125 homes to the hectare. In line with the recent consultation document prepared for this site, the projected densities are to be achieved through the provision of high rise (up to 8 storeys) apartment blocks.

4.11 With the Plan placing such a reliance on the capability of York Central to deliver high density development, the impact of high rise blocks on the historic setting of the city is an important consideration at this consultation stage. Paragraph 154 of the NPPF states that Local Plans should be aspirational but realistic. They should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. Until the allocation is supported by this level analysis, the projected housing yields for the site are considered to be purely aspirational.

Housing Demand

4.12 There is also a question over how the supply of new homes at York Central will be matched with the existing housing demand. The 2016 SHMA for York reveals that the highest level of demand for market housing in the city is for 2 and 3-bedroom family homes. There is also significant unmet demand for bungalows amongst retirees seeking to downsize. According to local letting agents surveyed for the SHMA, the crucial gap in supply is for good quality family homes. However, there is no perceived shortage of flats or apartments. Based on projections of additional households between the years of 2012 and 2032, the SHMA also indicates that greatest need for market dwellings is for

3-bedroom homes, at 39.2% of additional dwellings. This is followed by two-bedroom homes (37.7%) and 4-bedroom homes (16.5%). The need for 1-bedroom dwellings is comparatively low at 6.6%.

4.13 So whereas the Plan appears to be reliant on the higher densities provided by apartment living to make a significant contribution to the overall supply of housing, the evidence presented in the SHMA suggests that this is not where the main area of demand lies. The former gas works site at Heworth Green (Site Reference H1) is another example of the push for high density development. Here, the Plan is projecting the delivery of 336 homes at a density of 100 dph. The current intensions of the landowner, the National Grid, are unknown but previous planning permissions for this site have been for mixed use development, comprising between 119 and 306 residential units. The lower figure represents the most recent approval to develop the site for family housing.

4.14 To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, the advice contained within paragraph 50 of the NPPF is that local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

In its current form, it is not clear how the Preferred Sites and their associated yields will address this requirement. The Council has limited powers to implement the densities that they are proposing, if they are not considered to be appropriate for the market.

Safeguarded Land

4.15 Paragraph 85 of the NPPF advises that when defining Green Belt boundaries for the first time, local planning authorities should identify areas of 'safeguarded land' between the urban area and the Green Belt, to meet longer-term development needs beyond the plan period and make clear that the safeguarded land is not allocated for development at the present time;

4.16 As the preparation of the Local Plan has been drawn out over the past 20 years, some considerable confusion surrounds the status of the Green Belt. Much of the commentary relating to the Green Belt speaks from a position that assumes the Green

Belt boundaries are fixed in an adopted plan and that any suggestion that sites should be allocated for development will result in land being taken out of the Green Belt.

4.17 This is, however, an erroneous assumption because the Green Belt boundaries around York are being defined (or established) for the first time. They are not being altered. In other words, it is not a question of what land should be taken out of the Green Belt. The Council is at the point of deciding what land should not be included in the Green Belt in order to meet the identified requirements for sustainable development.

4.18 Critically, the Council will have to demonstrate to a Local Plan Inspector that the Green Belt boundaries will not have to be altered at the end of the plan period. It can do this by including in areas of safeguarded to meet development need beyond the plan period. The 2013 Preferred Options Draft Local Plan sensibly included a reasonable amount of safeguarded land to ensure the proposed Green Belt Boundaries would remain permanent beyond the Plan period. Unfortunately, this approach appears to have been abandoned in the latest preferred sites consultation, which is a weakness of the document. The previous two Planning Inspectors in 2000 and 2010 both dismissed emerging development plans for the city due to the lack of evidence.

Summary

4.19 The Council has indicated that the detailed wording of the Local Plan's policies will follow in the next iteration of the document – the Publication Draft. The above analysis raises a series of questions to be addressed at this stage of the process, specifically:

- Whether the residential architypes applied to some of the sites are realistic given the site specific constraints
- Whether the focus on high density development across the city will produce a housing mix which adequately caters for need and demand
- How the provision of open space within the city centre, urban and suburban area will be managed, given that the development ratios applied to these areas range between 95 – 100% with the exception of large suburban sites (over 4 ha)
- Whether the potential housing yields for some sites can be achieved without impacting on the overall quality of the development, its response to surrounding context and the creation of sustainable communities
- The policy for bringing forward additional residential development in the event that the allocated sites do not achieve their projected housing yields

4.20 The current approach creates a significant risk that there will be a shortfall in the total number of houses to be provided across the various allocations. To avoid this scenario, the Local Plan should allocate additional land for residential development and identify

safeguarded land. This will provide greater flexibility in the way that individual sites are brought forward so that they can respond to housing needs, demand and the surrounding context. It will allow the creation or permanent Green Belt boundaries for the city.

5.0 REPRESENTATIONS

The need to allocate additional land for residential development

5.1 Section 3 of this Statement includes an assessment of York's housing needs over the 20-year period of the Local Plan. The conclusion of this assessment is that the Council needs to allocate land for a further 8,235 new dwellings in order to meet housing demand for the period 2012-2032.

