

**CITY OF YORK LOCAL PLN
PROPOSED MODIFICATIONS
(JUNE 2019)
REGULATION 19 CONSULTATION
RESPONSE
LAND AT BOROUGHBIDGE
ROAD
NETHER POPPLETON
YORK
YO32 9TB**

REPRESENTATIONS

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1.0 INTRODUCTION

1.1 Carter Jonas LLP (CJ) welcomes the opportunity to make representations in respect of the June 2019 City of York Local Plan Proposed Modifications (the PMs) on behalf of Karbon Home (KH). These representations are submitted in support of their interest in affordable housing provision and need across the city and land at Boroughbridge Road, YO26 6QB (the site) on which residential development (100% affordable housing) is being promoted. KH incorporates York Housing Association and is one of the largest housing associations in the North East of England and Yorkshire, owning and managing almost 30,000 properties.

1.2 The land is Site 779 in the 2018 Strategic Housing Land Availability Assessment (SHLAA) and previous iterations and ref. ST29 in the 2014 City of York Local Plan and associated Site Selection Paper Addendum (September 2014). Our client is keen to work with the City Council to help ensure a sound Local Plan can be adopted as soon as possible. We will be pleased to engage with the Council upon matters of housing need and delivery, green belt review and site-specific matters to facilitate swift progress.

1.3 We have significant concerns over the PMs currently proposed and the overall soundness of the plan which will impact upon the timetable and prolong the continued failure to plan for the development needs of the City of York. Our specific concerns arising from this PMs consultation (along with the Plan as submitted) relate to the following, with cross-reference to the modifications main document and/or evidence base where appropriate:

- PPM3-PM5 and associated amendments – The January 2019 Housing Needs Update and the Revised Objectively Assessed Housing Need (OAHN)
- The associated 'Garden Village' strategy for delivery of sufficient land to meet the OAHN
- The Addendum to Topic Paper 1 - Approach to Defining York's Green Belt - March 2019
- Topic Paper 1 Addendum - Annex 3 - Inner Boundary Descriptions and Justifications

1.4 Our representations in response to the PMs consultation are structured as follows:

- Section 2 covers spatial strategy and the housing requirement
- Section 3 relates to the Proposed Green Belt boundaries and evidence base
- Section 4 summarises our conclusions

1.5 We have completed a representation form to which this statement is attached and includes the request to participate in the examination.

2.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

PM3 – PM5 and Policy SS1: York Housing Needs and Delivering Sustainable Growth for York

- 2.1 Policy SS1 is not considered sound as it is not positively prepared, effective or consistent with national policy. The PMs and updated/new supporting evidence do nothing to resolve this – quite the contrary as the proposed reduction to the minimum annual provision of new dwellings of 790 dwellings per annum pushes in the opposite direction. In short summary, the council is seeking to use the more favourable and up-to-date household projection figures on the one hand and the ‘old rules’ methodology for calculating OAHN on the other (i.e. prior to the 2018 NPPF revisions).
- 2.2 We consider that by adhering to the ‘old rules’ and despite the new 2108 NPPF methodology having been known for a significant length of time (2 years), this represents a negative approach to plan-making. Pursuant to the CJ Housing Needs and Supply Report at Appendix 1, Karbon Homes objects to the housing requirement being set at 790 dwellings per annum (dpa) and concludes that the OAN should be at a baseline minimum of 1,066 dpa. Taking into account acute need for affordable housing provision the most appropriate figure is circa 1,226 dpa.
- 2.3 The Council's previous evidence base, in the form of the GL Hearn Strategic Housing Market Assessment (May 2017 - the SHMA) clearly recommends that, based on their assessment of market signals evidence and some recent Inspectors decisions, the council should include a 10% market signals adjustment to the 867 figure, resulting in a requirement of 953 dwellings per annum. The revised OAN ignores previous supporting evidence base conclusions and provides no clear or sound justification for not making a 10% affordable housing and adjustment for market signals in light of Government guidance. The Publication Draft Plan text at paragraph 3.3: Housing Growth is silent on the methodology behind the selection of the 867dpa figure.
- 2.4 There are significant issues of housing affordability within the city which needs to be addressed and there is no evidence of any recent improvement in this respect. This is in breach of the NPPF core planning principle at paragraph 17, bullet point 4. The decision makers at City of York Council Local Plan Working Group and Executive meetings in January 2018 had every opportunity to aim for a more reasonable, justified and positive target for housing delivery. This would have been fully supported and justified by the SHMA evidence base, officer recommendations (including suggested additional housing sites) and statements of case by many representors. However, the members of those committees failed to take this opportunity, choosing a figure based on only part of the GL Hearn findings.
- 2.5 That approach was wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above and a key indicator of the Council's unreasonable and unrealistic approach to assessing housing need. As such, the previous housing requirement of 867 dpa and the currently suggested 790 dpa under PM3 and PM4 fail to comply with Planning Practice Guidance and as a result the Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore demonstrably unsound.
- 2.6 Given the real prospects of the plan being found unsound at pre-examination or EiP stage, the council should allow for a significant increase from the 867 figure towards the bare minimum of 1,066 dpa confirmed within the

