



City of York Local Plan

Proposed Modifications and Evidence Base Consultation 2021

Representations received

Volume 7 of 11

Responses SID604 to 841

SID Reference	Representation
73	Peter Heptinstall
75	Heslington Parish Council
84	Tim Tozer
91	Westfield lodge and Yaldara Ltd
102	Elvington Parish Council
114	Ian Henderson
118	Historic England
119	Environment Agency
122	York Racecourse
127	Christopher Stapleton
141	Oakgate Group PLC
160	CPRE North Yorkshire (CPRENY)
181	Gateway Development
182	KCS Developments
191	Martin Moorhouse
192	Selby District Council
199	Mr Jolyon Harrison
215	Wilberforce Trust
217	Peter Moorhouse
220	Mr M Ibbotson
228	The Bull Commercial centre
231	Fulford Parish Council
238	Gillian Shaw

253	Bellway Homes
255	Home Builders Federation
257	Henry Boot Developments Limited
260	Lovell Developments (Yorkshire) Ltd
267	York Diocesan Board of Finance Limited & The York and Ainsty Hunt
269	Janet Hopton
288	Wigginton Parish Council
298	New Earswick Parish Council
304	Huntington and New Earswick Liberal Democrats
316	Dunnington Parish Council
329	Murton Parish Council
333	Alison Stead
338	Alan Cook
339	Barratt David Wilson Homes
342	Andy Bell
344	National Grid
345	Defence infrastructure Organisation
350	Picton
351	McArthur Glen
358	Mark Miller
359	NHS Property Services Ltd
361	Cllr Andy D'Agorne
364	York Labour Party
366	NHS Property Services
372	Gladman Homes
375	Wheldrake Parish Council
378	Langwith Development Partner
381	Yorkshire Wildlife Trust
383	Natural England
393	Cllr Nigel Ayre – Residents of Heworth Without
399	Cllr Anthony Fisher
407	Rob Littlewood
418	Chris Wedgewood
422	Peter and David Nicholson
582	Landowners of land west of ST8
583	Redrow Homes, GM Ward Trust, Mr K Hudson, Mrs C Bowes, Mr and Mrs J Curry and Mrs E Crocker
585	Taylor Wimpey UK
590	York and North Yorkshire Chamber of Commerce
594	TW Fields
601	Procter Family
603	The Retreat York
604	L&Q Estates
607	Taylor Wimpey UK
612	Joseph Rowntree Housing Trust
613	Askham Bryan College

620	Galtres Garden Village Development Company
625	Roy Brown
825	Cllr Mark Warters
826	Pilcher Homes
833	George Wright
841	Jennifer Hubbard
849	University of York
863	Mr R Arnold
866	Mulgrave Developments Ltd/ Mulgrave Properties Ltd
867	Yorvik Homes
872	Jeffrey Stern
876	Joanne Kinder
878	Sarah Mills
879	Pat Mills
883	St Peter's School
888	Geoff Beacon
891	Redrow Homes
901	York St John University
920	J Owen-Barnett
921	Pauline Ensor
922	Peter Rollings
923	York Consortium of Drainage Boards
924	Jacqueline Ridley
925	John Pilgrim
926	Amanda Garnett
927	Rufforth with Knapton Parish Council
928	S Walton
929	Neighbourhood Plan Committee
930	Mal Bruce
931	Linda Donnelly
932	Vistry Homes
933	Crossways Commercial estates Ltd
934	Mulgrave Properties Ltd
935	York Housing Association, karbon Homes Ltd & Karbon Developments Ltd
936	Countryside Properties PLC
937	Andrew Jackson
938	Elvington parish Council
939	Friends of Strensall
940	John Burley
941	Karen Marshall
942	Stuart Gunson
943	Haxby St Mary's Parochial Church Council
944	North lane Developments
946	Gemma Edwardson
947	Maureen Lyon
948	Persimmon

949	York and Scarborough Teaching Hospitals NHS Foundation Trust
950	Kyle & Upper Ouse Internal Drainage Board
951	Stephensons
952	North Yorkshire County Council
953	Mr Adrian Kelly
954	York Green Party
955	Jomast Developments
956	Peter Vernon
957	Barratt Homes, David Wilson Homes, TW Fields (ST7 Consortium)
958	M Beresford
959	Clifton (without) Parish Council
960	Jane Granville
961	Mrs Carole Arnold

September 2021

From: Winter, Emma [REDACTED]
Sent: 07 July 2021 14:41
To: localplan@york.gov.uk
Cc: [REDACTED] (L&Q Estates)
Subject: York Local Plan Proposed Modifications Consultation
Attachments: 070721 L & Q Consultation Response Form.pdf; Appendix 1 - 180404 - City of York Local Plan representations - Gallagher Estates.pdf; Appendix 2 - 190722 - CoYLP - North Field York reps - final.pdf; Appendix 3 - 191119 - CoYLP - North Field SoC - Matter 1, 2 and 3.pdf; Appendix 4 - Technical Comments on Housing Need.pdf; 070721 York Local Plan Representations - L & Q.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

Please find attached representations on behalf of L & Q Estates.

I would be grateful if you could confirm receipt of this e-mail and the attached form and documents.

Kind Regards

Emma

Classification L2 - Business Data

Emma Winter MRTPI
 Associate Partner

Carter Jonas



INVESTORS
IN PEOPLE

Gold
Until 2022



LIVE LOCAL
PLAN MONITOR

AVAILABLE NOW >

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and your right to privacy, please see our [Privacy Policy](#).

Carter Jonas LLP

Place of Registration: England and Wales

Registration Number: OC304417

Address of Registered Office: One Chapel Place, London, W1G 0BG.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

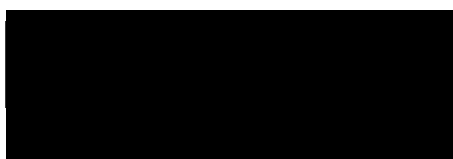
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If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature



Date

07/07/2021

²Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)	
Title			
First Name		Emma	
Last Name		Winter	
Organisation (where relevant)	L & Q Estates – c/o Agent	Carter Jonas LLP	
Representing (if applicable)			
Address – line 1	c/o Agent		
Address – line 2			
Address – line 3			
Address – line 4			
Address – line 5			
Postcode			
E-mail Address	c/o Agent		
Telephone Number	c/o Agent		

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Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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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You can also complete the form online at:

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This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
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 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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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 Inspectors 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 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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C - Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM50-PM54

Document:

See attached Carter Jonas representations for list of

Page Number:

N/A

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

Please see attached Carter Jonas statement of representations 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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see attached Carter Jonas statement of representations and appendices.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see attached Carter Jonas statement of representations and appendices.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

Given the significant issues under consideration by L & Q Estates it is appropriate for them to participate directly by attending the relevant hearing sessions.

Please note: the Inspectors 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.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

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ID reference:

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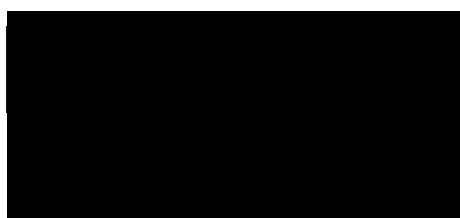
You can also find information about your rights at <https://www.york.gov.uk/privacy>

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Signature




Date

07/07/2021

²Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		Emma
Last Name		Winter
Organisation (where relevant)	Picton – c/o agents	Carter Jonas LLP
Representing (if applicable)		L&Q Estates
Address – line 1	– c/o agents	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address	– c/o agents	
Telephone Number	– c/o agents	

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Part C - Your Representation

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



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Proposed Modification Reference:

PM50-PM54

Document:

See attached Carter Jonas representations for list of document

Page Number:

N/A

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Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

Please see attached Carter Jonas statement of representations 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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see attached Carter Jonas statement of representations and appendices.

8. (1) Please set out any 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 7 where this relates to soundness.

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Yes, I wish to appear at the Examination

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

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

Given the significant issues under consideration by Picton Capital it is appropriate for them to participate directly by attending the relevant hearing sessions.

~~**Please note:** the Inspectors 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.~~

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

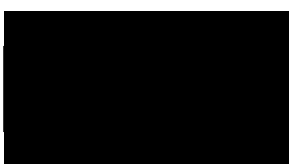
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If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

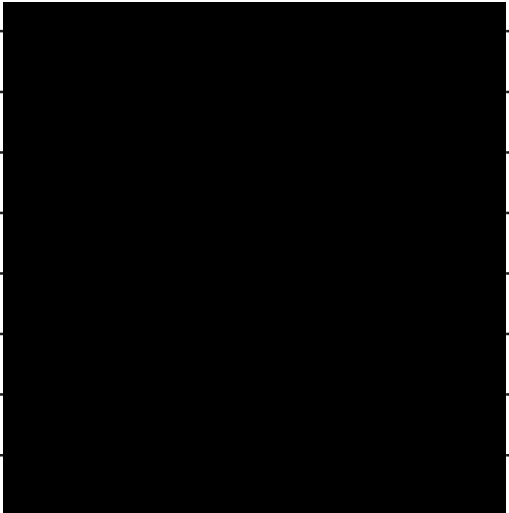


Date

07/07/2021

Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		Emma
Last Name		Winter
Organisation (where relevant)	L & Q Estates – c/o Agent	Carter Jonas LLP
Representing (if applicable)		
Address – line 1	c/o Agent	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address	c/o Agent	
Telephone Number	c/o Agent	

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Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- G L Hearn Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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(tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

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Given the significant issues under consideration by L & Q Estates it is appropriate for them to participate directly by attending the relevant hearing sessions.

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**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS AND
EVIDENCE BASE CONSULTATION
(25 MAY – 7 JULY 2021)**

**REGULATION 19 CONSULTATION
RESPONSE**

REPRESENTATIONS

CONTENTS

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Appendices

Appendix 1: Representations to: Publication Draft York Local Plan (the PDP) (Regulation 19 Representations March 2018),

Appendix 2: - Proposed Modifications (Regulation 19 Representations July 2019) including the the CSA Environmental (CSAE) - Addendum to Landscape Overview

Appendix 3: Hearing Statements to Matters 1, 2 and 3 (November 2019)

Appendix 4: Turley Critique of Housing Need dated June 2021

1.0 INTRODUCTION AND EXECUTIVE SUMMARY

- 1.01. Carter Jonas LLP welcomes the opportunity to make representations upon the May 2021 City of York Local Plan Proposed Modifications and evidence base consultation on behalf of L&QE Estates (formerly Gallagher Estates) (L&QE). These representations are pursuant to and cross-reference to previous representations by Carter Jonas to the Publication Draft York Local Plan (the PDP) (Regulation 19 Representations March 2018) (Appendix 1), the Proposed Modifications (Regulation 19 Representations July 2019) (Appendix 2) and the Hearing Statements to Matters 1, 2 and 3 (November 2019) (Appendix 3).
- 1.02. These representations have been prepared for the exclusive benefit of the respondents as set out in the report contents herewith. No other parties may use or duplicate the report contents without the written permission of Carter Jonas LLP.
- 1.03. L&QE has a controlling interest in the land at North Field, York, which Carter Jonas continues to promote for allocation for housing. The land is Site Reference 871 within the Strategic Housing Land Availability Assessment (SHLAA) (2018). Our client is keen to work with the City of York 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.
- 1.04. We have serious concerns over the modifications currently proposed, the evidence base 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. We are also concerned at the length of time it has taken for the Council to respond to the concerns raised by the Inspectors and the fact that a large amount of the evidence base is now becoming outdated.
- 1.05. Our specific concerns arising from these Proposed Modifications (PM) and the evidence consultation relate to the following, with cross reference to the modifications main document and/or evidence base where appropriate:
- **PM50-54 and associated evidence base**
 - EX/CYC/29: York Economic Outlook December 2019
 - EX/CYC/36: Affordable Housing Note Final February 2020
 - EX/CYC/43a: Housing Needs Update September 2020
 - EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019
 - **Topic Paper TP1 Approach to defining York's Green Belt** and associated Annexes
- 1.06. In summary our main representations are as follows:

The Housing Requirement and Supply

- The evidence base contains significant flaws which result in implications for housing needs. These flaws relate to:
 - The assumptions made in relation to job targets
 - The use of the 2018-based household projections
- Whilst affordability issues have been identified they fail to be addressed in any significant detail.
- The Objectively Assessed Need (OAN) of 790dpa is therefore unjustified, ineffective and inconsistent with national planning policy.
- Our concerns previously raised in relation to the OAN requirement being insufficient still stand.
- The plan continues to rely on insufficient appropriate and sustainable housing land to meet its requirements:
 - Over reliance on a number of key large and/or complex sites, and over-optimistic and unsupported assumptions over both timing, phasing and number of dwellings to be delivered.
 - Indicative densities are too high and not sympathetic to the characteristics of York and its surrounds given the existence of several heritage and archaeological related constraints. In addition, it provides an unachievable target, based on unrealistic yield per hectare assumptions which will (if delivered at a local level) is likely to result in producing poor quality developments, a lack of new housing choice and in particular a lack of family housing for York residents.
- Our view remains that based on available evidence, the plan should provide for a minimum of 1,069 new dwellings per annum.
- The proposed modifications to the plan in relation to Policy SS1 are therefore considered to be unsound.

The Green Belt

- The Council's negative approach to meeting the development needs of York is reflected in the approach taken toward to the Green Belt.
- Topic Paper 1 Approach to defining York's Green Belt Addendum January 2021 is the latest in a long line of green belt review documents. It highlights again the flawed process that seeks to retrospectively justify proposed Green Belt boundaries.
- The proposed Green Belt boundaries are unsound as they would unreasonably restrict more sustainable development opportunities for the necessary growth of York.
- The inner boundary as proposed has been drawn too tightly meaning that there is no flexibility to enable the release of land to meet the needs for housing development during the plan period and beyond.
- The PMs fail to revisit the spatial strategy for housing or to reconsider sustainable urban extensions as an appropriate alternative. We consider it critical that there should be a more mature approach adopted to manage growth in York which should be established at the outset of adoption of the plan, rather than being left to windfall development.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet "longer term needs stretching well beyond the plan period".

Housing Requirement and Green Belt: Executive Summary

In summary, the PMs and evidence base highlight fundamental failings in the emerging local plan, namely:

- Flaws within the evidence base which results in the proposed PMs being unjustified and unsound.
- A proposed OAN which seriously underestimates the true levels of extreme housing need that prevail across within the city.
- Tightly drawn Green Belt boundaries which have been inconsistently applied and a lack of appropriate housing land which will prevent established needs (particularly the acute affordable housing needs) being met within the plan period and beyond.

In conclusion, we continue to consider that the Council has chosen an unreasonably low OAN to help justify the tightly drawn inner Green Belt boundaries that were originally proposed as part of much earlier reiterations of the Local Plan. The Council are merely seeking to further retrofit their evidence base to justify these Green Belt boundaries.

1.07. We have provided a structured response which addresses the issues raised within the PM consultation, as follows:

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

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

2.0 THE HOUSING REQUIREMENT

PM50-54 and Policy SS1: York Housing Needs and Delivering Sustainable Growth for York and associated evidence base

- 2.01 Despite the new evidence base documents and associated proposed modifications PM50, PM53 and PM54 we continue to consider (in line with our earlier representations enclosed in Appendix 1) that Policy SS1 is not sound as it is not positively prepared, effective or consistent with national policy for the reasons set below which reiterate our previous representations.
- 2.02 We object to the housing requirements being set at 882 dwellings over the plan period to 2023/33 which the Council state in PM54 includes “*an allowance for a shortfall in housing provision from the period 2021 to 2017*” based on an objectively assessed housing need of 790 dwellings per annum. As per representations previously submitted, we consider that the OAN should be higher and in the region of 1,069 dpa. We consider that the points raised in the Turley OAN Critique report previously submitted as part of representations to the Proposed Modifications (June 2019) are still relevant and are therefore reattached in Appendix 2. The conclusions of this report concur with the Planning for the Right Homes Publication Data spreadsheet which identifies a figure of 1,070 dpa for York, a significant increase from the 790 dpa.
- 2.03 The June 2021 Turley Critique of Housing Need (Appendix 4) sets out the basis of our objection to the continued use of the 760 OAN based on the Council’s continued use of the 650 jobs per annum target which appears to be linked to shortcomings within the evidence base in relation to Oxford Economics (December 2019) York Economic Outlook: Economic Outlook and Scenario Results for the York Economy [EX/CYC/29] and also the GL Hearn (September 2020) Housing Needs Update: City of York Council [EX/CYC/43a] which appears to stem from the untested judgements that have been made in relation to population growth without both reports with no attempt to analyse the key factors which will influence housing need.
- 2.04 The use of the 2018-based household projections within the GL Hearn (September 2020) Housing Needs Update: City of York Council [EX/CYC/43a] report which has been used to support the OAN raises concern. The Planning Practice Guidance sets out a clear statement from Government that the 2016 and 2018 based projections should not be used for assessing housing needs and the 2014-based projections are more appropriate.
- 2.05 We have concerns that the evidence base (EX/CYC/36: Affordable Housing Note Final February 2020) provided by the Council in relation to affordable housing continues to show that affordable housing need will not be met. It is well documented and was highlighted at the Hearing Sessions in December 2019 that the City is suffering from an acute affordable need following years of under provision. With a supply of only 38.6% of the affordable housing need with historical completions of less than 10% of the total completions highlighted within the

Affordable Housing Note this demonstrates a serious flaw within the Council's approach to housing need and affordability. It shows a clear lack of understanding and willingness on the Council's behalf to acknowledge the seriousness of the issue and look for possible solutions in the form of an uplift to the housing requirement to aid the delivery of affordable homes.

- 2.06 The Council's paper on housing monitoring and Housing Flow Reconciliation (EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019) shows a significant difference in the two forms of data which raises questions over the validity of the use such data in the formation of the wider evidence base and subsequent strategy for delivering sustainable growth in York.
- 2.07 The lack of a robust approach to address the issues raised clearly highlights how the plan is unsound as it has not been positively prepared, nor is it justified, effective or consistent with the NPPF core principles at paragraph 17, bullet point 3.
- 2.08 We consider that the points raised in the Turley OAN Critique report previously submitted as part of representations to the Proposed Modifications (June 2019) are still relevant and are therefore reattached in Appendix 2. The conclusions of this report concur with the Planning for the Right Homes Publication Data spreadsheet which identifies a figure of 1,070 dpa for York, a significant increase from the 790 dpa.
- 2.09 In summary, the evidence base, proposed housing requirement and associated modifications at PM50-54 are not justified or consistent with the NPPF. We continue to consider that this could be resolved through proposed housing requirement based on a minimum OAN of 1,069 dpa.

PM55: Policy SS1

- 2.10 We continue to have concerns in relation to the spatial strategy and the significant reliance on several key large/complex sites which makes up 60% of the housing supply and the over-optimistic and unsupported assumptions over timing and number of dwellings.
- 2.11 The Council should have a strategy which provides a broader range of sites for a range of needs including affordable housing and family housing to ensure delivery can be sustained over the plan period. Reliance on large strategic sites which require infrastructure to enable delivery adds risk to the delivery of housing in the early period of the plan.