5.2 In Section 4, the focus switches to the general and strategic housing allocations that have been included within the Preferred Sites Consultation Draft. The key message to be taken from this analysis is that the architype development ratios / density assumptions applied to some of the sites are not considered to be realistic. They do not factor in site specific constraints, which could lead to a reduction in the overall housing yields.

5.3 There is also a question mark over the type of housing that would be delivered on a number of the high density urban sites and how this would meet existing housing needs as set out in the SHMA. The conclusion is that a more sophisticated approach is required in the calculation of density and development ratios if the Council is to avoid a shortfall in the housing yield to be provided on the allocated sites and a potential imbalance between housing demand and supply.

5.4 Both of these exercises point to a requirement for the Council to allocate additional land for residential development if the Local Plan is to meet the housing needs of the city and establish a permanent Green Belt boundary. The requirement for additional flexibility is amplified by the absence of any safeguarded land within the Preferred Sites Consultation.

Previous Housing Allocation H33: Water Tower Land, Dunnington

5.5 The land to the east of Church Balk was previously allocated for housing development (Site reference H33) within both the York Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). This was on the basis that it offered a sustainable location for new housing development. The site is not significantly constrained, it is available now and there is a realistic prospect that proposed housing will be delivered within the first five years of the plan period. This was accepted by officers in their decision to allocate the land in previous versions of the Local Plan.

5.6 In previously reaching the stage of being allocated, the site has passed through a series of technical officer assessments during 2013 and 2014. This included an initial sieving

exercise to determine whether it contained environmental assets, functioned as an area of open space or was at risk of flooding. The sustainability credentials of the site were then assessed in terms of its access to local services and transport modes. Finally, the site was tested against a range of criteria relating to placemaking and design principles. The key points to emerge from these various assessments were:

- A level of development with access from Eastfield Lane would require extensive improvements to the highway and it is not considered feasible to take access from the A166. Access could be taken from the southern end of Church Balk and would be feasible with some highway improvements
- Development may impact on the identifiable village form of Dunnington. It would also impact on the northern entrance to the village by moving it further north to Stamford Bridge Road. This has already been compromised slightly by development at the south end of Church Balk
- The proposed development could be pulled back from Church Balk and an area of landscaped open space faced onto the road in to the village to lessen the impact on the northern entry point
- An archaeological investigation is required. The line of the Roman Road passing through the site could be represented in the design of the new development
- Green landscaping / buffering may lessen the impact on the setting of the village
- The site is at a low risk of flooding (flood zone 1) and is of no particular ecological value
- There were no design or conservation, noise or air quality issues raised. There was also no mention of the potential impact of development on the York Moraine
- In general, officers considered it suitable to only allocate the land to the south of the water tower (1.8 hectares) to keep development in line with the northern edge of the village and the permission for a cemetery in the adjacent field

5.7 The decision to remove housing allocation H33 in the Preferred Sites Consultation (July 2016) follows a substantial reduction in the amount of land allocated for housing development across the city. The main reasons for the removal of site are summarised as:

"Following further technical officer assessment it is considered that the site would extend the existing village settlement boundary beyond Church Lane / Eastfield Lane and to the east of Church Balk and would encroach into open countryside, therefore conflicting with greenbelt purposes. The creation of defensible greenbelt boundaries would also be difficult for related reasons. The site is partially contained by trees but this is intermittent with views into the site from Church Balk. The site also forms part of York Moraine, which contributes to the historic character and setting of the village"

Our response to each of these items is set out below.

The extension of the village settlement boundary beyond Church Lane / Eastfield Lane

5.8 The subject site lies to the south of the former water tower in Dunnington, which has been converted for residential use. The building is a local landmark and the first property along Church Balk when approaching the village from the north. On the southern side of the street there is a row of dormer bungalows, which form part of a wider suburban estate. The development of these bungalows has already had the effect of shifting the settlement limit of Dunnington to the north of Eastfield Lane. This was acknowledged by officers in their previous technical assessments for housing allocation H33, which stated that:

- The allocation would keep development in line with the northern edge of the village and the permission for a cemetery in the adjacent field
- The northern entrance to the village has already been compromised slightly by development at the south end of Church Balk

5.9 We agree with officer's previous analysis that the allocation of land to the east of Church Balk will establish a consistent boundary at the northern edge of the village. The development of this area will effectively fill a gap between existing housing along Church Balk to the west, Eastfield Lane to the south, Dunnington Cemetery and its associated expansion site to the east and the water tower to the north.

5.10 The boundaries of the site that are not already fully enclosed by existing housing are:

- the northern edge with the water tower, which is defined by mature hedging along with intermittent tree cover
- The eastern edge with Dunnington cemetery, which is marked by post and wire fencing and a hedge to the south. It will become further enclosed with the approved expansion of the cemetery to the north

In accordance with the criteria of paragraph 85 of the NPPF, these boundaries are considered to be clear and defined by physical features that a recognisable and likely to be permanent. Therefore, we do not agree with the recent comments from officers that the creation of defensible Green Belt boundaries will be difficult for this site.

The site forms part of York Moraine, which contributes to the historic character and setting of the village

5.11 The York Moraine is a low, curving ridge which extends from the east of York towards Sand Hutton. The subject site forms part of this ridge. There is a gradual fall from north

to south although the changing topography is only perceptible when standing on the site. Travelling south along Church Balk towards the historic village core, views of the site are screened by high hedging along its western boundary.