attached Housing Needs and Supply Report. To help address acute shortages in affordable housing provision the 1,226 dpa figure noted above should be used in the interests of meeting extreme and historic housing need and planning positively for the future development needs of the city.

2.7 The proposed modifications at PM3 – PM5 are therefore based upon an unrealistically low OAN and as a result Policy SS1 remains wholly unsound. The Council should therefore consider additional sites and the removal of additional land from the Green Belt to allow flexibility. Sites on the urban fringes of York such as our client’s site at Boroughbridge Road should be considered for allocation.

2.8 We note that PM3 includes the statement that *“in addition the plan will optimise the delivery of affordable housing to meet identified need subject to not compromising viability of development sites; and address the needs of specific groups”*. The Carter Jonas Housing Needs and Supply Report at Appendix 1 has identified that York has a severe shortfall in the delivery of new affordable housing in recent years and this is illustrated by the delivery figures since 2015-16, set against Right to Buy losses to affordable housing stock:

	2015-16	2016-17	2017-18	Total
New-build	100	135	67	302
RtB Sales	68	79	72	219
Nett delivery	32	56	-5	83

2.9 The statistics are taken from Live Table 1011C: Additional Affordable Housing Supply; detailed breakdown by Local Authority, Completions 1,2 and Table 685: Annual Right to Buy Sales: Sales by Local Authority: 1979-80 to 2017-18 12345

3.0 GREEN BELT

PM29 – PM41 – Proposed Green Belt Boundaries

- 3.1 A significant part of the PMS consultation relates to additional evidence in the form of the Addendum to Topic Paper 1 - Approach to Defining York's Green Belt - March 2019 plus appendices. Whilst we do not have any comments in respect of PM29 – PM40 in themselves, we do object to the green belt supporting evidence base as it stands and the failure of the proposed modifications to incorporate inner green belt boundaries to facilitate sustainable urban extensions to help meet the true OAN.

Policy SS2: The Role of York's Green Belt and the Proposals Map

- 3.2 Originally within the North Yorkshire Joint Structure Plan the General Extent of Green Belt for York was retained by The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We therefore welcome the opportunity for the establishment of detailed Green Belt boundaries for the first time and consider that this issue goes to the heart of a sound plan for the city. However, in establishing the inner and outer Green Belt boundaries, the council must also bear in mind the need to:

- allocate sufficient land to be allocated for development;
- identify areas of 'safeguarded land' for potential development beyond 2033
- adhere to the five purposes of the Green Belt stipulated within the NPPF

EX/CYC/18: Green Belt TP1 Addendum

- 3.3 The additional evidence based provided by the Council in the form of Topic Paper TP1 Addendum and the accompanying Appendices demonstrate the fundamentally flawed approach that the Council has taken to justify the Green Belt boundaries in York. The TP1 Addendum and original documents do not constitute a comprehensive green belt review as are based on evidence which is out of date, going back as far as 2003, preceding not only the current NPPF but also the 2012 NPPF.

EX/CYC/18d: TP1 Addendum Annex 3 – York Green Belt Inner Boundary Section Descriptions

- 3.4 Annex 3 tries to assess and justify the proposed inner edge of the green belt however fails to provide anything of any substance as the assessment fails to objectively consider other potential boundaries. This subjective review again highlights how the Council have sought to retrofit an evidence base to draft Green Belt boundaries selected as early as 2005 and how they have failed to consider the boundaries in respect of paragraphs 134 - 139 of the NPPF.
- 3.5 This is highlighted in Annex 3 Section 2 boundary 8 - 11 appraisals which simply review the boundaries themselves and fail to provide any robust assessment in respect of the 5 purposes of the green belt purposes.

- 3.6 Within the Boroughbridge Road quadrant of York an alternative which has not been considered is the York Outer Ring Road (A1237) which would provide a clearly defined and strong boundary to the Green Belt in this location as it would perform well under NPPF paragraph 139(f) in respect of a physical feature that is recognisable and permanent.