3.0 GREEN BELT

EX/CYC/59: Topic Paper 1 Approach to defining York's Green Belt Addendum January 2021

- 3.01. We continue to have fundamental concerns that the Green Belt work undertaken by the Council in response to the Inspectors' concerns is yet another attempt to retrofit key evidence. The fact that Topic Paper 1 Approach to defining York's Green Belt Addendum wasn't submitted until 15th January 2020 (EX/CYC/59/Core Documents 5.17) until 12 months after the first set of hearing sessions closed in December 2019 raises serious concerns. The fact that this document was submitted without the accompanying 5 annexes also raises significant concerns. How can a document be complete and draw robust conclusions if the supporting annexes are not finished? The fact that the annexes were drip fed over a number of months also raises concerns. This highlights how disjointed the preparation of this further evidence has been and the clear lack of a coherent approach.
- 3.02. The Inspectors expressed concern about the methodology used by the Council to define the Green Belt, which we agree with. The latest information produced largely seeks to justify the Green Belt boundaries as previously defined stripping out the 'shapers' which aren't relevant and concerns in relation to the Green Belt purposes. This again highlights the retrofitting nature of the exercise the Council has undertaken rather than addressing the issues through a comprehensive and robust assessment of the Green Belt and then looking to define appropriate boundaries.
- 3.03. We therefore consider that our comments put forwards as part of previous representations to the Publication Draft York Local Plan (the PDP) (Regulation 19 Representations March 2018), the Proposed Modifications (Regulation 19 Representations July 2019) (Appendix 2) and the Hearing Statements to Matters 1, 2 and 3 (November 2019) (as enclosed at Appendix 3) still stand. We also reattach the CSA Environmental (CSAE) - Addendum to Landscape Overview enclosed at Appendix 3 of the Proposed Modifications (Regulation 19 Representations July 2019 contained within in Appendix 2 of these representations) as we consider that the points raised within this document also remain valid.
- 3.04. Despite the January 2021 addendum to Topic Paper 1 Approach to Green Belt we continue to consider that the Green Belt evidence base is merely a loose collection of documents emerging over an 18-year period, during which regional and national planning policy have undergone changes. Topic Paper 1 Approach to Green Belt has been amended/updated via various addendums following concerns raised by the Local Plan Inspectors. Continually adding addendums to address comments is not a satisfactory way of undertaking a Green Belt Assessment. A comprehensive Green Belt assessment should be undertaken rather than continually trying to retrofit an evidence base to justify Green Belt boundaries. This should be in the form of a Green Belt review which clearly identifies land parcels and assesses their performance against Green Belt purposes, and other sustainability factors whilst reviewing Green Belt boundaries.

EX/CYC/59c - e: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary

- 3.05. The TP1 Addendum Annex 3 assesses and justifies the proposed inner edge of the Green Belt across three parts. EX/CYC/59c: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 section 2 relates to assessment of the proposed inner green belt edge to the east of SHLAA Site 8171. We note that there have been no changes to the proposed boundaries in this location in comparison to the March 2019 document Green Belt TP1 Addendum (EX-CYC-18d) and therefore refer to the key points of CSA Environmental (CSAE) - Addendum to Landscape Overview enclosed at Appendix 3 of the Proposed Modifications (Regulation 19 Representations July 2019) in Appendix 2 which still stand. We reiterate again the key points below for clarity.
- 3.06. The assessment continues to fail to objectively consider other potential boundaries. As such, the assessment is subjective rather than objective. Of particular relevance to these representations is the CSAE report comment that the A1237 and the built development of large-scale housing at Acomb have “severed any connection between this land parcel and the historic centre of York. (i.e., referring to the land between the YORR and current urban edge, including SHLAA Site 871). As such, “there are no Key Historic Core Views”).
- 3.07. CSAE refutes the CYC attempted justifications for the green belt boundary at this point. As per previous representations in respect of Site 871 the CSAE Addendum report maintains:

The adjacent land parcel does have an open character, however the existing edge is poorly assimilated and the A1237 would provide a much more robust alternative boundary. Planned expansion could maintain a buffer to the ring road and provide a much better edge to York.

- 3.08. In respect of permanence, the CSAE report goes on to say:

The assessment notes that the proposed boundary follows an historic field boundary which forms a distinct edge between the urban area and more open farmland. In fact, this boundary largely follows the rear gardens of housing at the edge of York. This does not meet the criteria of a robust manmade or natural feature. The A1237 would provide a much more logical and permanent edge to the Green Belt at this point, however this does not appear to have been considered.

- 3.09. Site 871 would be an appropriate and sustainable urban extension. It represents a missed opportunity for the Council to identify more housing land to meet a significantly uplifted OAHN to address the issues identified in section 2. It would perform well under NPPF paragraph 139(f) in respect of a physical feature that is recognisable and permanent. Furthermore, this would be a simple and straightforward continuation of the proposed green belt boundary to the north, between the Boroughbridge Road Roundabout and where the A1237 crosses the River Ouse.

PM41 – Knapton

- 3.10. We note that there has been no change to proposed modification 41 for the green belt to ‘wash over’ Knapton. We remain of the view that pursuant to paragraph 3.09 above the suggested alternative Green Belt boundary shown in the Vision Framework submitted as part of previous representations and again within the Proposed Modifications (Regulation 19 Representations July 2019) in Appendix 2 is more appropriate and sustainable.

PM72 – PM101 – Proposed Green Belt Boundary Modifications

- 3.11. 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 Addendum – January 2021 plus appendices. Whilst we do not have any specific comments in respect of PM72 – PM4101 in themselves, we object to all of these PMs in the context of the flaws within the Green Belt evidence base as it stands. The review of Green Belt boundaries should be comprehensive and should relate to the development needs during the plan period and the longer-term development needs beyond the plan period rather than what feels like ad hoc changes to the boundaries.

EX-CYC-59F: Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021) and EX/CYC/59g: Topic Paper 1 Green Belt Addendum January 2021 Annex 5 Freestanding Sites

- 3.12. Whilst the PMs the subject of this consultation do not include any amendment to the policies and evidence base behind strategic sites, within the General Extent of Green Belt, we draw to attention the fact that previous representations for L&Q/Gallagher have raised issues in respect of the selection and justification for the following strategic sites:

- ST7 – East of Metcalfe Lane;
- ST8 – Land North of Monks Cross;
- ST9 – Land North of Haxby;
- ST14 – Land North of Clifton Moor; and
- ST15 – Land to the West of Elvington Road.

- 3.13. Our comments raised within previous representations still stand and we refer to the commentary set out within pages 11 – 13 of the CSAE Addendum report (Appendix 3 of the of the Proposed Modifications (Regulation 19 Representations July 2019) in Appendix 2), the assessment of these sites under TP1 Addendum Annex 5 – Development Sites in the Green Belt raises a number of concerns including inconsistencies in the assessments of these sites.

Green Belt Assessment – Summary

- 3.14. The Proposed Modifications do nothing to help resolve the issues highlighted in section 2. There is significant pent-up housing demand and affordable housing need across the city.
- 3.15. In the absence of a full review of the General Extent of Green Belt since its introduction and in view of NPPF advice at paragraph 85, the Council should be formally identifying Safeguarded Land to meet longer-term development needs stretching well beyond the plan period, and to ensure 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 Proposed Modification (PM49) seeks to provide “*further development land to 2038*” this is not sufficient as it does not look beyond the plan period and falls well short of the NPPF paragraph 85 requirement to:

...meet longer-term development needs stretching well beyond the plan period

- 3.16. We therefore consider that more land should be released from the Green Belt including the inner Green Belt boundary to enable suitable land to be allocated for housing as sustainable urban extensions to meet an increased OAN and also safeguard land for future development needs beyond 2038.
- 3.17. We remain of the view that the 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 and also previous representations.

4.0 CONCLUSION

4.01. These representations explain why the Proposed Modifications and supporting evidence continue to fail to make the local plan sound and link to points raised in our earlier representations. In particular, the plan still continues to fail to meet the necessary test of soundness and the NPPF paragraph 157 requirement to:

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

4.02. As highlighted in these and also our previous representations the most significant and on-going concerns remain: -

- the proposed even lower annual housing provision with an OAN of 790;
- tightly drawn Green Belt boundaries;
- lack of a robust and comprehensive Green Belt review or justification; and
- insufficiency of housing land allocation

4.03. These issues combined will stifle growth in the City to unreasonably low levels, fail to facilitate delivery of much needed housing and exacerbate the existing significant affordability issues further.

4.04. To summarise in more detail, we consider that the evidence base is flawed, and the subsequent Proposed Modifications will achieve nothing towards resolving/recognising the following issues that go directly to the heart of the plan soundness. We reiterate the issues that we previously raised in earlier representations which we consider still stand and highlight the point that the evidence base and subsequent Proposed Modifications have done nothing to assist in moving the Plan forwards causing only further delays.

- The plan should provide for a minimum of 1,069 new dwellings per annum.
- Even founded on a proposed housing figure of 790dpa the plan proposes insufficient housing land in appropriate and sustainable locations.
- The spatial strategy remains too heavily reliant upon (1) a number of large key and/or complex sites and over-optimistic and (2) unsupported assumptions over both timing and number of dwellings to be delivered.
- The Proposed Modifications fail to include the reconsideration of sustainable urban extensions to make up the projected shortfall in supply and improve future range and choice.
- The draft plan remains unsound and in conflict with the NPPF as:
 - the PMs do not include measures to address the above issues; and
 - the Green Belt review update fails to accommodate safeguarded land to help meet “longer term needs stretching well beyond the plan period”.

- The proposed Green Belt remains unsound as it would unreasonably restrict development opportunities for the necessary growth of York.
- The proposed modifications under PM41 do not acknowledge that the A1237 to the west of Acomb would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point

15.01. We maintain the view that additional land should be released from the Green Belt for housing for the reasons set out within these and previous representations – to assist in meeting a higher level of housing need which is justified given the flaws that have been highlighted earlier. We consider that Land at North Field, York, SHLAA ref. 871 could be released from the Green Belt to assist with this and at the very least designated as safeguarded land for future development.

**APPENDIX 1: PUBLICATION DRAFT YORK LOCAL PLAN (THE PDP)
(REGULATION 19 REPRESENTATIONS MARCH 2018),**

APPENDIX 2: THE PROPOSED MODIFICATIONS (REGULATION 19 REPRESENTATIONS JULY 2019)

APPENDIX 3: HEARING STATEMENTS TO MATTERS 1, 2 AND 3 (NOVEMBER 2019)

**APPENDIX 4: TURLEY TECHNICAL COMMENTS ON COUNCIL'S HOUSING
NEED (JUNE 2021)**

**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT (FEB 2018)
REGULATION 19 CONSULTATION**

REPRESENTATIONS

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Appendices

Appendix 1: Further Review of the Objectively Assessed Need for Housing in York - March 2018

Appendix 2: Representations to the City of York Local Plan Pre-publication Draft (Regulation 18 consultation) – October 2017

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the February 2018 City of York Local Plan Publication Draft (the PDP) on behalf of Gallagher Estates Ltd. (Gallagher). These representations are pursuant to and cross-reference with previous representations by Turley at Preferred Sites and Pre-Publication Draft (Regulation 18) stages (the latter enclosed at Appendix 2).
- 1.2 Gallagher has a controlling interest in the land at North Field, York, which we again propose for allocation for housing. The land is Site Reference 871 within the Strategic Housing Land Availability Assessment (SHLAA) (2017). Our client is keen to work with the City of York 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, and site-specific matters to facilitate swift progress.
- 1.3 We note that the Minister for Housing, Communities and Local Government (HCLG) has confirmed (as of 23 March 2018) the council is not one of those selected for intervention. However, a watching brief will be maintained by HCLG to ensure the Council continues to meet the published timetable set out within the Local Development Scheme. Notwithstanding this, we have major concerns over the soundness of the plan as currently proposed which will impact upon the timetable for Plan and prolong the continued failure to plan to meet the needs of the City of York.
- 1.4 In summary our main representations are as follows:

Vision, Spatial Strategy and the Housing Requirement

- The Vision and Outcomes are not justified or effective as they are not backed by sufficient evidence and positive policies to meet the identified housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- In particular, the minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – even the council's own evidence base gives an OAN of 953dpa.
- As a result, the draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- Based on the available evidence, the plan should provide for a minimum of 1,070 new dwellings per annum.
- Even founded on a figure of 867dpa the plan proposes insufficient housing land to meet its proposed requirement.
 - The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.

- The draft plan also includes over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.

The Green Belt

- The concept of sustainable urban extensions should be re-introduced to make up the projected shortfall in supply and improve future range and choice.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet “longer term needs stretching well beyond the plan period”.
- The proposed Green Belt is unsound as it is drawn to unreasonably restrict development opportunities for the necessary growth of York.

Site selection and the case for land at North Field, York

- As noted below, the emerging spatial strategy changed when options including 42% of new housing delivery through extensions to the main urban area were dismissed to be replaced by additional land beyond the Ring Road and within three freestanding settlements described as garden villages.
- Whilst the Sustainability Appraisal considers the strategic sites against each other it fails to reassess them against legitimate alternatives such as the proposed urban extensions.
- In effect, the Sustainability Appraisal fails to provide a comparative assessment of urban extension Site 871: Land at North Field, York as a reasonable alternative against the selected sites.
- The A1237 to the west of Acomb would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.
- Our client’s land at North Field, York is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives and our client and the relevant landowners are willing parties.
- We demonstrate that:
 - The site occupies a highly sustainable location within close proximity to the existing facilities and services of Acomb District Centre;
 - It is well connected via existing sustainable transport network, including bus stops on Beckfield Lane providing access to the City Centre, a train station at Poppleton and a recently completed park and ride facility on the A59;
 - The development of the site as proposed provides opportunities to improve local community facilities, including the provision of new public open space and a

primary school and will deliver significant economic, social and environmental benefits;

- The development will deliver new and much needed affordable housing;
 - The development can sensitively address the relationship between the urban edge of York and the settlement of Knapton through the inclusion of a green gap between the site and Knapton. The development will not result in significant harm to the Green Belt and its key purposes.
 - The development offers the potential to facilitate the delivery of the York Outer Ring Road project through dedicating land along the site's frontage to enabling the dualling of the A1237 to be achieved, thereby avoiding the need for the Council to acquire land and be exposed to the costs, delays and risks associated with this.
- In summary, the North Field, York site should be released from the Green Belt and allocated for housing.

1.5 We have provided a structured response which addresses the policies within the PDP, as follows:

- Section 2 sets out our response to the document as a whole and general approach of the Pre-Publication Draft Local Plan;
- Section 3 covers spatial strategy and the overall housing requirement
- Section 4 relates to housing
- Section 5 sets out and summarises the case for the allocation of land at North Field, York.
- Section 6 summarises our conclusions

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

2.0 THE OVERALL DOCUMENT & GENERAL POLICIES

Background

- 2.1 Within this response, our comments are directed at specific parts of the Publication Draft Plan, which we consider make the document 'unsound'. Our response addresses the issues of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) (2012). These require that the Plan should be: -
- Positively Prepared;
 - Justified;
 - Effective and
 - Consistent with national planning policy.
- 2.2 We have some initial comments in regards the document as a whole. Principally the concerns are as follows: -
- Following a long and troubled preparation over many years and as a result of recent Council decisions on growth the Publication Draft Plan is not sufficiently strategic in focus and fails to provide a clear strategic direction for the City;
 - In view of the proposed unreasonably low level of housing growth set at 867 dpa the plan fails to respond to the direction of travel contained within CLG's White Paper 'Fixing our Broken Housing Market' (Feb 2017), 'Planning for the Right Homes in the Right Places: Consultation Paper' (September 2017) and the recent draft National Planning Policy Framework and Planning Policy Guidance issued in March 2018 and associated documents.
 - In effect, as a result of the housing land shortfall the plan will fail to significantly boost housing land supply, address affordability or 'fix the broken housing market' across the city.
- 2.3 It is considered that a significant amount of work still needs to be done to make the Local Plan sound. As it stands, the document is:
- Not justified because is not based on an robust and credible evidence base, and is not the most appropriate strategy when considered against reasonable alternatives;
 - Not effective due to issues of flexibility and does not plan properly to meet the identified needs; and
 - Not consistent with current and emerging national planning policy.
- 2.4 Our specific comments are set out below on a section-by-section basis.

Section 2: Vision and Development Principles

- 2.5 The Vision and Outcomes at p16 are fairly generic and fail to say anything about the need for housing growth to help both deliver and underpin the sustainable development aims and objectives.
- 2.6 Paragraphs 2.1 and 2.2 promote the key role of York in leading Sub-Regional economic growth and new job creation whilst as safeguarding existing employment provision. The aim is to deliver 650 new jobs per annum. Paragraph 2.5 acknowledges the need to provide new homes in the form of “sufficient land for 867 dwellings per annum. Specific reference is made to ‘garden village’ developments at three locations plus “major sustainable urban extensions such as British Sugar and York Central.”
- 2.7 Policies DP1 and DP2 of the Publication Draft Plan acknowledge the need for development to meet housing needs. DP1 aims to ensure:
- The housing needs of the City of York’s current and future population including that arising from economic and institutional growth is met within the York local authority area.*
- 2.8 We wholeheartedly welcome this aim, although for the Vision to be ‘sound’ it should also explicitly acknowledge the need to provide affordable housing and diversify the housing market.
- 2.9 We have significant concerns that the Plan will not effectively meet the development principles of Policy DP1 aims, as set out above. It is well documented that the housing target set out within the publication Plan is not appropriately justified and should be increased to seek to meet the housing needs and economic growth in the area

3.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

Policy SS1: Delivering Sustainable Growth for York

- 3.1 Policy SS1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons.
- 3.2 In light of the 2018 Turley OAN report (Appendix 1) and wider evidence base, our client objects to the housing requirement being set at 867 dwellings per annum and concludes that the OAN should be closer to 1,000 dwellings per annum.
- 3.3 The Council's own 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.
- 3.4 The Plan ignores the supporting evidence base conclusions and provides no clear or sound justification for not making an 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. 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. This approach is wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above.
- 3.5 As such, the housing requirement of 867 per annum fails to comply with Planning Practice Guidance and as a result the Publication Draft Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore patently unsound.
- 3.6 Furthermore, an additional economic uplift based upon representations from businesses and bodies such as the York Chamber of Commerce and ambitions of the Local Enterprise Partnership should reflect the confirmed role of York as a "key economic driver". As paragraph 4.5 of the 2018 Turley OAN Report at Appendix 1 notes, the 10% uplift would be the absolute minimum level of adjustment necessary. The report suggests a figure of circa 1,000dpa. The lack of reasonable explanation for not including an economic uplift is contrary to PPG advice at Paragraph: 004 Reference ID: 2a-004-20140306, as follows:

...the use of this standard methodology set out in this guidance is strongly recommended because it will ensure that the assessment findings are transparently prepared. Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.

3.7 Given the real prospects of the plan being found unsound at the earliest juncture, the council should allow for a significant increase from the 867 figure towards the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. As a result, we consider the OAN figure for York is closer to 1,000 dwellings per annum to meet demographic needs and provide a reasonably necessary response to market signals, which should be planned for in the dual interests of flexibility of supply and positive planning. This follows directly from the conclusions at paragraphs 4.3 – 4.9 of the 2018 Turley OAN Report, as follows:

4.3 At a fundamental level, Gallagher Estates continues to be concerned with the Council's disregarding of the evidence set out in the SHMA Update, and its decision to "agree" only with the scale of housing need suggested by the 2014-based household projections. The unjustified dismissal of the market signals adjustment subsequently applied by its consultant's results in a figure derived only from a partial application of the PPG methodology, with this approach not objective or sound. The continued omission of any reference to the concluded OAN for 953 dwellings per annum is strongly challenged by Gallagher Estates.

4.4 A review of submissions to the previous stage of consultation confirms that similar concerns around the interpretation of the OAN evidence were expressed by a number of representors, with concerns around its calculation also noted. The Publication Draft Plan fails to respond to these concerns.