5.12 There are other examples of development along the Moraine, most notably on the western side of Church Balk where the presence of a suburban housing estate on the western side of the street has already altered the northern approach to the village. This is acknowledged in the conservation appraisal for Dunnington, which explains that it has become one of the larger villages in the city, due to extensive suburban style development. This has wrapped around the historic village centre, so that much of its original setting has been lost. The appraisal does not make any reference to the York Moraine contributing to the historic character and setting of the village.

Detailed Design Issues and Planning Gain

5.13 In developing a detailed masterplan for the site, it is considered that the points raised in various technical officer assessments can be taken into account without impacting on the previous projected housing yield of 46 homes. The desire to retain a landscaped buffer to the Church Balk frontage and to identify the position of the Roman Road can be accommodated within the layout. There are no other significant constraints that will impact on the developable area of the site.

5.14 In addition, the site forms part of a wider landholding which includes a further 2.4 hectares of land to the north. It is also location within close proximity of Dunnington Church, which offers the potential for some areas of planning gain. The owner has already gifted a parcel of land to the east of the site for the development and subsequent expansion of Dunnington Cemetery. They have also been in discussions with the Church and the Parish Council around:

- The provision of additional car parking on the site to serve Dunnington Church, which lies within a 2-minute walking distance to the south
- The provision of playing pitches on land to the north of the site, between the existing water tower and the A166

5.15 Whereas the main sports provision for Dunnington is located on the southern side of the village and the Parish Council is seeking additional pitch provision in close proximity to those facilities, the land to the north still offers an opportunity to provide an area of open space related to the proposed development. The owner has also shown a willingness to accommodate the additional parking needs of the Church within any future detailed layout.

The allocation of alternative sites within Dunnington for housing

5.16 The early part of these representations considered the need for additional housing sites to be allocated for development within the next iteration of the Local Plan. It concluded that land should be identified for the provision of a further 8,235 new homes. Notwithstanding this assessment, the subject site is considered to offer the primary location for new housing development within Dunnington and should be allocated before other sites within the village that are less sustainable and more heavily constrained.

5.17 For instance, the Local Plan Publication Draft 2014 allocated the following housing sites within the village, in addition to housing allocation H33 (Water Tower):

- Housing allocation H31: Land at Eastfield Lane, Dunnington
- Housing allocation H35: Land at Intake Lane, Dunnington

5.18 The land at Intake Lane (H35) has now been removed from the Plan due to the constraints with providing an appropriate vehicular access. The site is landlocked and would require purchase of additional land outside of the site boundary in order to gain adequate access. This is effectively a showstopper to the future delivery of the site.

5.19 The land at Eastfield Lane (H31) has been retained as an allocation with an expected housing yield of 84 homes. It is of a similar nature to the subject site in that it is bounded by development on two sides. However, the following points do not weigh in favour of the allocation of the site at Eastfield Lane over our clients land:

- Part of the land is already in active use as an employment site. Although the assessment indicates that there is a willing landowner, the future development of the site would necessitate the relocation of this existing business, which could lead to a delay in its delivery.
- The site fronts on to Eastfield Lane, which narrows to a single carriageway at this point. Highway improvements including carriageway widening and footpath provision would be required in order to facilitate access to the site. This would alter the rural character of the eastern edge of the village.
- The site does not perform as well against the sustainability criteria applied by the Council in their initial sieving of sites. This exercise was carried out in the lead up to the 2013 Preferred Options document. The site selection paper which accompanies the main report awards a score to each individual site based on their access to local services (4a) and transportation (4b). Both sites performed equally well in relation to criteria 4b, but in terms of access to services, Site H31 achieved a score of 19 compared to a score of 24 for Site H33.

From a sustainability perspective, one of the principle advantages of site H33 is that it is within walking distance of an existing primary school. The delivery of the site does not rely on the location of an existing business and access from Church Balk can be facilitated without significant improvements to the highway.

6.0 SUMMARY

6.1 These representations are submitted on behalf of Yorvik Homes in relation to land to the east of Church Balk, at the northern entrance into Dunnington. The site was previously allocated for housing development (Site reference H33) within both the York Local Plan Preferred Options (June 2013) and the Local Plan Publication Draft (September 2014). However, the allocation has not been retained in the current Preferred Sites Consultation following a substantial reduction in the amount of land allocated for housing development across the city.

6.2 The reduced number of allocations within the Consultation Draft follows a revised assessment of the Council's housing requirement over the 20 year planning period. For the years 2012 – 2032, they have identified a need to provide 16,820 new homes and after taking into account projected housing completions, unimplemented consents and future windfall development, the remaining requirement reduces to 8,277 homes.

6.3 Section 3 of this statement contains an in-depth analysis of the Council's housing requirement for the same 20-year period and identifies the need to provide a higher number of houses, at 22,500. It explains that future windfall development or student housing cannot be discounted from the overall requirement, meaning that land should be allocated for the provision of 16,512 houses rather than 8,277 figure produced by the Council. The key message to be taken from this analysis is that a substantial amount of additional housing land should be identified within the Local Plan if Council is to meet the housing requirements of the city and confirm a permanent Green Belt boundary.