PM29 – PM40: Proposed Minor Green Belt Modifications

- 3.7 Karbon objects to the modifications at PM29 – PM40 on the grounds that they represent cosmetic alterations that fail to take the opportunity to redraw the proposed Green Belt boundaries to help meet development needs during the plan period and “longer term development needs stretching well beyond the plan period”.
- 3.8 A site visit will confirm our view that the A1237 Outer Ring Road would form a more appropriate green belt boundary at this point in terms of the National Planning Policy Framework and associated policies, taking into account the need to allocate additional housing land.

Green Belt Assessment – Summary

- 3.9 As a result of the historic restraining effect of the General Extent of Green Belt on new housing development and as well documented, there is significant pent-up housing demand and affordable housing need across the city. Land for housing within the built-part of York is at a premium and the Publication Draft Plan already takes into account key strategic regeneration sites and their capacity to deliver new housing. Previously developed land is a finite resource and historic rates of new housing on brownfield sites are most unlikely to be maintained for the plan period.
- 3.10 Despite this, the proposed Green Belt boundaries within the plan have clearly been drawn up with maximum development restraint in mind. Given the proposed Green Belt boundaries are in no small part based upon a highly flawed approach under SS1 (as noted above), it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified. As highlighted above we recommend that the Plan includes a minimum housing requirement of at least 1,066 and up to 1,226 dpa annum in order to meet an appropriate OAHN for the city and to begin to address affordability.
- 3.11 Taking into account this and unrealistic assumptions on delivery, further land for housing will need to be identified and this will of necessity be within what is perceived as the General Extent of Green Belt, given the proposed Green Belt boundaries are tightly drawn around the urban extent of the City. Sites such as our clients on - the urban fringe on York would make little contribution toward the five purposes of Green Belt at NPPF paragraph 134 (a-e) and should therefore be allocated or safeguarded for housing rather than designated as Green Belt to avoid conflict with paragraph 139 of the NPPF.
- 3.11 Furthermore, given the absence of any full review of the General Extent of Green Belt since its introduction within the North Yorkshire Joint Structure Plan and subsequent Yorkshire and Humber Plan and in view of NPPF advice at paragraph 85, it is also considered necessary to formally identify Safeguarded Land to meet longer-

term development needs stretching well beyond the plan period, and to ensure the Council is satisfied that the adopted Green Belt boundaries will not need to be altered at the end of the development plan period. Whilst we recognise that the Publication Draft Plan seeks to provide “further development land to 2038” (paragraph 3.13) this falls well short of the NPPF paragraph 85 requirement to:

*Appendix 1: ...meet longer-term development needs **stretching well beyond the plan period.** (CJ emphasis)*

- 3.12 In summary, more land should be released from the General Extent of Green Belt to be allocated for housing to meet a significantly increased OAN and safeguarded land should also be allocated for development needs well beyond 2038. We therefore suggest that to render Policy SS2 sound it should be modified as follows:

*To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038, **with additional land released from the General Extent of Green Belt to be safeguarded for development beyond the plan period.** (CJ amendments in bold).*

- 3.13 The currently proposed modifications fail to address the fundamental issues of soundness arising from the interlinked OAN, strategic housing growth and green belt review matters set out within these representation.

4.0 CONCLUSION

4.1 These representations highlight that the Proposed Modifications fail to make the Proposed Plan sound nor do they meet the requirements of paragraph 157 of the NPPF.

4.2 Our concerns relate to:

- the proposed even lower annual housing provision with an OAN of 790;
- tightly drawn Green Belt boundaries which leave no scope for growth in the future should the Council acknowledge that their proposed annual provision is too low and additional housing is required
- lack of robust Green Belt review and justification;
- a severe shortfall of affordable housing and lack of measures to address this issue; and
- insufficient land allocated for housing in general

4.3 These would combine to hold back growth to unreasonably low levels and exacerbate the existing significant affordability issues further.

4.4 We consider that our client's site at Boroughbridge Road is fully deliverable and represents an appropriate site allocation for housing when considered against reasonable alternatives.

4.5 Having considered the contents and methodology of the Green Belt Review, an assessment of the site suggests it is appropriate for removal from the General Extent of Green Belt to be (at the very least) designated as safeguarded land. However, in the first instance we consider the land should be allocated for housing within the plan period for the extensive reasons noted within these representations and in particular to supplement draft housing allocations to meet an objectively assessed need for housing that will increase significantly during the progress toward local plan adoption.

CARTER JONAS
JULY 2019