4.5 Our previous technical review identified the following principal points of concern with regards to the Council's OAN evidence and its interpretation into policy:

- **The selection of a demographic projection which failed to allow for an improvement in younger household formation**, despite the SHMA Update confirming that 873 dwellings per annum would be needed to facilitate such an improvement;*
- **The omission of any adjustment to respond to the evidenced worsening in market signals**. The 10% uplift recommended in the SHMA update – but disregarded by the Council – has been commonly viewed as the absolute minimum level of adjustment necessary and justified in York, with at least one representor arguing that a higher uplift of 20% is required; and*

- **The absence of clear justification for the Council's comparatively low employment growth target**, which contrasts with its apparently more ambitious economic strategy. The omission of technical detail and transparency on the modelling assumptions made in testing the alignment between housing need and job growth also restricts proper consideration of the extent to which labour availability may constrain the realisation of economic objectives over the plan period.

4.6 The above points of critique led Turley to previously conclude that closer to 1,000 dwellings per annum are likely to be needed in York to meet demographic needs and provide the absolute minimum response of 10% reasonable and necessary to respond to market signals. This conclusion remains valid, and indeed is reinforced by evidence of a continued worsening in market signals which – if not addressed – will result in a further deterioration in the affordability of housing in the city. York already ranks amongst the least affordable authorities in the north, particularly at entry level.

4.7 A review of other representations has identified three alternative OAN assessments submitted during the previous stage of consultation which similarly concluded that in excess of 1,000 dwellings per annum are needed in York, broadly aligning with the indicative outcome of the proposed standard method for calculating housing needs (1,070dpa). This suggests an annual need for around a quarter (23%) more homes than the Council intends to provide through the Local Plan, as a minimum.

4.8 The proposed housing requirement is therefore derived from evidence which fails to comply with the PPG, against which its soundness will be tested before the introduction of the new standard method. This failure to ensure consistency with national policy – coupled with the lack of justification for an approach which will not be effective in meeting York's housing needs through a positively prepared Local Plan – means that the Publication Draft Plan fails the tests of soundness defined through the NPPF.

4.9 In the context of an acknowledged failure to plan for the full need for housing, it is apparent that other neighbouring authorities – with which the city has the strongest housing market relationships – do not have any stated intention to meet the unmet needs of York. Contrary to national policy, this will leave a significant level of housing needs unmet, detrimentally impacting upon households and the ongoing sustainability of the city as well as failing to contribute to addressing an acknowledged national housing crisis. 3.6 The Publication Draft Plan housing requirement of 867 dwellings per annum wholly fails to meet the requirements of the PPG and NPPF and in light of paragraph 182 of the NPPF it is not positively prepared, justified, effective and consistent with national planning policy.

Policy SS2: The Role of York's Green Belt

3.8 The General Extent of Green Belt for York was established by The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We 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. Under 'saved' Policy YH9 of the Yorkshire and Humber Plan the council must "*establish long term development limits that safeguard the special character and setting of the historic 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; and
- identify areas of 'safeguarded land' for potential development beyond 2033.

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 1,000 dwellings per annum in order to meet the OAN for the City. 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 the General Extent of Green Belt given the Green Belt boundaries are tightly drawn around the urban extent of the City.

3.11 In respect of the overall housing requirement and the need for the release of land from the General Extent of Green Belt to meet the OAN we cross-refer to the October 2017 representations on behalf of Gallagher Estates, appended herewith at Annex 2 for ease of reference. Paragraph 4.21 of those representations by Turley includes Tables 4.1 and 4.2, covering the land to be released from the General Extent of Green Belt for both 867 and 1,070dpa scenarios.

3.12 Paragraph 4.22 summarises the findings as follows:

The above calculations demonstrate a need to release land capable of delivering at least 9,653 residential units from the Green Belt to meet needs over the plan period and beyond based on a requirement for 867 residential units per annum, or 17,275 units based on a

requirement for 1,070 units per annum. This compares to the Local Plan proposal to release 347 ha of land from the Green Belt to deliver 6,590 units, representing a shortfall of between 4,051 and 10,685 units and approximately 202 to 534 ha.

- 3.13 Furthermore, given the absence of any full review of the General Extent of Green Belt since its introduction 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:

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

- 3.14 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).*

Spatial Strategy: Key Housing Sites - Policies SS4 – SS20

- 3.15 Whilst we do not go into detail on each of the key sites set out between pages 32-69 of the Publication Draft Plan we have deep-seated concerns in respect of (1) the over-reliance on large, strategic sites (including new settlements) and (2) the unrealistic yields being suggested.

Policy SS4: York Central

- 3.16 Whilst at this stage we do not go into the details and evidence base behind Policy SS4 we note that the suggested yield includes a significant degree of optimism in terms of programme and delivery rates on the one hand and an unreasonably broad range of potential housing yield stated within Table 1 of the reports to the Local Plan Working Group and Executive (both January 2018), ranging from 1,700 – 2,500 dwellings. In particular, the suggested “1,700 – 2,500 dwellings, of which a minimum of 1,500 dwellings will be delivered in

the plan period” is too broad a range, demonstrating a lack of clear understanding of true site potential and likely yield during the plan period.

- 3.17 It is worth noting that the suggested range of 1,700 – 2,500 dwellings doesn't correlate with the council's own York Central webpage which states:

The current proposals are subject to further technical work and consultation, but current suggestions include 1,000 to 2,500 homes...

Policy SS6: British Sugar/Manor School

- 3.18 As with SS4 above we do not go into the details behind Policy SS6 at this stage. However, consider the suggested 1,200 dwelling yield includes a significant degree of over-optimism. This is highlighted through the October 2017 Planning Committee report for the undetermined planning application ref. 15/00524/OUTM which refers to “up to 1,100 dwellings” and then with the subsequent January 2018 Design and Access Statement setting out a range of scenarios resulting in as few as 675 units (Option A, at 35dph), up to a maximum of 1,076 units (Option C, at 45dph).

Policy SS19 and 20: Queen Elizabeth Barracks and Imphal Barracks

- 3.19 Given the stated intentions of Defence Infrastructure Organisation (DIO) there would appear to be a significant prospect of the land becoming available. However, these DIO sites remain operational until Queen Elizabeth Barracks (QEB) and Imphal Barracks (IB) are vacated by existing users. As stated in previous representations (see Appendix 2), concerns are raised in relation to the reliance on such sites to deliver the plan's housing requirements as this strategy represents a significant risk insofar as there is also a prospect of current operators deciding to retain control. This is especially a risk in the case of IB, which is not expected to be disposed of until 2031 at the earliest.

Site Selection and the Spatial Distribution of Housing Sites

- 3.20 Policy SS3 of the 2013 Draft Local Plan proposed to “Make provision for 42% of need within urban extensions to the main built up area”. Section 3 of the Publication Draft Plan fails to re-establish the principle of urban extensions, with the allocation of strategic sites beyond the built part of York and inset within the Green Belt being proposed instead. These include Site ST14: Land to the West of Wigginton Road and ST15: Land to the West of Elvington Lane. Whilst the Sustainability Appraisal considers the selected sites against each other it fails to reassess them against alternatives such as the dismissed urban extensions. We maintain this renders the plan unsound and that urban extensions in sustainable locations, such as the Land at North Field, should be reintroduced to help make up the expected delivery shortfalls against OAN noted throughout these representations and to increase flexibility and broaden choice.

3.21 Paragraphs 5.11 – 5.46 of the appended October 2017 representations for Gallagher by Turley set out further detailed concerns over the approach taken in respect of spatial distribution of development and housing site selection which we carry forward as part of these submissions. Gallagher confirms that the previous representations covering site selection and the spatial distribution of housing sites still stand and should be taken into account as the plan progresses to submission and examination. Those concerns are summarised as follows:

- Inconsistency with previous preferred spatial distribution approach toward prioritising development within and extensions to the main urban area
- The uncertainty over transportation and community infrastructure for standalone new settlements.
- The reliance on large, strategic sites including new free-standing settlements has not been properly tested through an updated Sustainability Appraisal.
- The smaller new settlements (Allocations ST7 and ST14) “*will deliver just 845 and 1,348 units in total respectively*”, falling short of the critical mass required to fund the provision of the necessary community and sustainable transport infrastructure needed.
- The Green Belt appraisal in support of the proposed allocations is not compliant with the NPPF.
- The discounting of sites on Green Belt grounds in the absence of consideration of wider sustainability benefits and alternatives is wholly unsound.
- The selection of sites in the absence of a robust and up-to-date Green Belt assessment is similarly unsound.
- These matters combine to render the plan fundamentally unsound.

3.22 In conclusion, due to the need to allocate additional land for housing as set out throughout these latest representations, Gallagher maintains that urban extension sites represent a more sustainable alternative compared to any additional new settlement options. This approach has not been sufficiently re-tested through the Sustainability Appraisal 2018 as an appropriate alternative.

3.23 In addition, we note that an updated and amended Sustainability Appraisal (SA) has been published, as of February 2018. The comments made in the Turley October 2017 representations in respect of the wider sustainability appraisal process still remain. However, we specifically note that neither the updated SA Appendix H Appraisal of Allocations and Alternatives nor Appendix I: Appraisal of Strategic Sites and Alternatives include a comparative assessment of Site Ref. 871: Land at North Field, York. This represents a further reason to deem the Publication Draft Plan unsound.

4.0 HOUSING

Policy H1: Housing Allocations

- 4.1 This section of the plan seeks to set out *the “policies and allocations to positively meet the housing development needs of the city”*. We maintain for the reasons given above, the proposed housing allocations will not meet the appropriate level of OAN for the City over the plan period. In this respect the plan is not sound, justified, effective or in accordance with national policy.
- 4.2 It is vital the Council produces a plan which can deliver against its full housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period and that the plan allocates more sites than required to meet the housing requirement as a buffer. To meet NPPF requirements for the plan to be positively prepared and flexible the buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. Gallagher suggests a contingency of at least 10% to the overall housing land supply to provide sufficient flexibility for unforeseen circumstances and in acknowledgement that the housing requirement is proposed as a minimum not a maximum figure.
- 4.3 As far as we are aware, the Council has not provided a robust assessment of trajectory for the housing allocations and therefore it is difficult to provide a detailed analysis of the likely delivery rates of the individual sites. However on the limited information available it is considered that the Publication Draft Plan significantly underestimates the length of time it will take for the housing allocations to start delivering completions. A significant amount of supply is based upon the regeneration sites and large strategic allocations set out within Section 3: Spatial Strategy and therefore are likely to take a number of years to achieve detailed planning permission given the requirements for, *inter alia*, remediation, Environmental Impact Assessment and complexities of the likely Section 106 Agreements involving the delivery of new schools, local centres and significant pieces of infrastructure etc.
- 4.4 Furthermore, a number of the sites are under multiple ownerships and therefore may take many years for land assembly to take place and the drawing up contractual agreements with developers. These combined factors mean that a large number of the housing allocations are unlikely to start delivering completions within the first 5 years of the plan period.
- 4.5 Our client is concerned that the methodology used for determining the capacity of the proposed allocations has overestimated the amount of housing that will be delivered on the sites and as such the reliance on these sites could render the Plan ineffective due to more realistic lower yields. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust. To illustrate this it is worth noting the very broad estimated 1-10 year phasing within Table 5.1 for key sites such as H1: Heworth Green Gas Works and H7: Bootham Crescent. In addition, the SHLAA overestimates gross to net site ratios, which is a particular problem for large sites which will require substantial on-site infrastructure and ancillary uses such as public open

space, schools, local services and facilities, flood attenuation ponds and swales, significant adoptable road networks etc. The assumptions used in the SHLAA do not appear to be supported by any local evidence.

- 4.6 As evidenced by the Windfall Technical Paper, the housing supply makes an allowance for windfall sites of 169 dwellings per annum from plan year 4. As noted above, previously developed land is a finite resource and, similarly, historic rates of windfall are most unlikely to be maintained for the plan period. Furthermore, we note the allocation of smaller sites (e.g. Site H53 Land at Knapton Village for 4 dwellings). In the past, these smaller sites for only a handful of units might otherwise have been considered as windfall should they come forward and as a result their allocation would detract from projected windfall based on historic rates. Gallagher therefore objects to the inclusion of over 2,000 units of windfall within supply as being wholly unsupported, unsound and lacking justification. It is understood that Government guidance enables allowances to be made for windfall contribution. However, we suggest that it would be more effective to regard any contribution from windfalls as a boost to supply due to their uncertainty in delivery and the shortfall made up of appropriately planned for, allocated sites.
- 4.7 The above will necessitate additional housing allocations being identified. Failure to identify additional housing will impact upon the overall delivery of the Local Plan aims and objectives to meeting housing need.

Policy H2: Density of Residential Development

- 4.8 We envisage that the high housing densities within Policy H2 represent part of the council's case to minimise housing land allocations and thus the need to remove land from the General Extent of Green Belt. Development densities of 100 dwellings per hectare within the city centre and 50 dwellings per hectare within the wider urban area are unrealistically high and would lead to lack of choice and poor standards. As currently drafted, Policy H2 is not considered to be sound as it is not effective, justified or consistent with national policy.
- 4.9 Whilst paragraph 47 of the NPPF indicates local authorities can set out their own approach to housing density this should be based upon local circumstances and not harm the overall objective of boosting significantly housing supply.
- 4.10 Gallagher considers that the appropriate evidence is not available to support this policy as written. The high-density development proposed in this policy may be difficult to market as it would be likely to result in poor internal standards of residential amenity, small garden areas, no garages and little parking. It is considered that lower density developments would be more marketable, and the policy should be amended to allow for this flexibility. We recommend the inclusion of an additional category of Sustainable Urban Extensions with densities set between 25-35dph.
- 4.11 As noted above, the proposed high densities and in particular the 50dph proposed within the York urban area would lead to smaller units and more cramped layouts being proposed. Unless the suggested densities are reduced, Policy H2 will also be in conflict with other Government initiatives such as the Nationally Described

Space Standard which seeks increased total floorspace and better standards of internal amenity per dwelling and against the interests of providing good quality new housing to meet the high levels of demand.

Policy H3: Balancing the Housing Market

- 4.12 Gallagher maintains that the housing market and the appropriate mix of housing will vary both with time and within different parts of the housing market. We maintain that greater flexibility should be built into Policy H3 as the optimum mix for any proposed housing development to reflect market demand and aspirations alongside need over the plan period.

Policy H4: Promoting Self and Custom House Building

- 4.13 In view of the lack of market evidence over the willingness of self-builders and/or small/custom house-builders to build within larger sites of 5ha plus, Gallagher objects to Policy H4 in principle and will maintain a watching brief in respect of Policy H4. We will review this stance in the event that such demand can be identified by the council.

Policy H5: Gypsies and Travellers

- 4.14 Gallagher is concerned that housing sites of 5ha or more will be expected to meet the need of *“those 44 Gypsies and Traveller households that do not meet the planning definition”* and we note the HBF has similar concerns. We agree with the HBF that *“further clarity is needed in relation to why provision is needed for those households no longer meeting the definition; whether a pitch on a strategic allocation is an appropriate location for these households particularly at the numbers proposed; what will happen to these pitches if no gypsy or traveller wishes to utilise them; and the management of these pitches.”* In the absence of such clarity Gallagher objects to Policy H5 as drafted.

Policy H9: Older Persons Specialist Housing

- 4.15 In respect of Policy H9 we maintain that strategic sites should only be required to *“incorporate the appropriate provision of accommodation types for older persons within their site masterplanning”* only if the need for older persons accommodation and the site suitability and location are appropriate. H9 should be amended to incorporate flexibility.

Policy H10: Affordable Housing

- 4.15 Gallagher generally supports the provision of affordable housing and maintains that urban extensions provide the opportunity to help meet affordable housing requirements across the city. We reserve our position on this aspect of the plan subject to more detail of how the draft NPPF amendments to the definition of affordable housing provision as set out in the current consultation on the draft NPPF will be incorporated as the plan proceeds.

5.0 THE CASE FOR THE ALLOCATION OF LAND AT NORTH FIELD, YORK

5.1 These representations are pursuant to the previous representations for Gallagher and seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives. The representations in particular make cross-reference to the October 2017 Vision Framework by Turley, which was attached to their October 2017 representations. This framework provides details of the sites' deliverability, suitability for development and achievability in terms of its ability to be brought forward to meet the city's housing requirement and is summarised and quoted at paragraphs 5.3 – 5.7 below.

5.2 In all planning respects the proposal is sustainable and addresses all planning policy, environmental and technical considerations.

The Proposal - Summary

5.3 The site is approximately 84 hectares in size and could readily accommodate up to 1,000 dwellings (at a net density of 25-35dph) and a new primary school. There is sufficient land to enable the delivery of a high quality and sustainable development, relating well to the surrounding context. The proposals also include local highway network improvements to the benefit of all users and in particular helping to underpin and deliver the council's own planned widening Ring Road.

5.4 As confirmed within the Vision Document:

A thorough assessment of the site's context has been undertaken and it has been demonstrated that the site is both suitable and appropriate for the proposed development. It also represents a deliverable and viable opportunity to provide sustainable housing growth on the north-western edge of York and contribute towards meeting the housing targets within the local area.

5.5 The Vision Document justifies this by undertaking an in-depth assessment of relevant planning policy and site context, detailed site analysis covering all material considerations before developing a concept framework. In conclusion the Vision Document demonstrates the following:

- *Policy Context – The development proposes a sustainable form of development which will help make a significant contribution towards the Council's housing supply position and help deliver wider economic growth and social benefits;*

- *Townscape and Context – The site relates well to Acomb and forms a logical and well-contained extension to the suburban area of York. The A1237 will create a defensible boundary to the west of the site and the proposed retention of the agricultural land to the*

south will ensure that a sensitive buffer is retained between the development and Knapton village and ensure that the development will result in only minimal harm to the Green Belt;

• Access – The site is in a sustainable location, close to local facilities and community services. It relates well to the surrounding area and is fully accessible by car, walking, cycling and public transport modes; and

• Benefits – The future development of the site can be delivered whilst retaining and enhancing its specific landscape and ecological attributes. The masterplan also demonstrates that additional areas of public open space and community facilities can be delivered through the release of the land for development.

5.6 Section 6 of the October 2017 representations for Gallagher by Turley provides a detailed rebuttal of the 2017 SHLAA explanation for not allocating the site covering the following:

- landscape and historic setting
- heritage assessment
- Green Belt policy
- sustainability considerations

5.7 In the interests of completeness and for ease of reference their conclusions at paragraphs 6.37 and 6.38 remain of full relevance when responding to the Publication Draft Plan consultation and we repeat them in full below:

6.37 *It is Gallagher Estates view that the characterisation of the site as forming part of the historic character and setting to the City is flawed given the relationship which this land has with the historic core of York. Land can only perform this function where the historic core of York is visible from views across this land and where the historic core provides a backdrop to this land, as confirmed by the Council's own definition provided in the 2003 Green Belt Assessment. Clearly that does not apply in the case of North Field. The evidential basis on which the site has been discounted without proper consideration as a viable and sustainable development opportunity is deficient. The Local Plan is not justified and is unsound as a result.*

6.38 *More generally, and as outlined in section 5, the Council's approach to appraising sites which are deemed to have a specific Green Belt function in respect of NPPF Purpose 4 is at odds with paragraph 84 of NPPF. As a procedural point, there is no justified reason for discounting such sites on the basis of one aspect of their Green Belt contribution (as only one provision of national planning policy) without properly considering their sustainability credentials in a broader sense. This puts the Local Plan in conflict with the NPPF (paragraph 84) and renders it unsound as a result.*

Deliverability

5.7 Site Ref. 871: Land at North Field, York is fully 'deliverable' in accordance with Paragraph 47 of the NPPF as it is: -

- a) Available now;
- b) A suitable location for development now; and
- c) Is achievable with a realistic prospect that housing will be delivered on the site.