6.4 The need to identify additional housing sites is re-emphasised within Section 4 of the statement, which considers the retained allocations and the projected housing yields that they are expected to deliver. The conclusion is that the application of standard residential architypes which are based on high development ratios and housing densities is unrealistic for some of the sites. It does not take into account specific site constraints and could lead to a significant shortfall in the projected housing yield across the allocations.

6.5 Within this context, the case is presented for re-introducing previous allocation H33 (Water Tower Land in Dunnington) as a housing site within the next iteration of the Local Plan. The site is under an options agreement with a local housebuilder, Yorvik Homes. It is not significantly constrained, is available now and there is a realistic prospect that housing will be delivered on the site within the first five years of the plan. This was accepted by the Council in their decision to allocate the site in previous version of the document.

6.6 The final part of the statement focuses on the Council's reasons for excluding the land from the Preferred Sites Consultation Document, in favour of alternative housing sites within the village. It contends that the development of H33 would create a consistent boundary to the northern edge of the village, following the line that has already been established by suburban housing to the west of Church Balk and will be continued by the expansion of Dunnington Cemetery to the east. The proposed allocation is not considered to impact on the York Moraine or the historic setting of the village. It has the potential to deliver areas of planning gain and performs well against the sustainability and deliverability criteria applied by the Council in previously allocating the site for housing. On this basis, the site is considered to provide the primary location for residential development within Dunnington.