6.0 CONCLUSION

6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, the plan fails to meet the NPPF paragraph 157 requirement to

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

6.2 The most significant concerns are the proposed low annual housing provision, tightly drawn Green Belt boundaries and insufficiency of housing land allocation would combine to hold back growth to unreasonably low levels and exacerbate the existing significant affordability issues further.

6.3 To summarise in more detail:

- The Vision and Outcomes are not justified or effective as they are not backed by positive policies to meet housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- The draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- The plan should provide for a minimum of 1,000 new dwellings per annum.
- Even founded on a proposed housing figure of 867dpa the plan proposes insufficient housing land.
- The spatial strategy relies too heavily on a number of large key and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.
- The draft plan also relies too heavily on over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.
- The spatial strategy changed when options including urban extensions were replaced by additional land beyond the Ring Road and within freestanding new settlements but, whilst the Sustainability Appraisal considers the proposed strategic sites against each other it fails to reassess them against legitimate alternatives such as the proposed urban extensions delivering 42% of supply.
- The concept of sustainable urban extensions should be re-introduced to make up the projected shortfall in supply and improve future range and choice.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet "longer term needs stretching well beyond the plan period".
- The proposed Green Belt is unsound as it is drawn to unreasonably restrict development opportunities for the necessary growth of York.

- The Sustainability Appraisal fails to provide a comparative assessment of Site 871: Land at North Field, York against the selected sites.
- The A1237 to the west of Acomb would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.

6.4 Our client's land at North Field, York is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives. In addition, our client and the relevant landowners are willing parties.

6.5 Gallagher respectfully maintains that Land at North Field, York, SHLAA ref. 871 should be released from the Green Belt to be (at 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.

**APPENDIX 1: FURTHER REVIEW OF THE OBJECTIVELY ASSESSED NEED
FOR HOUSING IN YORK – MARCH 2018**

**Further Review of the Objectively Assessed
Need for Housing in York
Gallagher Estates**

March 2018

Turley

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Client
Gallagher Estates

Our reference
GALY3010

March 2018

1. Introduction

- 1.1 This report has been prepared by Turley on behalf of Gallagher Estates to inform representations to consultation on the Publication Draft of the Local Plan¹ ('the Publication Draft Plan'), which runs until 4 April 2018.
- 1.2 The report specifically challenges the justification and therefore the soundness of the proposed housing requirement within the Publication Draft Plan. It is recognised that the requirement remains unchanged from that included within the Pre-Publication version of the Plan, which was published by the City of York Council ('the Council') in September 2017.
- 1.3 This report draws extensively upon the previous submissions of evidence during consultation on earlier iterations of the Plan. This has included the submission of two technical documents reviewing the Council's published evidence on the objectively assessed need (OAN) for housing in York:
- **Review of the Objectively Assessed Need for Housing in York**, produced in September 2016; and
 - **An Updated Review of the Objectively Assessed Need for Housing in York**, produced in October 2017.
- 1.4 The most recent of these technical reviews is included as **Appendix 1** to this report.
- 1.5 As referenced above, the Publication Draft Plan retains a proposed requirement for 867 dwellings per annum over the plan period (2012 – 2033). This falls below the OAN for 953 dwellings per annum concluded in the addendum update² to the York Strategic Housing Market Assessment ('the SHMA Update'), which was produced in May 2017 and remains the latest evidence of housing needs published by the Council. The Publication Draft Plan confirms that the proposed requirement has been selected following the Council's '*consideration of the outcomes of this work*'³.
- 1.6 This report reiterates Gallagher Estates' **fundamental concerns with the housing requirement proposed by the Council**, which have not been addressed despite being raised by a number of representors during the previous stage of consultation.
- 1.7 The Council is continuing to pursue **an approach which is not justified, effective or consistent with national policy, and has not been positively prepared** to meet the annual need for at least 953 homes established within its own evidence. The approach is therefore **unsound** based on the tests of soundness defined through the National Planning Policy Framework⁴ (NPPF).

¹ City of York Council (February 2018) Local Plan – Publication Draft

² GL Hearn (May 2017) City of York Council Strategic Housing Market Assessment – Addendum Update

³ City of York Council (February 2018) Local Plan – Publication Draft, paragraph 3.3

⁴ DCLG (March 2012) National Planning Policy Framework, paragraph 182

- 1.8 The failure to meet the OAN concluded in the SHMA Update is compounded by the findings of the latest technical review by Turley, which indicated that this at best represented the minimum level of need which should be planned for by the Council. Needs were considered likely to be closer to 1,000 dwellings per annum as a minimum.
- 1.9 Although only four months have elapsed between the end of the pre-publication consultation and the launch of further consultation on the Publication Draft Plan, this report considers the implications of any more up-to-date evidence available and relevant to the application of the methodology for assessing housing needs, established through Planning Practice Guidance (PPG). Importantly, the report also considers the implications of the Government's proposed revisions to the NPPF⁵, which were published on 5 March for consultation until 10 May 2018. As part of this consultation, the Government has also proposed changes to the PPG to implement a new methodology for assessing local housing needs⁶. The implications of such information available at this time are considered within this report.

Report Structure

1.10 This report is structured as follows:

- **Section 2 – Evidenced OAN and Emerging Policy Position** – a summary of the Council's OAN evidence, and its interpretation into a proposed housing requirement in the context of changing national guidance;
- **Section 3 – Critique of the OAN Evidence** – the points of critique previously raised by Gallagher Estates and other representors are summarised and updated where relevant; and
- **Section 4 – Conclusions** – a concise summary of the findings and implications of this technical review.

⁵ MHCLG (2018) National Planning Policy Framework: draft text for consultation

⁶ MHCLG (2018) Draft Planning Practice Guidance

2. Evidenced OAN and Emerging Policy Position

2.1 The technical review of the OAN evidence base submitted on behalf of Gallagher Estates during the October 2017 consultation on the pre-publication draft included reference to the ongoing changes in the national policy context. This section provides an update on how these reforms impact upon the evidencing of housing need to inform the emerging Local Plan. The section then reintroduces the Council's OAN – prepared in May 2017 to conform to existing guidance – and how it has been used in the justification of the housing requirement within the Publication Draft Plan.

National Policy and Guidance

2.2 The Local Plan for York must be positively prepared in compliance with national planning policy and guidance, detailed in the National Planning Policy Framework⁷ (NPPF) and accompanying Planning Practice Guidance (PPG).

2.3 The NPPF requires authorities to fully meet the objectively assessed need for housing in their housing market area⁸. It establishes the role of the Strategic Housing Market Assessment (SHMA), which should be prepared to objectively assess the full need for housing⁹. The PPG strongly recommends the use of a stepped methodology when assessing housing needs, which – though open to interpretation in places – has been broadly followed by Inspectors in establishing reasonable conclusions on the OAN for housing. This involves:

- Using the latest available household projections produced by the Department for Communities and Local Government (DCLG) as the '*starting point*'¹⁰;
- Applying adjustments to the '*starting point*' where necessary to determine the demographic need for housing¹¹;
- Taking employment trends into account¹²;
- Responding to market signals of imbalance between housing supply and demand¹³; and
- Taking affordable housing needs into account¹⁴.

2.4 As noted above, there is substantial room for interpretation within the existing PPG, which has been acknowledged by the Government¹⁵. The introduction of a new

⁷ DCLG (2012) National Planning Policy Framework

⁸ *Ibid*, paragraph 47

⁹ *Ibid*, paragraph 159

¹⁰ PPG Reference ID 2a-005-20140306

¹¹ PPG Reference ID 2a-017-20140306

¹² PPG Reference ID 2a-018-20140306

¹³ PPG Reference ID 2a-019-20140306

¹⁴ PPG Reference ID 2a-029-20140306

¹⁵ DCLG (2017) Planning for the right homes in the right places: consultation proposals, paragraph 11

standard method for calculating housing needs was one of the '*radical reforms*' proposed by Government to respond to the national housing crisis, aimed at minimising delays in plan-making and ensuring that local authorities cannot '*duck potentially difficult decisions*' by advancing an alternative methodology¹⁶.

- 2.5 As referenced in Gallagher Estates' previous consultation response, the Government published its proposed method¹⁷ for consultation in September 2017. The method reduces the number of steps that must be followed to calculate local housing needs. The latest household projections are retained as the '*starting point*'¹⁸. A formulaic adjustment to this figure is subsequently applied to take account of the relationship between median house prices and earnings, with the overall scale of adjustment capped at 40% above recently adopted housing requirements or household projections if higher than older adopted requirements.
- 2.6 The Government released indicative figures to inform this consultation, which confirmed that application of the proposed method for York – taking account of the then-latest data available – would suggest a need for 1,070 dwellings per annum. This incorporates an adjustment of circa 27% from the 2014-based household projections, based on the scale of imbalance between house prices and earnings in York. This precise figure will, however, be subject to change as the datasets which underpin its calculation are updated¹⁹.
- 2.7 At the time of the consultation, the Government envisaged use of the new method where authorities submitted Local Plans after 31 March 2018. However, it was noted that its implementation would be delayed if the revised NPPF had not been finally published by this date.
- 2.8 Such a delay has materialised, given that consultation on proposed revisions to the NPPF runs until 10 May 2018. The documentation published on 5 March 2018 to inform this consultation confirms that '*policies in the previous Framework will apply for the purpose of examining plans where those plans are submitted on or before*' the date which is six months after the date of the revised NPPF's final publication²⁰. The Government's intention to finally publish the revised NPPF '*before the summer*'²¹ suggests that Local Plans submitted before the end of this year are expected to be examined based on existing policy and guidance, including the existing PPG and its stepped approach to calculating housing needs. It is understood that the Council intends to submit the York Local Plan for examination within these timescales.
- 2.9 It is of note that the standard method to be implemented thereafter, on the basis of the current consultation, remains unchanged from that consulted upon last year, with the intention that this will be enacted through updates to the PPG. The Government has published its proposed changes to the PPG to inform the ongoing consultation,

¹⁶ DCLG (2017) Fixing our Broken Housing Market – the housing white paper, paragraph 14

¹⁷ DCLG (2017) Planning for the right homes in the right places: consultation proposals

¹⁸ *Ibid*, paragraph 17

¹⁹ Updated affordability ratios are due to be published in April 2018; 2016-based household projections are currently scheduled for publication in September 2018

²⁰ MHCLG (2018) National Planning Policy Framework: draft text for consultation, Annex 1

²¹ MHCLG (2018) National Planning Policy Framework: consultation proposals, p6

which contain a number of additional clarifications on its application²². This confirms the expectation that the standard method provides a ‘minimum’ need figure for the purposes of plan production, and that:

“...any deviation [from the standard method] which results in a lower housing need figure...will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination”²³

- 2.10 It continues to be noted that some circumstances will justify a higher need figure than suggested by the standard method, which ‘relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future’²⁴. The draft guidance does not provide an exhaustive list of the circumstances in which such an uplift is justified, but cites the existence of growth strategies and planned improvements in strategic infrastructure as examples.
- 2.11 As highlighted above, it is recognised that following its current programme for submission the York Local Plan will be required to comply with the current NPPF and its associated guidance, as opposed to the proposed revisions. However, they represent an important direction of travel in viewing the approach taken to justify and meet the full need for housing within the Publication Draft Plan.

The OAN Evidenced for York

- 2.12 As introduced earlier in this report, the SHMA Update²⁵ – produced in May 2017, and published in September 2017 – provides the latest OAN commissioned for York by the Council. The SHMA Update asserts its compliance with the existing PPG and NPPF.
- 2.13 An OAN for 953 dwellings per annum is concluded within the SHMA Update. As referenced in our previous technical review, this falls below the level of housing need currently suggested by the Government’s proposed standard method, but is higher than previously concluded housing need figures set out in earlier iterations of the SHMA.
- 2.14 The components of this calculation are summarised at Table 2.1, following the methodological structure prescribed through the PPG. This shows that the OAN for York is principally derived from the 2014-based household projections with a 10% uplift in response to market signals.

²² MHCLG (2018) Draft Planning Practice Guidance

²³ *Ibid*, p26

²⁴ *Ibid*, p26

²⁵ GL Hearn (May 2017) City of York Council Strategic Housing Market Assessment – Addendum Update

Table 2.1: Components of the OAN for York

	Adjustment required <i> dwellings per annum</i>	Dwellings per annum	% adjustment from 'starting point'
2014-based projections – the 'starting point'	–	867	–
Adjusted demographic projection	0	867	0%
Economic adjustment	0	867	0%
Market signals adjustment (10%)	86*	953	10%

Source: GL Hearn, 2017

* rounded down in SHMA Update

- 2.15 The OAN concluded in the SHMA Update is circa 13% higher than the need for 841 dwellings per annum concluded in the preceding SHMA, which was produced in June 2016 and informed the Council's Preferred Sites consultation in summer 2016. Gallagher Estates' submission to the Pre-Publication consultation in October 2017 explores the reasons for this increase, with reference to the technical critique of the SHMA submitted in September 2016. This is not revisited in this further review, given that the 2016 SHMA has now been superseded in the Council's evidence base and is not referenced within the Publication Draft Plan.

Interpreting the Evidence through Emerging Planning Policy

- 2.16 It remains of relevance to note the Council's enduring failure to prepare a Local Plan which meets York's housing needs. A review of this historic policy context featured within Gallagher Estates' submission to the Preferred Sites consultation, and was subsequently referenced in the Pre-Publication consultation response in October 2017. Although not replicated in full here, it highlights the Council's track record of avoiding planning to fully meet its housing needs, manifest in the fifty year absence of a Local Plan and the more recent suspension of plan preparation in September 2014 to review the overall housing requirement.
- 2.17 The Government's emerging planning reforms are clearly targeted at authorities that are avoiding the 'difficult decisions' necessary to fix the broken housing market and plan for the increased housing provision needed²⁶. It is committed to intervening where necessary to ensure that Local Plans are put in place, and in November 2017 identified fifteen authorities 'showing particular cause for concern' by missing deadlines and demonstrating 'unacceptably slow' progress²⁷. York was one of the fifteen authorities named by Government as 'failing to plan' and thereby failing 'the people they are meant to serve'.

²⁶ DCLG (2017) Fixing our Broken Housing Market – the housing white paper, paragraph 14

²⁷ Sajid Javid's speech on the housing market, 16 November 2017

(<https://www.gov.uk/government/speeches/sajid-javids-speech-on-the-housing-market>)

- 2.18 The Council's response²⁸ to the Government's intervention highlighted the progress made in producing a Local Plan, which it aims to submit for examination before the end of May 2018. Consultation on the Publication Draft Plan evidently represents a key milestone in achieving these timescales, which appear to have accelerated to ensure that the Local Plan is submitted before the Government's new method for calculating housing needs is implemented.
- 2.19 However, the Publication Draft Plan highlights the Council's continued aversion to planning to meet York's housing needs in full. It retains the purported requirement for 867 dwellings per annum and continues to argue that this is representative of '*an objectively assessed housing need*' with reference to the SHMA Update²⁹.
- 2.20 This is misleading and fundamentally conflicts with the clear conclusion of the SHMA Update that there is an OAN for 953 dwellings per annum, as summarised at Table 2.1 earlier in this section.
- 2.21 The lower figure advanced by the Council is presented only as a '*starting point*' in the SHMA Update, which is correctly adjusted to take account of other stages of the PPG methodology. The Publication Draft Plan continues in error to omit any reference to the OAN for 953 dwellings per annum concluded in the SHMA Update.
- 2.22 The Council has therefore again chosen to deviate from the conclusions of its own evidence, as confirmed within its drafted preface to the SHMA Update. This acknowledges that the need for 867 dwellings per annum suggested by the '*starting point*' of the 2014-based household projections '*should be seen as a baseline only*', but proceeds only to "accept" this figure. It then states that:
- "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"*³⁰ (emphasis added)
- 2.23 The Council has therefore dismissed the market signals adjustment applied by its consultants, and has consequently selected a figure which is derived from a partial application of the PPG methodology. This approach is not sound, objective or justified.
- 2.24 The Council's criticism of the recommended 10% uplift does not stand up to scrutiny. The SHMA Update in accordance with the PPG uses '*recently published data*' to undertake '*a targeted update to the market signals section*'³¹ which provides an objective analysis of the indicators of supply and demand in York. Importantly, it also

²⁸ City of York Council (30 January 2018) Letter to the Rt Hon Sajid Javid MP on City of York Local Plan

²⁹ City of York Council (February 2018) Local Plan – Publication Draft, paragraph 3.3

³⁰ City of York Council (September 2017) City of York Strategic Housing Market Assessment Update, Introduction and Context to Objective Assessment of Housing Need

³¹ GL Hearn (May 2017) City of York Council Strategic Housing Market Assessment – Addendum Update, paragraph 3.1

continues to reference longer-term trends in affordability ‘over the past 15 years’³² and housing completions relative to requirements since 2004³³. In addition, the update is explicitly not intended to fully supersede the market signals analysis presented in the 2016 SHMA, which included consideration of trends since the late 1990s where permitted by available data³⁴. There is no indication that the authors of the SHMA Update did not draw upon the original and updated analysis and have had regard only to short term trends when recommending a 10% uplift to respond to worsening market signals in York.

- 2.25 Furthermore, any inference that ‘environmental considerations’ should moderate the Council’s OAN evidently conflicts with the PPG’s clear direction that the OAN should be ‘based on facts and unbiased evidence’ and that:

“Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints”³⁵

- 2.26 The PPG makes clear that such considerations should only feature when establishing a housing requirement, and are entirely irrelevant when objectively assessing housing needs. This principle has been clearly confirmed in legal judgments³⁶ and is retained within the Government’s proposed changes to the PPG³⁷.

- 2.27 While the Publication Draft Plan retains the requirement proposed during the previous stage of consultation, it is understood that a change to the housing requirement was considered by the Council in light of the representations received, which are summarised in section 3 of this report.

- 2.28 The Local Plan Working Group (LPWG) met on 23 January 2018 and was advised of the widespread objection to the proposed requirement for 867 dwellings per annum, given its failure to comply with the SHMA Update and its lack of conformity with existing and emerging national policy³⁸. It was stated that:

“Members must be satisfied that they consider the Submission Draft Plan meets the test of “soundness”. This is a statutory duty. Officers’ advice is that the direction of travel in national policy indicates that if the site proposals previously consulted on were increased this would be a more robust position...In Officers’ opinion, an increase in the

³² *Ibid*, paragraph 3.11

³³ *Ibid*, paragraph 3.13

³⁴ GL Hearn (2016) City of York Strategic Housing Market Assessment, Figure 32 and Figure 40

³⁵ PPG Reference ID 2a-004-20140306

³⁶ 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 (CD 5.7); and Hunston Properties v Secretary of State for CLG and St Albans City and District Council (2013). EWHC 2678. (1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283

³⁷ MHCLG (2018) Draft Planning Practice Guidance

³⁸ City of York Council (23 January 2018) Local Plan Working Group – Report of the Assistant Director of Planning and Public Protection [Agenda Item 4]

*supply of housing would place the Council in a better position for defending the Plan proposals through the Examination process*³⁹ (emphasis added)

- 2.29 The minutes of this meeting have not been published on the Council’s website at the time of writing. However, the minutes of the subsequent Executive meeting on 25 January 2018 confirm that the recommendations of the LPWG differed from officers’, and as a consequence the Publication Draft Plan retains – against officers’ advice – the requirement for 867 dwellings per annum previously proposed.

Emerging Policy in the Housing Market Area

- 2.30 As noted earlier in this section, the NPPF requires housing needs to be met within housing market areas, which may span numerous local authority areas. While the Government’s proposed changes to the PPG reflect an intention to *‘[shift] the focus away from housing market areas’* for the purposes of assessing housing needs, there remains an acknowledgement that *‘in most instances such areas are the most appropriate geographies over which to produce a statement of common ground’*⁴⁰. Such statements are intended to evidence joint working on cross-boundary matters of strategic importance, such as meeting housing needs.
- 2.31 The Council’s evidence has consistently limited its scope to the administrative area of York, although the 2016 SHMA identified an important relationship with Selby which was considered to share a housing market area with the city⁴¹. However, the SHMA did not consider housing needs within Selby to avoid replicating its own recently commissioned evidence.
- 2.32 Gallagher Estates’ submission to the Preferred Sites consultation in September 2016 considered emerging policy in such areas which shared housing market relationships with York. This confirmed that neighbouring Selby could at best make a marginal contribution towards meeting York’s unmet housing needs, if any at all. Other neighbouring authorities – namely Ryedale and Hambleton, parts of which were found to have shared a strong relationship with York – also demonstrated limited scope to accommodate any unmet needs arising elsewhere, particularly given evidence of high housing needs in these locations.
- 2.33 An updated review of neighbouring authorities’ adopted and emerging policies confirms that this remains the case. In summary:
- **Selby** District Council is currently consulting on its Site Allocations Local Plan⁴², which aims to ensure that sufficient land is available to meet housing and employment needs over the next decade. This remains based on the Core Strategy’s adopted requirement for 450 dwellings per annum, given that a subsequent SHMA completed in 2015 established a need for a comparable level of provision (431dpa). While it is understood that an update to this document is currently being prepared, there continues to be no suggestion in the ongoing

³⁹ *Ibid*, paragraph 26 – 27

⁴⁰ DCLG (2017) Planning for the right homes in the right places: consultation proposals, paragraph 68

⁴¹ GL Hearn (2016) City of York Strategic Housing Market Assessment, paragraph 2.103

⁴² Selby District Council (2018) Plan Selby Site Allocations Local Plan: additional sites consultation

consultation documents that Selby is planning to accommodate any of York's housing needs through the Site Allocations Local Plan;

- **Ryedale** District Council adopted its requirement for 200 dwellings per annum in September 2013, which is to be retained within the emerging Local Plan Sites Document⁴³. The latest SHMA indicates that there is a need for between 195 and 213 homes per annum in the district, with the adopted requirement therefore falling towards the lower end of this range. This continues to suggest limited scope to accommodate unmet needs arising from elsewhere, and indeed suggests that there may be a small unmet need for housing arising from the district itself; and
- **Hambleton** District Council continues to retain the regionally derived housing requirement adopted in 2007, which required 320 dwellings per annum reducing to 260 dwellings per annum. The latest update to the SHMA – published in October 2016 – concludes with an OAN for 319 dwellings per annum in the district, which continues to suggest that the adopted requirement at best meets the housing needs of Hambleton with very limited scope to contribute towards meeting unmet housing needs from elsewhere.

2.34 The above confirms that the Council must seek to meet the housing needs of York in full within its administrative boundary, with no indication that neighbouring authorities are capable of contributing to or willing to assist in meeting the city's unmet housing needs through the development of their own Local Plans.

Summary

- 2.35 The Government has identified through national planning policy the need to ensure that authorities progress sound Local Plans to address their housing needs in full. This is required to significantly boost the supply of housing.
- 2.36 The Government is currently consulting on revisions to the NPPF and PPG. These respond to an acknowledged national failure to provide the homes that are needed and a recognition of the scale of housing which now needs to be delivered, and of ensuring that the right homes are provided in the right places.
- 2.37 The Council has consistently failed to deliver a sound Local Plan. The Publication Draft Plan continues to reflect the Council's refusal to plan for the full housing needs of its communities.
- 2.38 In preparing the Local Plan, the Council has published a SHMA which concludes with an OAN of 953 dwellings per annum. The Publication Draft Plan, however, incorrectly seeks to present a lower OAN of 867 dwellings per annum, which it in turn proposes as its housing requirement.
- 2.39 The purporting of a lower OAN has been further challenged in its justification through the Government's proposed revisions to the NPPF, and its intended introduction of a new method for calculating local housing needs. This calculation explicitly requires an

⁴³ Ryedale District Council (2017) The Ryedale Plan – Local Plan Sites Document, Publication Version

adjustment to be applied to respond to evidence of affordability issues. It is this aspect of the OAN calculation which the Publication Draft Plan seeks to omit.

- 2.40 Notwithstanding the clear direction of national policy, the approach proposed conflicts with the existing NPPF and PPG, and is not sound, objective or justified. It will evidently fall short of meeting the full need for market and affordable housing in York.
- 2.41 In the context of an acknowledged failure to plan for the full need for housing, it is apparent that other neighbouring authorities – with which the city has the strongest housing market relationships – do not have any stated intention to meet the unmet needs of York.
- 2.42 Contrary to national policy, this will leave a significant level of housing needs unmet, detrimentally impacting on households and the ongoing sustainability of the city as well as failing to contribute to addressing an acknowledged national housing crisis.

3. Critique of the OAN Evidence

3.1 As previously noted, a number of the technical points of critique originally raised by Gallagher Estates in September 2016 were addressed through the Council's publication of the SHMA Update in May 2017. However, the submitted technical review of the SHMA Update – included as **Appendix 1** – highlighted that the Council's subsequent interpretation of its conclusions meant that there remained technical shortcomings in its approach. The technical shortcomings primarily related to the following three key areas:

- **The selection of a demographic projection which failed to allow for an improvement in younger household formation**, despite the SHMA Update confirming that 873 dwellings per annum would be needed to facilitate such an improvement. This is considered to represent an important demographic adjustment to the '*starting point*' of the 2014-based official projections, which form the basis for the Council's proposed requirement for 867 dwellings per annum;
- **The omission of any adjustment to respond to the evidenced worsening in market signals and associated affordability issues**. Our previous report viewed the 10% uplift recommended in the SHMA Update – but disregarded by the Council – as the absolute minimum level of adjustment necessary and justified in York; and
- **The absence of clear justification for the Council's comparatively low employment growth target**, which contrasted with its apparently more ambitious economic strategy. The SHMA Update also failed to provide technical detail or transparency on the modelling assumptions made in testing the alignment between housing need and job growth, which restricted consideration of the extent to which labour availability may constrain the realisation of economic objectives over the plan period.

3.2 The Council has not presented an update of its SHMA evidence base, and has evidently not sought to address these points. It has equally not published further evidence which justifies the alternative figure preferred.

3.3 In the application of the PPG methodology, the shortcomings listed above remain, and the Council will be examined as to its interpretation and application of the PPG methodology in deriving its Local Plan housing requirement at examination.

3.4 Gallagher Estates' submission during the previous stage of consultation presented evidence justifying these points of critique. Much of this evidence remains up-to-date as it reflects the latest information available at the current point in time, with no further population estimates, household projections or affordability ratios published, for example, since it was prepared in October 2017. Gallagher Estates reserves the

right to comment on the implications of these datasets upon their anticipated release later this year⁴⁴.

- 3.5 Whilst the evidence underpinning the points of challenge relating to demographic and economic aspects has not been updated, Land Registry data on the price paid for housing is updated monthly, and therefore new market evidence is now available to show how the average price paid in York during the latest full calendar year (2017) compared to the preceding year (2016). This is one of the market signals listed within the PPG and provides an indication on short-term changes in the cost of purchasing housing in the city, and the extent to which there is any evidence of an improving or indeed worsening position.
- 3.6 Analysis of the latest house price data shows that both median and lower quartile house prices have continued to increase in York. This in turn will have an impact on the updating of affordability ratio data for the city, albeit it is recognised that this will also take into account any change in income levels over the same period of time.

Table 3.1: Change in Median and Lower Quartile Price Paid in York (2016 – 2017)

	2016	2017	Change
Median	£218,000	£225,000	3.2%
Lower quartile	£175,000	£176,100	0.6%

Source: Land Registry, 2018

- 3.7 While the PPG is clear in requiring comparisons to be made with ‘longer term trends’⁴⁵, this short-term trend importantly indicates that there has been no fundamental recent improvement in local market signals since the SHMA Update was produced. The worsening long-term trends identified in Gallagher Estates’ previous submissions – and indeed the Council’s own evidence, in the form of the SHMA Update – therefore must be addressed in accordance with the PPG through an appropriate adjustment.
- 3.8 Failure to do so would serve to exacerbate an evidenced imbalance between housing supply and demand in the city, which has caused unsustainable growth in house prices and worsened the affordability of housing. This issue is particularly acute in York, with the latest published ratio between median house prices and earnings (8.27) ranking as the sixth worst of the 72 authorities in the north of England⁴⁶. Only two northern authorities had a worse ratio between lower quartile house prices and earnings than recorded in York (8.96), indicating that entry-level housing in the city relative to earnings is amongst the least affordable in the north. The Government clearly believes that such circumstances should compel local authorities to plan for more homes⁴⁷.

⁴⁴ This includes the 2016-based sub-national household projections which are scheduled for release by the ONS in September 2018

⁴⁵ PPG Reference ID 2a-020-20140306

⁴⁶ ONS (2017) Ratio of house price to workplace-based earnings, lower quartile and median

⁴⁷ DCLG (2017) Planning for the right homes in the right places: consultation proposals, paragraph 24

- 3.9 Furthermore, there continues to be no justification for the Council’s decision to omit the adjustment recommended in its own evidence. Ahead of the introduction of the formulaic mandatory adjustment which informs the standard method, Inspectors have continued to view such adjustments as necessary in responding to local evidence of worsening market signals when finding a number of Local Plans sound over the past six months⁴⁸. Inspectors have only considered such uplifts unnecessary where the OAN already exceeds the ‘*starting point*’ by some way, following adjustments made to respond to other parts of the PPG methodology including supporting employment growth⁴⁹.
- 3.10 The above serves to reinforce the challenge stressed within our previous technical review as to the Council’s interpretation of its own evidence base, and the omission of any adjustment for market signals or indeed any adjustment from the ‘*starting point*’. This is not compliant with the PPG methodology and the Council’s approach is unjustified.

Review of Representors’ Critique of the OAN Evidence

- 3.11 The technical review of the OAN submitted by Turley during the previous stage of consultation (**Appendix 1**) concluded that the Council should recognise a need for closer to 1,000 dwellings per annum as a minimum. Noting the absence of updates to the majority of datasets used within the technical review, this conclusion remains.
- 3.12 A review of responses received by the Council during the previous stage of consultation confirms that a number of representors expressed very similar concerns around the interpretation of the OAN evidence and indeed its calculation. As set out in section 2 of this report, the Council has chosen to ignore these objections in their entirety in preparing its Publication Draft Plan.
- 3.13 At a fundamental level, the Council’s decision to disregard its own evidence base by seeking to advance a lower OAN was widely criticised during the consultation, as acknowledged by its officers⁵⁰. The Home Builders Federation⁵¹ (HBF) expressed its view that ‘*neither market signals nor affordable housing need have been taken into account...and the Local Plan is therefore not compliant with the NPPF*’. This was clearly found to conflict with ‘*the spirit of positive planning and the NPPF objective to significantly boost the supply of housing*’.
- 3.14 The omission of any adjustment for market signals was also strongly challenged, with a shared view that an uplift of at least 10% is justified in the local circumstances of York.

⁴⁸ Uplift of 25% considered appropriate in Waverley (February 2018); uplift of 10% justified in Stevenage (October 2017); and uplift of 10% appropriate in Adur (September 2017)

⁴⁹ Derbyshire Dales; North East Lincolnshire; North West Leicestershire; and Kingston upon Hull

⁵⁰ City of York Council (23 January 2018) Local Plan Working Group – Report of the Assistant Director of Planning and Public Protection [Agenda Item 4] Annex A, p16

⁵¹ ID 00145

The Council's summary of objections highlights that *'all concur that this should be included'*⁵².

3.15 For example, Regeneris' technical review of the OAN on behalf of Barwood⁵³ described the Council's stance as *'deeply flawed'* and at odds with evidence of *'strong and entrenched market signals issues across York'*. Numerous Local Plan Inspectors' acceptance of *'the approach of applying a flat percentage uplift of the order of 10% to 20%'* was noted by Regeneris, with an uplift of at least 10% therefore seen to be justified in York.

3.16 Gladman⁵⁴ similarly supported the 10% adjustment applied by the SHMA Update in arriving at its OAN for 953 dwellings per annum as a minimum, and expressed its concern that:

"...in an area such as York where housing affordability is a priority issue, the lower quartile ratio of house price to earnings is increasing...and there is a key Government agenda attached to addressing the affordability of housing, the Council has chosen not to address clear worsening Market Signals evidence in setting their housing requirement in the Local Plan"

3.17 On behalf of a consortium of housebuilders, Lichfields⁵⁵ also noted York's status as one of the least affordable authorities in northern England. This was seen to justify a 10% uplift at the very least, with a 20% uplift more likely to be appropriate given evidence that *'market stress [is]...more severe than the 'modest' uplift the SHMA suggests'*. In this regard, reference was made to the conclusions of the Inspector examining the Eastleigh Local Plan, where a 10% uplift was found to be *'compatible with the "modest" pressure of market signals recognised in the SHMA'*⁵⁶.

3.18 Furthermore, Lichfields' assessment argued that the scale of affordable housing needs in York justified a further 10% adjustment to the OAN, with reference to the approach recommended by the Local Plans Expert Group (LPEG). Such an adjustment was applied within its alternative OAN submitted during the consultation. In combination with the 20% market signals uplift applied to the adjusted demographic projection – which incorporated the 2015 mid-year population estimates and adjusted younger household formation rates (871dpa; Table 3 of the SHMA Update) – this suggested an OAN for **1,150 dwellings per annum** in York.

3.19 The above figure was also framed in the context of the indicative outcome of the standard method, which identifies a need for **1,070 dwellings per annum**. A number of

⁵² City of York Council (23 January 2018) Local Plan Working Group – Report of the Assistant Director of Planning and Public Protection [Agenda Item 4] Annex A, p16

⁵³ Appended to ID 09254

⁵⁴ ID 01705

⁵⁵ Appended to ID 00554

⁵⁶ Planning Inspectorate (February 2015) Report on the Examination into Eastleigh Borough Council's Eastleigh Borough Local Plan, paragraph 41

representors⁵⁷ viewed this indicative figure as the appropriate minimum basis for the emerging housing requirement in York.

- 3.20 Several representors also commented on the extent to which the relationship between housing need and economic growth had been sufficiently taken into account. The HBF noted that the Council's evidence base had successively failed to take the economic ambitions of the Local Enterprise Partnership (LEP) into consideration, and as a consequence had not sought to appropriately balance future employment growth with housing provision. Spawforths expressed similar concerns on behalf of a private landowner⁵⁸. Lichfields restated earlier concerns that outdated economic forecasts had been relied upon within the Council's evidence base, and continued to challenge the lack of transparency on the assumptions made in aligning future job growth with the assessment of housing needs.
- 3.21 The '*unusual*' and '*surprising omission*' of a proper assessment of the need for an economic adjustment to the OAN was particularly noted by Regeneris, highlighting that:
- "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"*
- 3.22 Regeneris noted the SHMA Update's continued reference to employment forecasts previously presented in the Council's evidence base, which suggest that between 609 and 868 jobs will be created annually in York. Notwithstanding the comparatively dated nature of these forecasts, Regeneris presented modelling to suggest that the lower of these forecasts could be supported by the demographic projection, with no economic adjustment required. However, the higher of these forecasts would require provision of circa 1,050 dwellings per annum to accommodate the requisite labour force, when applying reasonable assumptions on labour force behaviour.
- 3.23 When the 10% market signals adjustment found to be the minimum justifiable uplift is applied to this figure, Regeneris concluded that there is an OAN for **circa 1,150 dwellings per annum** in York. Again, the relatively close alignment with the outcome of the proposed standard method was noted, leading Regeneris to conclude that '*all available approaches to housing need, both current and emerging, point to an OAN of at least 1,070 dpa for York*'.
- 3.24 An alternative OAN for York was also established in June 2016 by Barton Willmore on behalf of Barratt and David Wilson Homes, which continues to be referenced within its submission to the latest stage of consultation⁵⁹. In contrast with the Council's evidence at the time – though since addressed through the SHMA Update – this alternative assessment took full account of the 2014-based SNPP, which suggested a need for **920 dwellings per annum** when applying adjustments to recover younger household

⁵⁷ Including but not limited to Lichfields (ID 00554); Savills (ID 00224); Carter Jonas (ID 01741); and Regeneris (ID 09254)

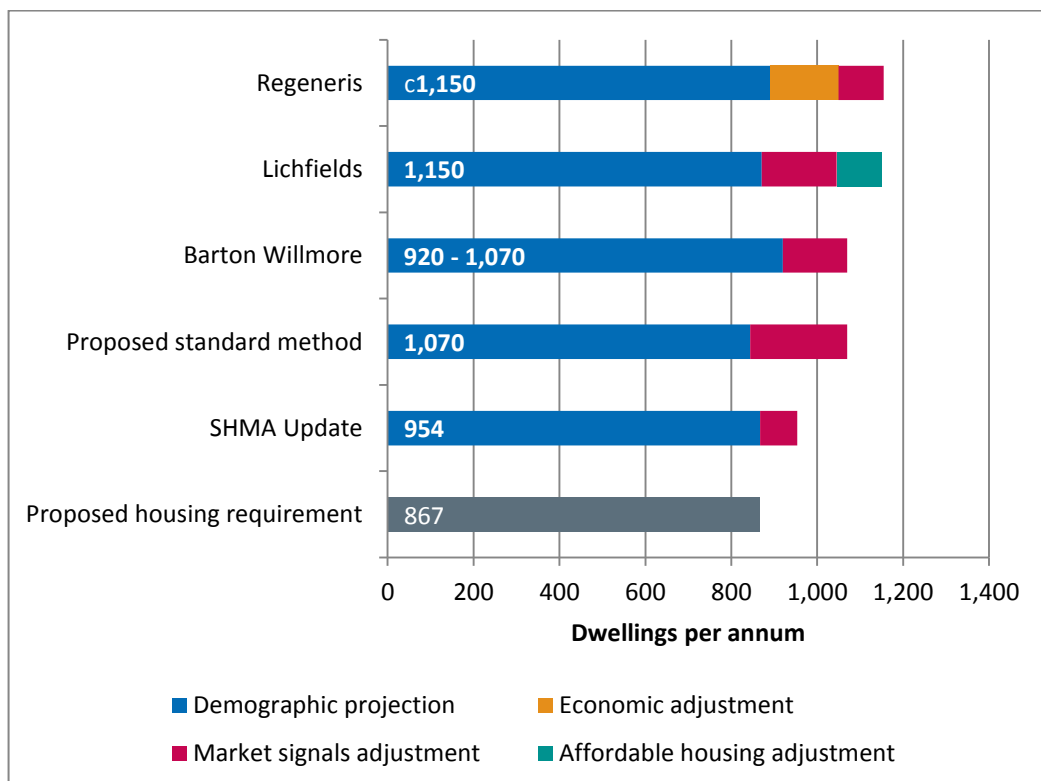
⁵⁸ ID 01299

⁵⁹ Referenced in and appended to ID 13182

formation rates⁶⁰. A further adjustment in response to market signals was also found to be required, with Barton Willmore noting that **1,070 dwellings per annum** would be needed to facilitate the proportionate uplift in national housing completions cited as necessary in the Barker Review to materially improve affordability. The precise alignment between the upper end of this OAN range and the outcome of the Government’s proposed standard method has since been acknowledged by Barton Willmore.