APPENDIX 2

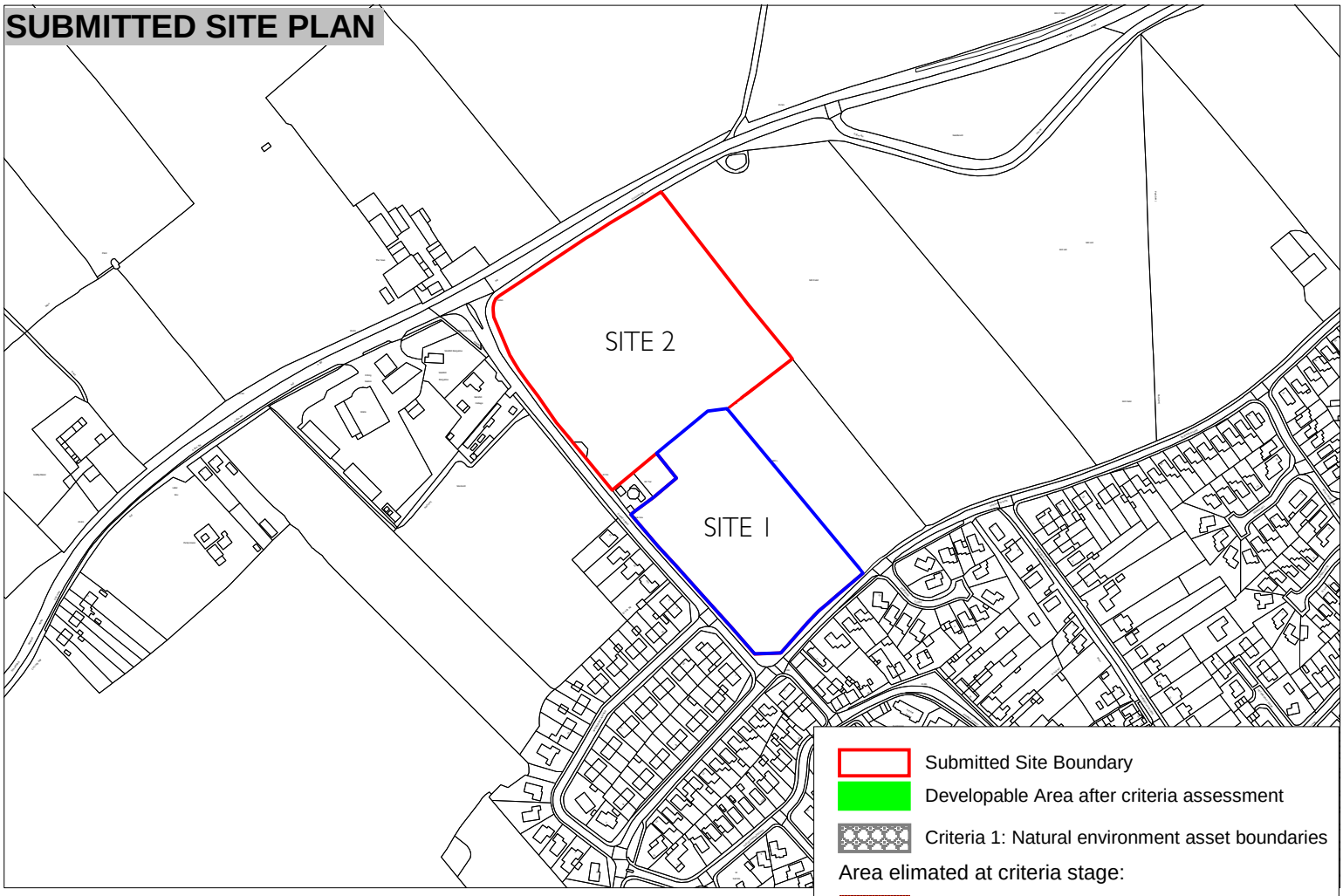
Site Location Plan

O'Neill
ASSOCIATES

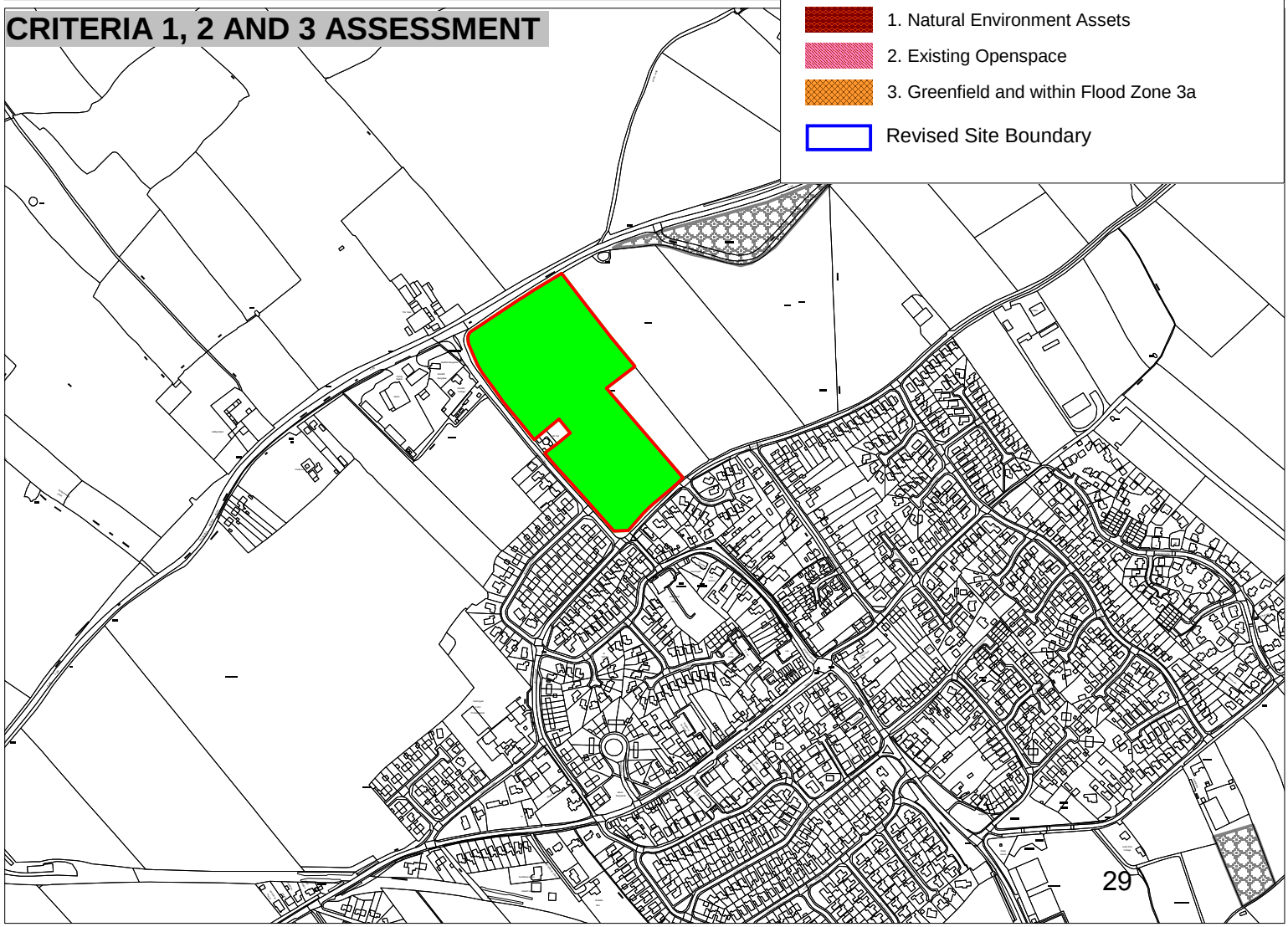
Site Name: **Water Tower Land Dunnington**

Ref: **827/H33**

SUBMITTED SITE PLAN



CRITERIA 1, 2 AND 3 ASSESSMENT



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APPENDIX 3

Site Photographs

O'Neill ASSOCIATES

Photograph 1: View north from Eastfield Lane, showing trees and hedges along northern boundary of site 1

Photograph 2: View south along Church Balk, with the water tower to the left and suburban housing estate to the right

Photograph 3: Entrance to Dunnington cemetery and low hedging along the eastern boundary of site 1

Photograph 4: View north along Chruch Balk showing dormer bungalows to the east and mature hedgerows along the frontage of Site 1 to the west