- 3.25 In summary, therefore, the proposed standard method and three alternative assessments submitted by representors each independently conclude that at least 1,070 dwellings per annum are needed in York, as illustrated in the chart below. This indicates that there is a need for around a quarter (23%) more homes than the Council intends to provide through the Publication Draft Plan, at least. In applying the PPG methodology, all of the alternative assessments – including the Council’s SHMA Update – conclude that there is a need to apply some form of upward adjustment to the household projections in arriving at an OAN for York.
- 3.26 This serves to reinforce that the proposed housing requirement in the Publication Draft Plan will demonstrably fail to provide the level of housing growth needed in York, and is not justified or representative of an OAN as the Council has sought to argue.

Figure 3.1: Alternative Assessments of Housing Need in York



Source: Turley analysis of Council evidence and Local Plan representations

⁶⁰ The method through which younger household formation rates are returned differs from that applied in the Council’s SHMA Update, which causes variance from its figure of 873 dwellings per annum

Summary

- 3.27 During the previous stage of consultation, Turley – and indeed a number of other representors – submitted a technical review of the OAN evidence and its interpretation by the Council in the setting of its proposed housing requirement. The absence of any update to the OAN evidence means that the points of technical challenge have not been addressed, despite having been acknowledged by officers.
- 3.28 Since our technical review was produced in October 2017, only a limited amount of new data has been released. The points of challenge on the robustness of both the SHMA Update’s conclusions and the proposed housing requirement therefore remain applicable and based on the latest available information.
- 3.29 Prior to Examination, it is recognised that a number of datasets are due to be updated, and Gallagher Estates reserves the right to comment on their implications at an appropriate time.
- 3.30 Where new evidence has been published – primarily relating to market signals – it is clear that there is continued evidence of a worsening trend in York. With Inspectors continuing to view adjustments as necessary in responding to such evidence of imbalance between housing demand and supply, this reinforces the need to positively respond to worsening market signals through an appropriate uplift. The Council’s omission of any such adjustment remains unjustified, and contrary to the conclusions of its own evidence. It is noted that the Council has not published any further evidence to justify the lower figure preferred.
- 3.31 This section has included a short review of the OAN evidence submitted by other representors during consultation on the Pre-Publication draft of the Local Plan. This highlights a strong degree of commonality in the points of challenge raised and the overall scale of the OAN. All of these variant assessments, including the Council’s own SHMA Update, independently conclude that the full need for housing is higher than that to be provided for within the Publication Draft Plan.

4. Conclusions

- 4.1 This report has been prepared by Turley on behalf of Gallagher Estates to further review published evidence on the OAN for housing in York. The report references technical documents previously prepared by Turley to inform earlier stages of consultation on the emerging York Local Plan⁶¹, with this report prepared to inform Gallagher Estates' representations to consultation on the Publication Draft of the Local Plan which runs until 4 April 2018.
- 4.2 As in the previous stage of consultation – which ran until October 2017 – the Publication Draft Plan includes a proposed requirement for 867 dwellings per annum over the plan period (2012 – 2033). This falls below the OAN for 953 dwellings per annum concluded in the SHMA Update, which was produced in May 2017 and remains the latest evidence of housing needs published by the Council.
- 4.3 At a fundamental level, Gallagher Estates continues to be concerned with the Council's **disregarding of the evidence set out in the SHMA Update**, and its decision to “agree” only with the scale of housing need suggested by the 2014-based household projections. The unjustified dismissal of the market signals adjustment subsequently applied by its consultants results in a figure derived only from a partial application of the PPG methodology, with this approach not objective or sound. The continued omission of any reference to the concluded OAN for 953 dwellings per annum is strongly challenged by Gallagher Estates.
- 4.4 A review of submissions to the previous stage of consultation confirms that similar concerns around the interpretation of the OAN evidence were expressed by a number of representors, with concerns around its calculation also noted. The Publication Draft Plan fails to respond to these concerns.
- 4.5 Our previous technical review identified the following principal points of concern with regards to the Council's OAN evidence and its interpretation into policy:
- **The selection of a demographic projection which failed to allow for an improvement in younger household formation**, despite the SHMA Update confirming that 873 dwellings per annum would be needed to facilitate such an improvement;
 - **The omission of any adjustment to respond to the evidenced worsening in market signals.** The 10% uplift recommended in the SHMA update – but disregarded by the Council – has been commonly viewed as the absolute minimum level of adjustment necessary and justified in York, with at least one representor arguing that a higher uplift of 20% is required; and
 - **The absence of clear justification for the Council's comparatively low employment growth target**, which contrasts with its apparently more ambitious economic strategy. The omission of technical detail and transparency on the

⁶¹ Review of the Objectively Assessed Need for Housing in York, September 2016; An Updated Review of the Objectively Assessed Need for Housing in York, October 2017. This report is included in full as Appendix 1.

modelling assumptions made in testing the alignment between housing need and job growth also restricts proper consideration of the extent to which labour availability may constrain the realisation of economic objectives over the plan period.

- 4.6 The above points of critique led Turley to previously conclude that closer to 1,000 dwellings per annum are likely to be needed in York to meet demographic needs and provide the absolute minimum response of 10% reasonable and necessary to respond to market signals. This conclusion remains valid, and indeed is reinforced by evidence of a continued worsening in market signals which – if not addressed – will result in a further deterioration in the affordability of housing in the city. York already ranks amongst the least affordable authorities in the north, particularly at entry level.
- 4.7 A review of other representations has identified three alternative OAN assessments submitted during the previous stage of consultation which similarly concluded that in excess of 1,000 dwellings per annum are needed in York, broadly aligning with the indicative outcome of the proposed standard method for calculating housing needs (1,070dpa). This suggests an annual need for around a quarter (23%) more homes than the Council intends to provide through the Local Plan, as a minimum.
- 4.8 The proposed housing requirement is therefore derived from evidence which fails to comply with the PPG, against which its soundness will be tested before the introduction of the new standard method. This failure to ensure consistency with national policy – coupled with the lack of justification for an approach which will not be effective in meeting York’s housing needs through a positively prepared Local Plan – means that the Publication Draft Plan **fails the tests of soundness** defined through the NPPF.
- 4.9 In the context of an acknowledged failure to plan for the full need for housing, it is apparent that other neighbouring authorities – with which the city has the strongest housing market relationships – do not have any stated intention to meet the unmet needs of York. Contrary to national policy, this will leave a significant level of housing needs unmet, detrimentally impacting upon households and the ongoing sustainability of the city as well as failing to contribute to addressing an acknowledged national housing crisis.

**Appendix 1: Technical Review of the OAN
submitted during the Pre-
Publication Draft Plan Consultation
(October 2017)**

**An Updated Review of the
Objectively Assessed Need for
Housing in York**
Gallagher Estates

October 2017

Turley

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Client
Gallagher Estates
Our reference
GALY3010

16 Oct 2017

1. Introduction

- 1.1 This report has been prepared by Turley Economics on behalf of Gallagher Estates to provide an evidence-based review and critique of the proposed scale of housing provided for within the composite draft Pre-Publication Local Plan (Regulation 18) (hereafter 'the Draft Plan') which was published by City of York Council ('the Council'). This document has been published for consultation to 30 October 2017.
- 1.2 In response to the Council's previous consultation on the Local Plan Preferred Sites Consultation report in September 2016, Turley submitted representations on the evidenced objective assessment of housing need (OAN) on behalf of Gallagher Estates.
- 1.3 It is acknowledged that in publishing the Draft Plan for consultation, the Council has updated its evidence base to take account of the latest available data and representations, including those submitted by Gallagher Estates. The Council's latest published evidence is set out within the '*Strategic Housing Market Assessment – Addendum Update*' ('the SHMA Update') which was published in May 2017.
- 1.4 Gallagher Estates welcome the Council's updating of its evidence base. It is recognised that a higher OAN for 953 dwellings per annum (dpa) has been evidenced within this update, relative to that concluded in the 2016 SHMA (841dpa) and its subsequent addendum (706 – 898dpa).
- 1.5 The identified higher level of need is considered to respond positively to the representations made by Gallagher Estates, and others, on the previous evidence base reports. It is also considered to broadly follow the methodological steps outlined in Planning Practice Guidance (PPG), which continues to represent the most up-to-date guidance for calculating housing need.
- 1.6 However, this report continues to highlight a number of concerns with the evidence base and the scale of housing need identified. These are focused on a number of specific elements of the methodology as applied.
- 1.7 More fundamentally, Gallagher Estates is significantly concerned with the Draft Plan's disregarding of the evidence set out in the SHMA Update. In publishing the Draft Plan, the Council has taken the decision to disagree with its own evidence base document, preferring to revert to a position which only recognises the scale of housing growth represented by the '*starting point*' of the 2014-based sub-national household projections (SNHP). The Draft Plan therefore expressly advances a variant OAN of only 867 dwellings per annum.
- 1.8 This seeks to retain close alignment with the level of need identified and planned for in the previous evidence base documents. As identified within this report, this earlier evidence attracted significant criticism.
- 1.9 This position cannot be viewed as sound. The Council has presented no evidence to justify deviation from the OAN most recently identified in its own evidence base, nor the reasons for preferring its alternative figure.

- 1.10 Furthermore, the timing of this consultation on the Draft Plan in no small part responds to wider events.
- 1.11 In February 2017, the Government published its Housing White Paper (HWP). Through the HWP, the Government reaffirmed its appreciation of the scale of the acknowledged national housing crisis and the need for *'radical, lasting reform that will get more homes built right now and for many years to come'*¹.
- 1.12 On 14 September, the Government published its consultation proposals *'Planning for the right homes in the right places'*. This incorporates a new methodological approach for calculating housing needs, with the Government publishing an indicative OAN for each authority in England. The consultation period runs until 9 November 2017 with the Government setting itself the ambition of incorporating updates to current guidance alongside a revised National Planning Policy Framework (NPPF) in Spring 2018.
- 1.13 Under the standardised method proposed, the indicative figures published by DCLG indicate that York should as a minimum plan to meet a need for 1,070 dwellings per annum over the next decade (2016 – 2026).
- 1.14 It is recognised that the methodology is only published for consultation, and there is no certainty that it will continue to be advanced in its current form or in an adapted form. However, it is apparent that the DCLG's indicative OAN exceeds that concluded in the Council's evidence base to a relatively modest degree and the alternative figure selected by the Council to a much greater extent. Even recognising the limited weight which can be placed on the outcomes of the proposed standardised methodology, this places the Council's purported reduction in its OAN under even starker scrutiny.
- 1.15 Under the DCLG's proposals, the Council would be required – in the absence of an up-to-date Local Plan – to plan on the basis of the standardised methodology from 1 April 2018. The Council's decision to accelerate its plan-making process represents a clear response to this timetable, with the plan to seek to ensure that the submitted Plan is tested against the current guidance.
- 1.16 In this context, this report continues to critique the Council's evidence on the basis of its application of the current PPG methodology. Consideration is, however, given to the implications of the methodology currently being consulted upon by DCLG as considered appropriate.
- 1.17 This report is structured as follows:
- Section 2: The Updated OAN Evidence Base and the Draft Housing Requirement
 - Section 3: Critique of the OAN Evidence and the Implications of the Changing National Policy Context
 - Section 4: Conclusions

¹ DCLG (February 2017), 'Housing White Paper: Fixing our broken housing market' , pg 7

2. The Updated OAN Evidence Base and the Draft Housing Requirement

- 2.1 This section summarises the Council’s latest evidenced OAN for housing and compares it with the evidence previously reviewed in the critique report submitted during the last round of Local Plan consultation.
- 2.2 A summary is also provided as to the Council’s decision to disregard the conclusion of its own evidence base in preference of an alternative figure.

The 2017 SHMA OAN

- 2.3 The SHMA Update asserts that its objective assessment of housing need complies with the NPPF and PPG. It concludes with an OAN of 953 dwellings per annum over the plan period (2012 – 2032).
- 2.4 Table 2.1 compares the latest OAN with that presented within the 2016 SHMA, providing a comparison of the input assumptions and adjustments applied following the PPG methodology.

PPG Methodological Step	2016 SHMA (dpa)	2017 SHMA Update (dpa)
‘Starting Point’	783 (2012-based SNHP)	867 (2014-based SNHP)
Demographic Adjustment	+ 50	+0
Economic Alignment	+0	+0
Market Signals	+ 8	+87
Concluded OAN	841dpa	953dpa

Source: GL Hearn, 2016 & 2017

- 2.5 The increase in the OAN in the latest SHMA Update by some 112 dwellings a year is a result of:
- **An increase in the demographic starting point.** Even with the demographic adjustment in the 2016 SHMA, the underlying level of need associated with projected household growth alone is some 34 dwellings a year higher as a result of the 2014-based SNHP;
 - **A more pronounced adjustment to respond to evidence of worsening market signals.** The scale of adjustment relating to this element is some ten times greater, representing an additional 79 dwellings a year higher.

A Reminder of the Historical Context of the OAN in York

- 2.6 Our previous critique report included a review of the historical position as to the evolution of the calculation of housing need in York and its translation into policy. Whilst this is not replicated here, it is considered important to reflect on:

- The latest adopted housing requirement in York remains based on the Yorkshire and Humber Regional Spatial Strategy (RSS), requiring the provision of 850 net additional dwellings per annum between 2008 and 2026. The evidence prepared to inform this requirement indicates that this represented a target based on constraints, which evidently differs from an objective assessment of need as required through the NPPF where constraints should not be taken into account; and
- The development of the York Local Plan has spanned a number of years, and the Council has produced a significant body of evidence which considers the need for housing in the city. The scale of housing provision has evidently been a critical issue for the development of planning strategy over this time, with progress on an earlier draft – providing an average of 996 dwellings per annum – halted in September 2014 to review the overall housing requirement.

2.7 This provides a clear indication that the scale of need as established through the latest SHMA is not disproportionate to the evidence which has been historically assembled.

2.8 The Council has, however, a continued and clear track record of seeking to avoid planning to fully meet its needs. This reflects the historical context of the RSS which established a requirement which itself did not seek to accommodate full need, albeit within a wider regional framework which ensured that needs were re-distributed and therefore met in full.

The Council's Draft Local Plan 'OAN'

2.9 The Council's Draft Plan references '*technical work*' recently commissioned, implying that '*this work has updated the demographic baseline for York based on the July 2016 household projections*'². The updated demographic baseline of 867 dwellings per annum is referenced. The Draft Plan states that the Council has considered the '*outcomes of this work*' and '*aims to meet an objectively assessed housing need of 867 new dwellings per annum*'.

2.10 As noted earlier in this section, the SHMA Update expressly concludes that an uplift from this baseline to 953 dwellings per annum is needed to respond to '*both market signals and affordable housing need*'. The 867dpa figure referenced in the Draft Plan is only described within the SHMA Update as the '*starting point*' for the assessment and is not representative of – or indeed described as – the OAN for housing in York.

2.11 The Draft Plan entirely omits reference to the OAN for 953 dwellings per annum concluded in the SHMA Update.

2.12 The SHMA Update as published is prefaced by a note drafted by the Council to provide an '*introduction and context to [the] objective assessment of need*'. This acknowledges that the PPG describes '*official projections...as a baseline only*', but proceeds to "accept" only this figure. It is stated that:

² City of York Local Plan – Pre-Publication Draft (Regulation 18 Consultation September 2017), City of York, Paragraph 3.3

“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 [867] for market signals (to 953 dwellings), 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

- 2.13 This demonstrates that the Council has dismissed the adjustment applied by its consultants and selected a figure derived from a partial application of the PPG methodology.
- 2.14 The reasonableness of the recommended market signals adjustment is considered further in the next section. Outside of this, however, it is also clear that the Council has directly sought to take account of factors which explicitly fall outside of the OAN process, as specified within the PPG:

“The assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints. However, these considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans”⁴

- 2.15 The inference that ‘*environmental considerations*’ should moderate the Council’s OAN evidently strays into the process of establishing a housing requirement, and is wholly irrelevant in objectively assessing needs.
- 2.16 This is clearly confirmed in legal judgments, which have highlighted that the NPPF requires a two stage process whereby the OAN is first identified before justification is provided as to whether or not this can be accommodated in the establishment of the housing requirement⁵.
- 2.17 The approach taken by the Council is therefore unsound even outside of any consideration as to the technical components of the OAN calculation.

³ City of York Strategic Housing Market Assessment Update, September 2017 (Introduction and Context to Objective Assessment of Housing Need)

⁴ PPG Paragraph Reference ID: 2a-004-20140306

⁵ 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 (CD 5.7); and Hunston Properties v Secretary of State for CLG and St Albans City and District Council (2013). EWHC 2678. (1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283.

3. Critique of the OAN Evidence and the Implications of the Changing National Policy Context

- 3.1 As set out in section 1, Turley submitted a technical review of the previous OAN evidence base as part of the last Local Plan consultation.
- 3.2 It is acknowledged that the most recently published SHMA Update has taken into consideration a number of the points raised through this review. Indeed, it is considered helpful that Appendix A to the SHMA Update includes a summary of the points raised by Turley and other parties with regards to the OAN and the action taken to respond.
- 3.3 This section initially considers the points raised in our last review and the response provided in the SHMA Update. A number of points of critique are considered to remain and these are presented with supporting evidence. It is recognised that in large part these relate to the Council's interpretation of the evidence as opposed to the evidence itself.
- 3.4 Before presenting the technical points of critique, the section considers the implications of the Government's ongoing consultation proposals '*Planning for the right homes in the right places*'. It is acknowledged that the consultation period extends beyond the York Local Plan consultation period, and that – given its status as a consultation – it should be given only appropriate weight at this stage. However, it is considered to signal the clear direction of travel the Government is seeking to follow in its realisation of the HWP and wider planning reforms. This will form an important context for the Council in its preparation of a submission version of the Local Plan.

Previous Points of Critique

- 3.5 The OAN technical review previously submitted identified the following key areas of critique in the derivation of the previous OAN of 841 dwellings per annum:
- Insufficient consideration was given to the higher level of need implied by the 2014-based sub-national population projections (SNPP), albeit it was recognised that these were released close to the publication date of the SHMA;
 - The absence of a significant adjustment to the demographic-based projections of need fails to take adequate consideration of the factors which have influenced the past historic period upon which trends are based. Not least, this included a recognition that the city has consistently failed to produce an up-to-date Local Plan and corresponding supply of land to address housing needs;
 - Insufficient detail was provided to appraise the robustness of and justification for applying no uplift to support future job growth. The evidence was considered to suggest that there was a significant risk that the concluded OAN will serve to constrain rather than support the city's forecast economic growth; and

- The SHMA's recommended 1% upward adjustment to respond to a clearly evidenced worsening of market signals was not considered to be justified. A more significant adjustment would be justified by the SHMA's own analysis of market signals.
- 3.6 It is apparent from the review of representations received following the last stage of consultation – as set out in Appendix A to the SHMA Update – that these points of concern and critique were shared by others. Indeed, it is considered of note that twelve responses were received and were considered to provide a detailed challenge to the OAN consultation, of which the response submitted by Turley is listed as one⁶.
- 3.7 It is also noted that within these responses a number of alternative OANs were proposed. For example, an alternative OAN was submitted by NLP on behalf of a consortium of housebuilders, concluding that there is a need for at 1,125 dwellings per annum in York and indeed that a higher figure of 1,255 dwellings per annum would be justified to meet affordable housing needs in full.
- 3.8 Subsequent to the consultation in November 2016, a more up-to-date OAN assessment was also submitted by Regeneris as part of evidence to a recent S78 Inquiry⁷. This concluded that an OAN of at least 1,020 dwellings per annum was reasonable.
- 3.9 The justification for the higher range of housing need in both studies was primarily predicated upon the integration of more up-to-date population and household projections with adjustments applied to respond to evidence of historic under-supply and a worsening of affordability and a more pronounced and separate adjustment responding to market signals.