APPENDIX 4

Analysis of allocated sites and their expected rates of delivery

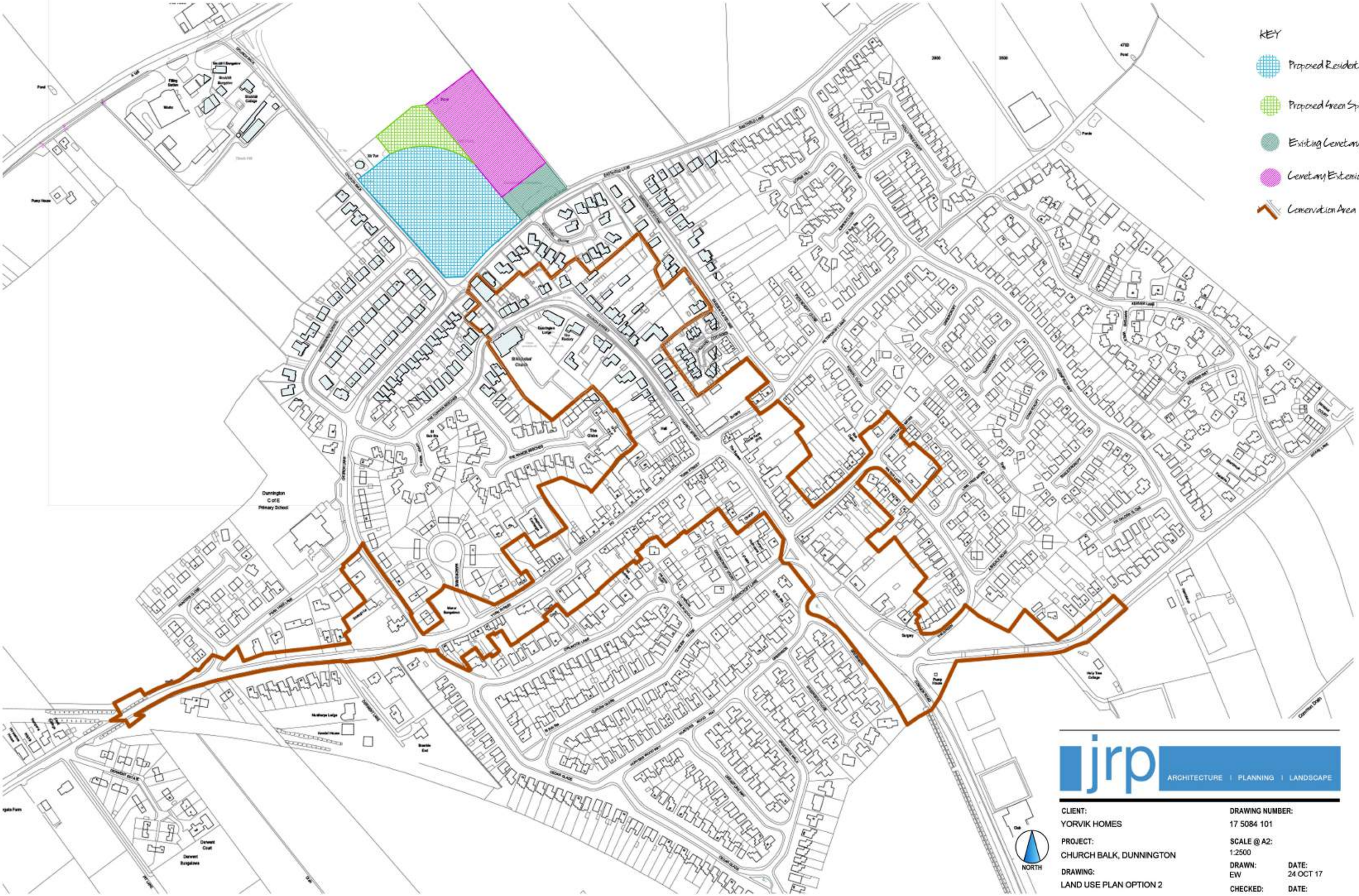
O'Neill ASSOCIATES

Ref	Site	Site Area	Yield	Timing	Density	Years 1 to 5	Years 6-10	Years 11-16	Years 17-21
H1	Former Gas Works, 24 Heworth Green (Phase 1)	2.87	271	Short Term (Years 1 -5)	94.43	100	171		
H1	Former Gas works, 24 Heworth Green (Phase 2)	0.67	65	Medium Term (Years 6-10)	97.01		65		
H3	Burnholme School	1.90	72	Short Term (Years 1 -5)	37.89	72			
H5	Lowfield School	3.64	162	Short to Medium term (Years 1 -10)	44.51	80	82		
H6	Land R/O The Square Tadcaster Road	1.53	0	Short to Medium Term (Years 1 -10)	0.00				
H7	Bootham Crescent	1.72	86	Short to Medium Term (Years 1 -10)	50.00	46	40		
H8	Askham Bar Park & Ride	1.57	60	Short Term (Years 1 -5)	38.22	60			
H10	The Barbican	0.96	187	Short Term (Years 1 -5)	194.79	187			
H20	Former Oakhaven EPH	0.33	56	Short Term (Years 1 -5)	169.70	56			
H22	Former Heworth Lighthouse	0.29	15	Short Term (Years 1 -5)	51.72	15			
H23	Former Grove House EPH	0.25	11	Short Term (Years 1 -5)	44.00	11			
H29	Land at Moor Lane Copmanthorpe	2.65	88	Short to Medium Term (Years 1 -10)	33.21	88			
H31	Eastfield Lane Dunnington	2.51	76	Short to Medium Term (Years 1 -10)	30.28	76			
H38	Land RO Rufforth Primary School Rufforth	0.99	33	Short to Medium Term (Years 1 -10)	33.33	33			
H39	North of Church Lane Elvington	0.92	32	Short to Medium Term (Years 1 -10)	34.78	32			
H46	Land to North of Willow Bank and East of Haxby Road, New Earswick	2.74	104	Short to Medium Term (Years 1 -10)	37.96	104			
H52	Willow House EPH, Long Close Lane	0.20	15	Short Term (Years 1 -5)	75.00	15			
H53	Land at Knapton Village	0.33	4	Short Term	12.12	4			
H55	Land at Layerthorpe	0.20	20	Short Term (Years 1 -5)	100.00	20			
H56	Land at Hull Road	4.00	70	Short Term (Years 1 -5)	17.50	70			
H58	Clifton Without Primary School	0.70	25	Short Term (Years 1 -5)	35.71	25			
H59	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Short to Medium term (Years 1 -10)	33.58		45		
ST1	British Sugar/Manor School	46.30	1200	Lifetime of the Plan (Years 1-16)	25.92	0	600	600	
ST2	Former Civil Service Sports Ground Millfield Lane	10.40	266	Short to Medium Term (Years 1 -10)	25.58	166	100		
ST4	Land adj. Hull Road & Grimston Bar	7.54	211	Short to Medium Term (Years 1 -10)	27.98	111	100		
ST5	York Central	35.00	1700	Lifetime of the Plan and Post Plan period (Years 1-21)	42.86	0	500	600	600
ST7	Land East of Metcalfe Lane	34.50	845	Lifetime of the Plan (Years 1 -16)	24.49	200	295	350	
ST8	Land North of Monks Cross	39.50	968	Lifetime of the Plan (Years 1 -16)	24.51	250	300	418	
ST9	Land North of Haxby	35.00	735	Lifetime of the Plan (Years 1 -16)	21.00	150	285	300	
ST14	Land to West of Wigginton Road	55.00	1348	Lifetime of the Plan and Post Plan period (Years 1 -21)	25.16	200	400	400	348
ST15	Land to West of Elvington Lane	159.00	3339	Lifetime of the Plan and Post Plan period (Years 1 -21)	21.00	300	900	900	900
ST16	Terrys Extension Site – Terry's Clock Tower (Phase 1)	2.18	22	Short to Medium Term (Years 1-5)		22			
ST16	Terry's Extension Site – Terry's Car Park (Phase 2)		33	Short to Medium Term (Years 1 – 10)			33		
ST16	Terry's Extension Site – Land to rear of Terry's Factory (Phase 3)		56	Short to Medium Term (Years 1 – 10			56		
ST17	Nestle South (Phase 1)	2.35	263	Short to Medium Term (Years 1 -10)	111.91	100	163		
ST17	Nestle South (Phase 2)	4.70	600	Medium to Long Term (Years 6 – 15)	127.66		300	300	
ST31	Land to the South of Tadcaster Road, Copmanthorpe	8.10	158	Short to Medium Term (Years 1-10)	19.51	50	108		
ST32	Hungate (Phases 5+)	2.17	328	Short to Medium Term (Years 1-10)	151.15	128	200		
ST33	Station Yard, Wheldrake	6.00	147	Short to Medium Term (Years 1-10)	24.50	47	100		
ST35**	Queen Elizabeth Barracks, Strensall	28.80	500	Medium to Long Term (Years 6-15)	20.07		200	300	
ST36**	Imphal Barracks, Fulford Road	18.00	769	Post Plan period (Years 16-21)	42.72				769
		526.85	14985			2,818	5,043	4,168	2,617

APPENDIX 5

Land Use Plans

O'Neill
ASSOCIATES



jrp ARCHITECTURE | PLANNING | LANDSCAPE

CLIENT: YORVIK HOMES	DRAWING NUMBER: 17 5084 101
PROJECT: CHURCH BALK, DUNNINGTON	SCALE @ A2: 1:2500
DRAWING: LAND USE PLAN OPTION 2	DRAWN: EW / DATE: 24 OCT 17
	CHECKED: / DATE:

101 / LAND USE PLAN OPTION 2

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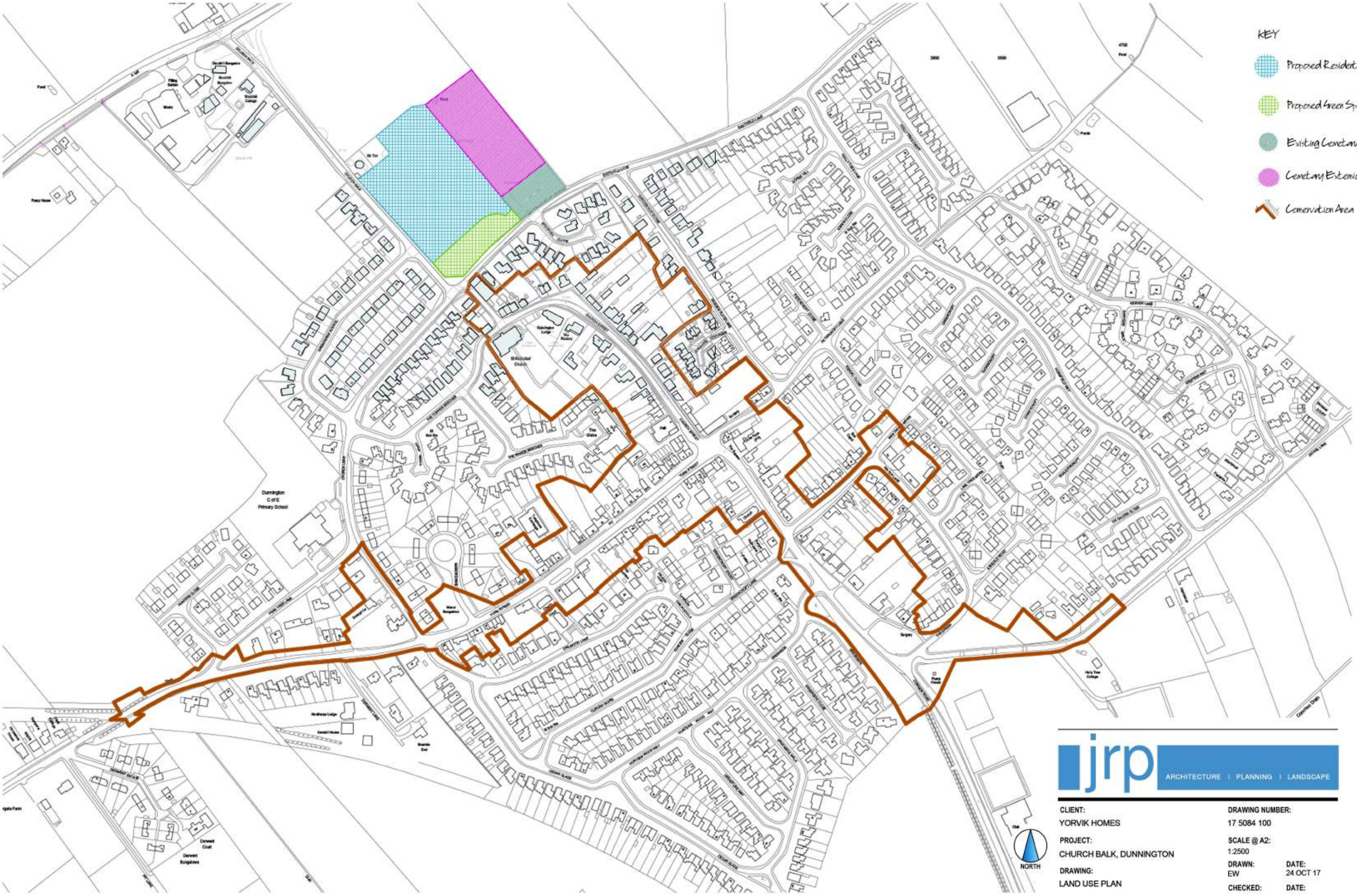

jrp ARCHITECTURE | PLANNING | LANDSCAPE

CLIENT: YORVIK HOMES	DRAWING NUMBER: 17 5084 100
PROJECT: CHURCH BALK, DUNNINGTON	SCALE @ A2: 1:2500
DRAWING: LAND USE PLAN	DRAWN: EW / DATE: 24 OCT 17
	CHECKED: / DATE:

100 / LAND USE PLAN

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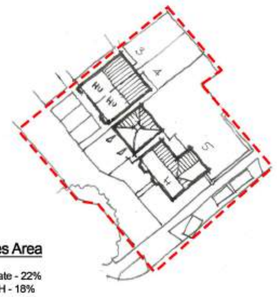
APPENDIX 6

Illustrative Layout

O'Neill
ASSOCIATES

Areas

Nett area - 3.37 acres / 1.36 ha
P.O.S - 0.79 acres / 0.32 ha



Sales Area

Hungate - 22%
Type H - 18%

Schedule of Accommodation

DUNNINGTON SK03 31.05.17

House Type	Bed No	Type	Parking	Sq.ft	No. Units	Total Sq.ft	%
HUNGATE	2	End	PS	641	10	6410	18%
		Mid	PS	641	2	1282	4%
COPPERGATE	3	End	PS	868	20	17360	36%
COPPERGATE SPECIAL	3	Det	PS	868	1	868	2%
FISHERGATE	3	Det	PS	1001	3	3003	5%
		End	PS	1001	10	10010	18%
TYPE H	3	Det	PS	1001	9	9009	16%
			DG	1001	1	1001	2%
		Total Site			56	48943	100%

Gross Area	4.49 acres 1.8 ha
Nett Area	3.37 acres 1.36 ha

Nett Coverage	14523 sq.ft/acre
Nett Density	41 dph

POS Area (approx)	0.79 acres (approx) 0.32 ha (approx)

Adoptable Road Area	1757 m2 31.4 m2/dwelling

jrp ARCHITECTURE | PLANNING | LANDSCAPE

CLIENT: YORVIK HOMES
PROJECT: DUNNINGTON, YORK
DRAWING: SK03 FEASIBILITY SKETCH
DRAWING NUMBER: 17 5804 SK03
SCALE @ A1: 1:500
DRAWN: JRP / KA
DATE: MAY 2017
CHECKED: EW
DATE:

NORTH

1:500 SCALE
10m 50m

SK03 / FEASIBILITY SKETCH LAYOUT

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