Consultation on a Standardised Methodology

- 3.10 As referenced in section 1 of this report, the Government published its Housing White Paper⁸ in February 2017. This proposed a range of '*radical reforms*' to respond to the acknowledged national housing crisis, including the introduction of a new standardised method for calculating housing needs to minimise delays in plan-making and ensure that local authorities cannot '*duck potentially difficult decisions*'⁹.
- 3.11 On 14 September, the Government published its proposed methodology for consultation¹⁰. An illustrative figure calculated through the proposed method was also published for each authority in England. The consultation period runs until 9 November 2017, with the Government setting itself the ambition of incorporating updates to current guidance alongside a revised NPPF in Spring 2018.
- 3.12 A simplification is sought through a reduced number of methodological steps, when compared with the existing PPG. The 2014-based household projections remain a '*starting point*', with two subsequent stages applying upward adjustments based on market signals and capping the level of any increase.

⁶ City of York SHMA Addendum (May 2017) – Appendix A), Paragraph 5.12

⁷ APP/C2741/W/16/3149489 – Appendix 1 to the Planning PoE of the Appellant

⁸ DCLG (February 2017), 'Housing White Paper: Fixing our broken housing market', pg 7

⁹ Ibid (p14)

¹⁰ DCLG (September 2017) Planning for the right homes in the right places: consultation proposals

- 3.13 The indicative figures produced by DCLG alongside its consultation document highlight the implications for York, suggesting a need for some 1,070 dwellings per annum. This is derived from household projections over a ten year period (2016 – 2026).
- 3.14 The indicative level of need suggested by the DCLG methodology is evidently some 117 dwellings per annum higher than that concluded in the SHMA Update. However, the scale of difference is even more pronounced when compared with the alternative OAN selected by the Council, being some 203 dwellings per annum higher – an increase of almost a quarter (23%).
- 3.15 Taken over a twenty year period, this would suggest an additional need for in excess of 4,000 dwellings within the city.
- 3.16 As set out above, the DCLG proposed methodology represents a considerably simplified approach. The 1,070dpa figure is calculated based upon:
- A projected growth of 844 households per annum under the 2014-based household projections over the 2016 – 2026 period; and
 - An upward adjustment of 26.7% to respond to market signals. This is calculated using the Government’s formula, recognising that York currently has an affordability ratio¹¹ of 8.27.
- 3.17 The consultation documents also include a proposed process for transitioning to the new methodology. The proposition is that where plans have not been submitted for examination on or before the 31 March 2018 – or the date at which the revised NPPF is published, if later – authorities will be expected to plan on the basis of the outcomes of the standardised methodology.
- 3.18 It is understood that the Council intends to accelerate their programme for submission to ensure that the Plan is submitted in advance of this deadline. It is readily apparent – given the significant length of time taken to date to submit the Local Plan – that this is a direct response to this deadline. The Council is therefore seeking to advance the Plan on the basis of its current evidence, rather than respond to the implications of the DCLG consultation proposals as currently drafted.
- 3.19 It is of note that the DCLG proposals are clear to introduce the standardised OAN as a ‘*minimum*’ position of housing need. Indeed, the consultation documents confirm the expectation that authorities will use the standardised method to establish a minimum level of need, although it is proposed that:
- “Plan makers may put forward proposals that lead to a local housing need above that given by our proposed approach. This could be as a result of a strategic infrastructure project, or through increased employment (and hence housing) ambition as a result of a Local Economic Partnership investment strategy, a bespoke housing deal with Government or through delivering the modern Industrial Strategy”¹²*

¹¹ Median workplace-based affordability ratio

¹² DCLG (September 2017) Planning for the right homes in the right places: consultation proposals, Paragraph 46

- 3.20 This forms an important context in considering the scale of the economic ambition of the Council and its partners within the wider economic geography within which York operates. A failure to plan positively for new housing in the context of a realisation of the economic growth objectives of the city will place increasing pressure on the housing market, having implications for the affordability of housing and leading to unsustainable commuting patterns.

Updated Technical Points of Challenge on the OAN

Demographic Projections

- 3.21 The approach taken in the SHMA Addendum to consider more fully the 2014-based SNPP is welcomed and responds to the previously raised concern.
- 3.22 The conclusion that the higher implied population growth within this dataset is reasonable and reflective of more recent demographic pressures is also welcomed.
- 3.23 It is agreed as the SHMA identifies that the latest demographic evidence confirms ‘*very strong trends*’ in population growth which would mean that any suggestion of a lower level of growth which ignores these more recent trends would ‘*not be defensible*’¹³. It is also agreed that suggesting a lower level of demographically driven housing need would ‘*risk under-estimating the true housing need in the City*’¹⁴.
- 3.24 It is also agreed that it is appropriate and necessary to take into account evidence of the historic suppression of younger household formation, with this primarily linked to worsening affordability over recent years.
- 3.25 The 2017 SHMA indicates that an adjustment based on their return to rates seen in 2001 would elevate the demographic projection of need to 873 dwellings per annum using the 2014-based SNHP¹⁵. As a minimum this is considered to represent a baseline demographic level of need.
- 3.26 It is noted that this adjustment in isolation indicates a higher level of need than advanced through the Draft Plan (867dpa). This suggests that the Draft Plan fails to provide even for a basic level of demographic housing need.

Market Signals

- 3.27 The 2017 SHMA, as noted in section 2, proposes a more pronounced adjustment to respond to market signals. A 10% adjustment is deemed as being required and reasonable to account for evidence of worsening market signals. A more pronounced uplift is welcomed and responds positively to the points of critique raised previously.
- 3.28 The importance of this adjustment is directly referenced in the SHMA Update’s conclusion which states that the level of need implied by the ‘*starting point*’ projections whilst meeting demographic (and economic) needs:

“...would not however address the City’s affordability issues”

¹³ City of York SHMA Addendum (May 2017), paragraph 2.12

¹⁴ *Ibid*, paragraph 2.13

¹⁵ *Ibid*, Table 3

3.29 The PPG expressly identifies that:

“The housing need number suggested by household projections (the starting point) 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.¹⁶”

3.30 It also confirms in making a ‘reasonable’ adjustment that:

“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.¹⁷”

3.31 The Government’s current consultation on a standardised methodology for calculating OAN re-asserts the principle as to a need for adjustment to respond to evidence of affordability issues stating:

“There is a longstanding principle in planning policy that assessing an appropriate level of housing must address the affordability of new homes, which means in practice that projected household growth should be adjusted to take account of market signals¹⁸.”

3.32 A mandatory upward adjustment, responding to this aspect, is proposed through Step 2 of the proposed standardised methodology.

3.33 There is therefore a clear existing imperative for the OAN to take full account of issues relating to affordability. The proposed standardised methodology retains this requirement for an adjustment, placing even greater weight on the importance of this aspect in terms of ensuring that housing is ‘delivered in the places where affordability is worst¹⁹.’

3.34 The Draft Plan and the Council’s evidence base both agree that affordability represents an issue for the City. Indeed the Draft Plan recognises in its review of the evidence base the clear indicators of this affordability issue:

“There is a notable affordable housing need in York...In terms of market signals the City of York Strategic Housing Market Assessment and Addendum (2016) (SHMA) reports that by Q2 2016 median house prices in York had reached £225,000 a notably increase on the Q4 2014 position of £195,000. The SHMA also notes that the median private rental data shows a median rental price of £700 pcm for York which compares to the average in England of £650 per calendar month and in the Yorkshire and Humber region of England of £500 pcm. Looking at the relationship between lower quartile house prices and lower quartile earnings indicates that as of 2015 the lower quartile house prices in York are 8.9 times higher than lower quartile earnings.²⁰”

¹⁶ PPG Reference ID: 2a-019-20140306

¹⁷ PPG Reference ID: 2a-020-20140306

¹⁸ DCLG (September 2017) Planning for the right homes in the right places: consultation proposals, Paragraph 19

¹⁹ *Ibid*, Paragraph 21

²⁰ City of York Local Plan – Pre-Publication Draft (Regulation 18 Consultation September 2017), City of York, Paragraph 1.46

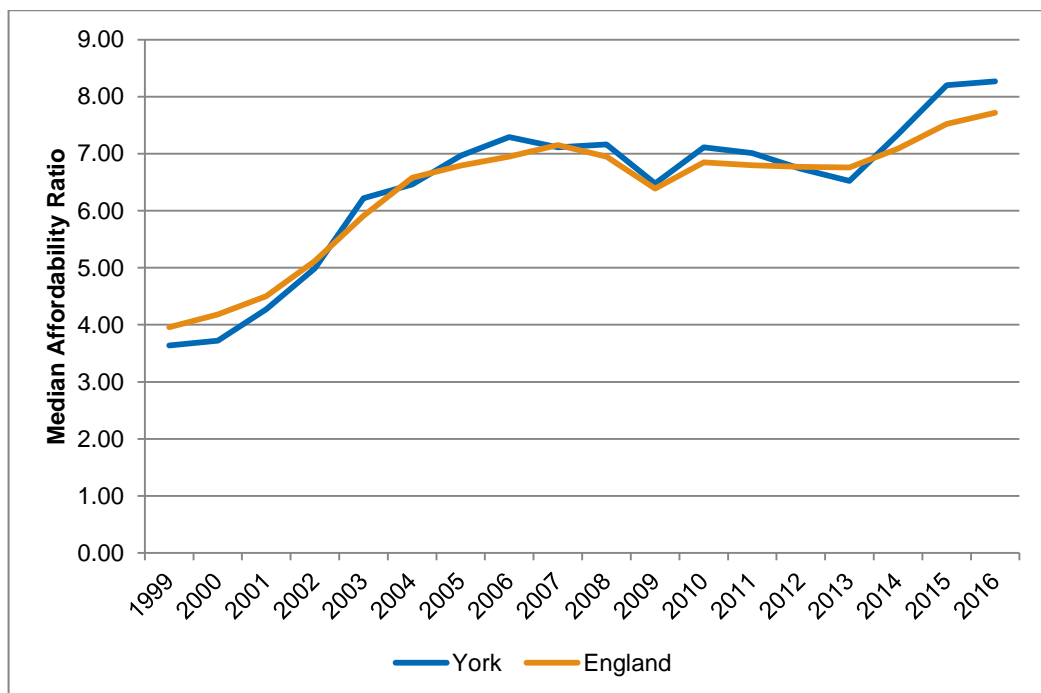
3.35 The ONS published a series of affordability tables covering each authority in England and Wales in March 2017. These include updated analysis for the last year (2016). This highlights that:

- Lower quartile house prices in York were 8.9 times (rounded) residents' lower quartile annual earnings in 2016, increasing from 8.6 in 2015. The median affordability ratio has also risen from 8.2 to 8.3 over the last year; and
- Lower quartile house prices in York were 9.0 times (rounded) workers' lower quartile annual earnings in 2016, increasing from 8.7 in 2015. The median affordability ratio has also risen from 8.2 to 8.3 (rounded) during this period.

3.36 This clearly confirms that affordability issues in York have continued to worsen even over the last year.

3.37 The scale of worsening in affordability is shown when looking at the workplace-based median house price to median earnings ratio back over time as shown in Figure 3.1. This is compared with national figures. This clearly shows a recent rise with the ratio exceeding that seen prior to the recession and confirming the scale of the challenge facing households in the city looking to access the local housing market.

Figure 3.1: Workplace-based Median Affordability Ratio in York and England (1999 – 2016)



Source: ONS, 2017

3.38 Reflecting on the market signals evidence presented in the SHMA Update – as well as the latest datasets – it is considered that a 10% adjustment should be considered as an absolute minimum level of adjustment required. It is considered that there is an

evidenced justification for potentially suggesting a more pronounced adjustment would also be reasonable.

- 3.39 In order to provide a clearer application of the PPG methodology, it is also considered that this adjustment would be beneficially applied separately to the adjusted demographic projection. This would imply a slightly higher level of need for 960 homes each year.
- 3.40 It is noted that this scale of adjustment still falls below that indicated by the draft DCLG standardised methodology, which as noted above is closer to a 27% adjustment. It is considered that this further serves to both highlight the need for such an adjustment and the fact that the SHMA's recommended adjustment falls very much at the lower end of a reasonable response.
- 3.41 It is readily apparent that the Council's decision to simply disregard the justification for any market signals adjustment is clearly at odds with national guidance and its own evidence base and simply ignores the clear evidence of the symptoms of worsening affordability in the latest data. The SHMA Update, as noted above, provides a clear explanation of the justification for an uplift.
- 3.42 It is noted that by implication this adjustment is intended to form part of the response to an identified accumulation of a 'backlog' of some 2,051 units between 2004/05 and 2015/16, which *'is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection'*²¹.
- 3.43 The Council's proposition that no additional need is required to be provided for above the *'starting point'* projection effectively serves to dismiss the implications of this historic failure to provide the homes that were needed. This fails the test of reasonableness and is clearly not justified. The implied reduction in the need must therefore be viewed as unsound.

Employment Growth

- 3.44 It is recognised that the higher implied level of demographic growth represented by the 2014-based SNPP will in turn support a more marked growth in the working-age population²² and therefore the level of labour-force which will likely be available to support employment over the plan period.
- 3.45 The capacity to support employment growth is considered important in accordance with both the PPG and the proposals under the proposed standardised OAN methodology. In the context of York, this is reinforced through the vision outlined in the Draft Plan, which includes a clear economic strand by asserting:

"The Local Plan will enable York to realise its economic growth ambitions as set out within the York Economic Strategy (2016), contributing to a vibrant economy. This will include York fulfilling its role as a key driver in the Leeds City Region, York, North

²¹ City of York SHMA – Addendum (May 2017), Paragraph 3.15

²² The projected growth of the working age population, alongside growth in younger and older households, was illustrated in Figure 4.4 of our previous technical review, with this illustrating the more positive position presented than the previous 2012 SNPP.

*Yorkshire and East Riding Local Enterprise Partnership (LEP) area and the functional York Sub-area. In doing this York will have a key role in leading economic growth and job creation within the local area.*²³

- 3.46 It is, however, noted that the Council continues to take a cautious approach to the scale of job growth which will be achieved over the plan period. The Draft Plan notes:

*“...there are inherent uncertainties in long term economic forecasting and the Plan takes a cautious approach using the baseline forecast to inform the land requirements in the Plan”*²⁴

- 3.47 However, this is immediately followed by a statement of ‘ambition’:

*“However this does not mean that the Council is tempering its economic ambition for the city. It continues to believe that local interventions such as the ‘Growth Deal’ with Government will promote faster growth in key sectors and there is flexibility in the Plan’s allocation of sites to accommodate this”*²⁵

- 3.48 It is considered that whilst the SHMA evidence confirms that the forecast levels of employment growth can be supported by the OAN, the Council should provide a greater level of clarity as to the justification for its selection of a comparatively low employment target against the backdrop of an apparently more ambitious economic strategy.

- 3.49 In our previous technical report, we raised concerns around the lack of transparency in the assumptions applied in assessing the balance between job growth and labour-force growth in the demographic projections. It is disappointing that no further information has been provided in this regard. Whilst – as set out above – it is recognised that the comparatively strong growth in population would reasonably be anticipated to support the ‘baseline’ level of employment growth supported by the Council, the absence of this information presents a challenge in understanding the extent to which it could act as a constraint on more ambitious levels of employment growth in the future.

- 3.50 The response to this issue provided in Appendix A to the SHMA Update is not considered to be sufficient in this regard. Reference is made to the outputs of the modelling being ‘*integrated within the forecasts*’. As we highlighted in our previous technical review, this indicates a level of adjustment which may or may not appear reasonable in the context of the current and anticipated operation of the labour market. A greater level of transparency would have significant benefits in reassuring on this point.

²³ City of York Local Plan – Pre-Publication Draft (Regulation 18 Consultation September 2017), City of York, Paragraph 2.1

²⁴ City of York Local Plan – Pre-Publication Draft (Regulation 18 Consultation September 2017), City of York, Paragraph 1.36

²⁵ *Ibid*

4. Conclusions

- 4.1 This report has been prepared by Turley Economics on behalf of Gallagher Estates to provide an evidence-based review and critique of the proposed scale of housing provided for within the composite draft Pre-Publication Local Plan (Regulation 18) ('the Draft Plan'). This follows representations submitted by Turley in response to the Council's previous consultation in September 2016.
- 4.2 It is acknowledged that the Council has updated its evidence base to support the development of the Draft Plan, taking account of the latest available data and representations including those submitted by Turley on behalf of Gallagher Estates. The Council's latest published evidence is set out within the '*Strategic Housing Market Assessment – Addendum Update*' which was published in May 2017.
- 4.3 Gallagher Estates welcomes the Council's updating of its evidence base. It is recognised that a higher OAN for 953 dwellings per annum (dpa) has been evidenced within this update, relative to that concluded in the 2016 SHMA (841 dpa) and its subsequent addendum (706 – 898 dpa).
- 4.4 The higher level of need identified is considered to respond positively to the representations made by Gallagher Estates, and others, on the previous evidence base reports. It is also considered to broadly follow the methodological steps outlined in Planning Practice Guidance (PPG), which continues to represent the most up-to-date guidance for calculating housing need.
- 4.5 At a fundamental level, Gallagher Estates is significantly concerned with the Draft Plan's **disregarding of the evidence set out in the SHMA Update**. In publishing the Draft Plan, the Council has taken the decision to disagree with its own evidence base document, preferring to revert to a position which only recognises the scale of housing growth represented by the '*starting point*' of the 2014-based sub-national household projections (SNHP). The Draft Plan therefore expressly advances a variant OAN of only 867 dwellings per annum, and entirely omits reference to the OAN for 953 dwellings per annum concluded in the SHMA Update.
- 4.6 This demonstrates that the Council has dismissed the adjustment applied within its evidence and selected a figure derived from a partial application of the PPG methodology. In justifying the advanced OAN the Council has made a clear inference that environmental constraints in particular should moderate the Council's OAN. This evidently strays into the second part of a two stage process in establishing a housing requirement, and is wholly irrelevant in objectively assessing needs as confirmed through legal judgments. **The approach taken by the Council is therefore unsound even outside of any consideration of the technical components of the OAN calculation.**
- 4.7 A technical review of the OAN concluded in the latest SHMA justifies its resultant increase in the OAN for York, indicating that its concluded need for 953 dwellings per annum at best represents the minimum level of need which should be planned for. This is considered on the basis that:

- **The 2014-based sub-national population projections (SNPP) represent an appropriate ‘starting point’ in projecting housing need**, as advocated in our previous representations. However, the SHMA Update continues to indicate that a return to higher levels of younger household formation would elevate the need for housing implied by the 2014-based household projections to 873 dwellings per annum. As a minimum, this is considered to represent a baseline demographic need for housing;
- **A 10% uplift is the absolute minimum level of adjustment required to respond to evidence of worsening market signals.** It is considered that a more pronounced adjustment could be reasonably justified by the evidence. Furthermore, a clearer application of the PPG methodology would apply this uplift to the adjusted demographic projection (873dpa), implying a slightly higher need for 960 dwellings per annum; and
- Although the stronger population growth suggested by the 2014-based projections would be likely to grow the labour force and support job creation in York over the plan period, **greater clarity should be provided on the Council’s justification for selecting a comparatively low employment target** in the context of its apparently more ambitious economic strategy. It is also disappointing that the SHMA Update fails to provide any further technical clarification on the modelling assumptions used to check the alignment between job growth and housing need, and further transparency in this regard would ensure that the vision for economic growth is not constrained by labour availability.

4.8 The above strongly challenges the Council’s assertion that there is no justification for uplifting housing need beyond the demographic ‘starting point’, or indeed that there is justification for deviating from the evidenced conclusions of its SHMA Update. This position effectively serves to dismiss the implications of an historic failure to provide the homes that are needed in York, is clearly not justified and fails the test of reasonableness. The implied reduction in housing need is therefore unsound.

4.9 The OAN referenced in the Draft Plan fails to fully comply with the PPG, which remains the most up-to-date guidance on the approach to be followed in objectively assessing housing needs. It is evident that the Council has sought to accelerate its plan-making process to ensure that its Local Plan is tested against this guidance, in preference to the outcome of the new methodology currently being consulted upon by DCLG. The latter is intended to form the basis for Local Plans submitted from 1 April 2018, or from publication of the new NPPF if later.

4.10 The new methodology proposed by DCLG indicates a higher need for 1,070 dwellings per annum in York. This relatively closely aligns with the evidence presented in this report, which indicates a need for close to 1,000 dwellings per annum in the city. In the context of this proposed change in guidance – and the technical points identified above – it is strongly suggested that the Council should be planning to accommodate closer to 1,000 dwellings per annum. The Council’s attempt to justify an OAN of only 867 dwellings per annum is therefore unjustified, strongly challenged and must be revised prior to submission of the Local Plan in order for the housing figure to be found sound.

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APPENDIX 2: REPRESENTATIONS TO THE CITY OF YORK LOCAL PLAN PRE-PUBLICATION DRAFT (REGULATION 18 CONSULTATION) – OCTOBER 2017

Representations to the City of York Local Plan Pre-publication Draft (Regulation 18 consultation)

Gallagher Estates

October 2017

Turley

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Our reference

GALY3010

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1. Introduction

- 1.1 This Report is prepared by Turley Planning, with inputs from Turley Economics, Turley Sustainability, Turley Heritage and CSA Environmental on behalf of Gallagher Estates. It provides representations to City of York Local Plan Pre-publication Draft (September 2017) (Draft Local Plan).
- 1.2 The report builds on representations made by Gallagher Estates to the Preferred Sites consultation undertaken in 2016. That submission comprised three documents:
- Main representation report (provided at Appendix 1 to this representation report);
 - A review of the objectively assessed need for housing in York.
 - Land at North Field, York: Vision Framework (provided at Appendix 2 to this representation report);
- 1.3 Following a full review of the Preferred Sites consultation document and associated evidence base, Gallagher Estates set out a number of critical concerns with the Local Plan as emerging and the likelihood of it being found to be unsound if progressed as proposed.

Land at North Field

- 1.4 In the context of its comments on the Preferred Sites document, Gallagher Estates put forward a case for the release of land at North Field, York from the Green Belt and its allocation for residential development through the Local Plan.
- 1.5 Land at North Field is located on the western side of the City adjacent to the suburb of Acomb. It is located approximately 4km to the west of York City Centre and 2km to the north west of Acomb District Centre.



Figure 1: Land at North Field, York

- 1.6 The site extends to approximately 48 ha in total and comprises agricultural land. It is well related to the local highway network, well served by public transport (bus park and ride and train services) and is bound by existing residential properties located off Sherwood Grove. The village of Knapton is located to the south west of the site.
- 1.7 The site forms an open area of land situated between the western urban edge of York, the A1237 and the village of Knapton. There are a number of 'urbanising influences' within the wider expanse of open land, including recently constructed roadside service facilities at the junction of the A1237 and A59 to the north of the site and Oakwood Business Park and a caravan storage area on the opposite side of the A1237.
- 1.8 The site provides the opportunity to deliver a high quality, residential development utilising an area of land which is well located with good access to the existing sustainable transport network, free of onsite constraints, which is of limited landscape value and which can be developed without significant harm to the Green Belt around York and its function.
- 1.9 Importantly, and in contrast to much of the open land surrounding York, the site does not perform a critical role in protecting and enhancing the significant historic setting and character of York, as the main purpose of the York Green Belt. This is verified by the absence of views of the York Minster and other historic assets from this side of the City.

1.10 The Vision Framework which accompanied Gallagher Estates' Preferred Sites consultation response, provided at Appendix 2, presents a full development appraisal of the site, including a review of key constraints and opportunities and overarching masterplan. This has been informed by a full consideration of the site's technical constraints, including its Green Belt contribution and function, its landscape sensitivity, its accessibility by sustainable modes of transport and proximity to local services and access and highway constraints. This demonstrates that:

- The site occupies a highly sustainable location within close proximity to the existing facilities and services of Acomb District Centre;
- Is well connected via existing sustainable transport network, including bus stops on Beckfield Lane providing access to the City Centre, a train station at Poppleton and a recently completed park and ride facility on the A59;
- The development of the site as proposed provides opportunities to improve local community facilities, including the provision of new public open space and a primary school and will deliver significant economic, social and environmental benefits;
- The development will deliver new and much needed affordable housing;
- The development can sensitively address the relationship between the urban edge of York and the settlement of Knapton through the inclusion of a green gap between the site and Knapton. The development will not result in significant harm to the Green Belt and its key purposes as a result;
- The development offers the potential to facilitate the delivery of the York Outer Ring Road project through dedicating land along the site's frontage to enabling the dualling of the A1237 to be achieved, thereby avoiding the need for the Council to acquire land and be exposed to the costs, delays and risks associated with this.

Pre-publication Draft Local Plan

1.11 Gallagher Estates has reviewed the Draft Local Plan and associated additional evidence based published alongside this. This includes:

- Strategic Housing Market Assessment Update (2017)
- Sustainability Appraisal (2017)
- Strategic Housing Land Availability Assessment (2017)
- Employment Land Review Update (2017)
- Heritage Impact Assessment (2017)
- Local Plan and Community Infrastructure Levy Viability Assessment (2017)
- Open Space and Green Infrastructure Update (2017)

- 1.12 The Draft Local Plan generally reflects the content of the Preferred Sites consultation, albeit with some changes in respect of allocated sites and a small proposed increase in the housing requirement which the Local Plan will seek to deliver from 841 dwellings per annum to 867 dwellings per annum.
- 1.13 Given Gallagher Estates comments on the Preferred Sites Consultation (provided at Appendix 1), the concerns set out in its previous representations apply equally to the Draft Local Plan in the absence of any significant changes to the plan and its evidence base to correct the points of unsoundness which have been highlighted. It is clear that Gallagher Estates' comments have not been taken into account and no effort has been made to amend the plan or update the evidence base to address these comments and the critical points of soundness raised.
- 1.14 This further representation report therefore complements and should be read alongside Gallagher Estates' representations to the Preferred Sites Consultation. It highlights the following deficiencies in the Draft Local Plan which, individually and collectively, result in the plan being unsound and not legally compliant in its drafted form:
- A failure to undertake a proper analysis of different spatial options for meeting the development needs of York and instead appraising individual sites against narrow, environmentally focused criteria with no consideration as to where development will need to be directed to in order to achieve the optimum social, environmental and economic outcomes;
 - An inconsistency between the spatial distribution of allocated sites as proposed and the selected preferred spatial distribution tested through the 2013 Sustainability Appraisal process and determined to represent the most sustainable approach to growth;
 - The absence of a comprehensive Green Belt review;
 - Procedural deficiencies in the Sustainability Appraisal Process;
 - A need to plan for a higher level of housing development than proposed in order to meet the full objectively assessed need for housing over the plan period;
 - A need to identify significantly more land for release from the Green Belt to meet the need for housing development over the plan period and to ensure the Green Belt can endure beyond this;
 - Deficiencies in the heritage and landscape evidential basis for the selection of sites for allocation in the Local Plan;
 - A failure to have regard to the guidance in paragraphs 84 and 85 of the NPPF in appraising sites for allocation and definition of the Green Belt in York;
- 1.15 The remainder of this report is structured as follows:
- Section 2 provides some general comments on the process of preparing the Local Plan;

- Section 3 provides comments on the proposed housing requirement;
- Section 4 provides comments on the extent of land needed to meet the housing requirement, including the extent of Green Belt release;
- Section 5 provides comments on the spatial strategy and the general process by which sites have been selected for allocation;
- Section 6 provides a response to the Council's assessment and treatment of Gallagher Estates' land interest at North Field through the Local Plan process;
- Section 7 provides specific comments on selected proposed allocations;
- Section 8 provides comments on the Sustainability Appraisal;
- Section 9 outlines how the Local Plan will need to be progressed to address the critical points of unsoundness raised.

2. General comments

- 2.1 Whilst Gallagher Estates welcomes the Council's efforts to progress the York Local Plan, as a general comment it wishes to place on record its dissatisfaction with the manner in which the Local Authority has managed this process. The development of the current Local Plan commenced in 2005, with an initial Preferred Options Local Plan consultation being undertaken in 2013. The Draft Local Plan is the latest output of this lengthy and complicated process. This is clearly contrary to Government's often repeated statement that Local Authorities needs to put Local Plans in place as soon as possible.
- 2.2 During the development of the Local Plan, the Council has published a significant body of evidence. A proper understanding of how the Council has arrived at the current Local Plan can only be gained through a review of dated evidence which continues to be relied upon as the evidential basis for the current iteration of the Local Plan. This extends to several thousand pages of assessment.
- 2.3 The original body of evidence published by the Council has been subject to updates as part of the process but most documents have never been replaced or superseded. For example, it is apparent that the Site Selection Paper (2013) forms the basis of the selection of sites for allocation for residential development in the current Local Plan, with numerous ancillary documents being produced in the subsequent years to update and expand on this (e.g. Site Selection Paper Addendum 2014 and Residential Sites Assessment Proformas (June 2014)) as new technical evidence has become available and assessment criteria amended.
- 2.4 Further, the 2013 Sustainability Appraisal is still being relied upon for the purposes of defining the overarching spatial strategy and the justification that the preferred approach represents the most sustainable when considered against reasonable alternatives.
- 2.5 The Local Plan process should be transparent and accessible to all. Gallagher Estates is experienced in engaging in Local Plan processes and understands the evidence which goes into this. However, it is very difficult to fully understand how York has arrived at its draft Local Plan given the manner in which the evidence base is presented. As a point of principle, it is not acceptable to continue to rely on dated evidence and subject this to partial updates through additional layers of assessment and reappraisal in an effort to ensure this remains fit for purpose. Rather there comes a point in this process where that evidence loses its relevance as circumstances have changed substantially (and due purely to the passage of time) and so must be subject to a fundamental review and representation.
- 2.6 This is a critical point for the soundness and the legal compliance of the Local Plan. As part of the next stage of consultation on the Local Plan, it is important that a single suite of evidential documents is published by the Council which collectively provide the Local Plan's evidence base. Individual topic areas should be capable of being presented in single documents for ease of review and to enable interested parties to properly understand the Local Plan and how it has been developed. A single Sustainability

Appraisal should also be presented as part of this which appraises all policies in the plan and reasonable alternatives to these.

3. The housing requirement

- 3.1 A full critique of objectively assessed need for housing in York is provided at Appendix 3 of this representation and should be read in full.
- 3.2 Representations were made on the objectively assessed need (OAN) for housing evidenced by the Council to inform its previous round of consultation in September 2016. It is acknowledged that the Council has updated its evidence base to take account of the latest available data and representations, through the May 2017 publication of the '*Strategic Housing Market Assessment – Addendum Update*'¹. This evidences a higher OAN for York (953 dwellings per annum) relative to that concluded in the 2016 SHMA (841dpa) and its subsequent addendum (706 – 898dpa), and is broadly considered to follow Planning Practice Guidance (PPG) and respond positively to earlier representations made by Gallagher Estates and others.
- 3.3 However, in publishing its draft Local Plan for consultation, the Council has taken the decision to disagree with its own evidence base and prefers to recognise only the housing need suggested by the '*starting point*' of the 2014-based household projections, which suggest a purely trend-based demographic need of 867 dwellings per annum.
- 3.4 Within the draft Local Plan reference is misleadingly made to an '*objectively assessed need*' for 867 dwellings per annum with the draft Local Plan entirely omitting reference to the OAN for 953 dwellings per annum concluded in the SHMA Update (2017).
- 3.5 In presenting its 'interpretation' of the OAN within the draft Local Plan the Council has therefore dismissed necessary adjustments applied within its evidence and selected a figure derived from a partial application of the PPG methodology. Furthermore, in justifying the advanced OAN the Council has made a clear inference that environmental constraints in particular should moderate the Council's OAN. This evidently strays into the second part of a two stage process in establishing a housing requirement, and is wholly irrelevant in objectively assessing needs as confirmed through legal judgments. The approach taken by the Council is therefore fundamentally unsound, even outside of any consideration of the technical components of the OAN calculation.
- 3.6 A technical review of the OAN concluded in the SHMA Update justifies its resultant increase in the OAN for York, indicating that its concluded need for 953 dwellings per annum at best represents the minimum level of need which should be planned for. This reflects:
- The appropriateness of the 2014-based sub-national population projections (SNPP) as a representative demographic '*starting point*', although a return to higher rates of younger household formation as identified within the SHMA Update would elevate this demographic baseline to 873 dwellings per annum;
 - The absolute minimum adjustment of 10% required to respond to evidence of a considerable worsening in market signals, which could indeed suggest a higher level of need (960dpa) when applied to the adjusted demographic baseline; and

¹ GL Hearn (2017) York Strategic Housing Market Assessment – Addendum Update

- The need to support future growth in the York economy, although the Council's selection of a comparatively low employment growth target requires further justification in the context of its apparently more ambitious economic strategy.
- 3.7 The above are expanded upon within the technical critique attached at Appendix 3. Collectively they strongly challenge the Council's assertion that there is no justification for uplifting housing need beyond the demographic '*starting point*' of 867 dwellings per annum. The implied reduction in housing need must therefore be viewed as unsound, and fails to fully comply with the PPG which remains the most up-to-date guidance on the approach to be followed in objectively assessing housing needs.
- 3.8 It is clear that the Council has sought to accelerate its plan-making to ensure that its Local Plan is tested against this guidance, in preference to the outcome of the new methodology currently being consulted upon by DCLG. This indicates a higher need for 1,070 dwellings per annum. In the context of this proposed change in guidance – and the technical points identified above it is strongly suggested that the Council should be planning to accommodate closer to 1,070 dwellings per annum. The Council's attempt to justify an OAN of only 867 dwellings per annum is unjustified, strongly challenged and must be revised prior to submission of the Local Plan in order for the housing figure to be found sound.

4. The amount of land required for housing development

- 4.1 The Draft Local Plan proposes the allocation of land to deliver 13,576 residential units over the plan period plus 1,287 beyond. Including sites with extant planning permission and a windfall allowance, it is assumed that 18,239 dwellings will be delivered over the plan period. This is against a total requirement for 14,775 dwellings based on the proposed annual requirement of 867 dwellings plus an allowance for under provision from 2012. The plan therefore seeks to make provision for sufficient housing for the plan period, plus five years beyond (i.e. to 2038).
- 4.2 Gallagher Estates has set out its concerns regarding the proposed housing requirement in section 3 of this report. This section of the representation provides general comments on how the Council has translated the proposed strategic housing requirement into a land allocation requirement. It identifies how much land will need to be allocated, including to be released from the Green Belt, to meet the need for 867 dwellings per annum (as proposed through the Draft Local Plan) and 1,070 units per annum as reflective of a more realistic housing requirement for York.

Deliverability of supply

Urban land capacity

- 4.3 It is noted that a total of 347 ha of land will be removed from the Green Belt to deliver the housing requirements of the Local Plan and a limited period beyond (5 years). This extent of Green Belt release is proposed to deliver 6,590 units over the plan period with the remainder (11,649 units) proposed to be delivered through the development of land located outside of the Green Belt (i.e. within the defined urban area) at an average of 728 dwellings per annum.
- 4.4 It is noted that York has been relied on its urban land supply to meet its housing requirements for many years insofar as no designated Green Belt land has been permitted to be developed either through its removal from the Green Belt or via speculative planning applications. Over the ten year period to 2016/17, the urban area has delivered a net increase of 5,748 dwellings at an average of 579 dwellings per annum.² Clearly brownfield land is a diminishing source of sites and it is highly questionable whether historic rates of delivery from this source can be sustained going forward.
- 4.5 The longstanding policy context in York has supported the development of land within the urban area for residential purposes. The urban land which the Local Plan will be reliant on to deliver the housing requirement does not require a policy shift to come forward for development, rather in planning policy terms this supply has been free from constraints for many years. This brings into question the likelihood of a 26% increase in annual yield from urban sites over the next 16 years compared with the previous 10 years, as assumed by the Local Plan. Gallagher Estates has significant concerns as to

² City of York Local Plan Strategic Housing Land Availability Assessment September 2017 (Annexes Table 7)

the achievability of this, particularly given the lack of evidence to support to deliverability of large and complex brownfield sites such as York Central over the plan period.

- 4.6 It is acknowledged that the Local Plan is being developed at a time when a number of large urban sites may be becoming available for development. However, such strategic opportunities are not new to York and indeed a number have been delivered over recent years (such as the Terry's Chocolate Factory site) notwithstanding the policy vacuum.
- 4.7 It may be appropriate to assume an increase in yield from the urban area going forward and in the context of a more positive policy context, however Gallagher Estates would question whether a 26% increase is genuinely achievable. A more conservative estimate of say 15% is more realistic and provides a more robust basis on which to plan for meeting the Local Plan's housing needs. Notwithstanding this, the Council has presented no evidence that the assumed urban capacity is deliverable. It exists as a collection of potentially developable brownfield sites, many of which are likely to be affected by significant constraints due to historic uses. This supply must be subject to further deliverability testing. Until this time, this supply cannot be assumed to be deliverable over the plan period. This aspect of the plan is not sufficiently justified and is therefore unsound.

Reliance on large sites

- 4.8 The question of deliverability is a critical one for York, particularly in being reliant on a small number of very large sites to meet its housing requirement. For example, site ST15 is proposed to deliver 2,200 dwellings over the plan period. At this stage, no evidence is presented which outlines when this site might be expected to come forward and how it will deliver an average of 130 residential dwellings per annum over the entire plan period.
- 4.9 Significant upfront infrastructure works would need to be undertaken to unlock this site and it is highly unlikely that any residential units will be delivered until 2022. On this basis, the site will need to deliver nearly 150 units per annum every year until the end of the plan period (i.e. from 2022). Based on average rates of delivery amongst the main national housebuilders, this will require between 3 and 4 house builders to be delivering this site at any one time. There are few, if any, precedents for single sites delivering at this rate in the north of England. Whilst York is a strong market area, reliance on delivery of sites of this type and in the manner proposed presents inherent risks and justifies a more cautious and realistic delivery figure for the duration of the plan period.
- 4.10 At this stage, the Council has presented no evidence that these larger sites are deliverable at the rate suggested. This is a particular issue for very large sites given the extent new infrastructure needed to unlock them. Such sites must be subject to further deliverability testing and until such time, they cannot be relied upon to deliver the Local Plan. The proposed reliance on the larger sites is not sufficiently justified and the Local Plan is therefore unsound.

History of delivery on Ministry of defence sites

- 4.11 It is noted that the Local Plan proposes the allocation of two existing Ministry of Defence sites located at Queen Elizabeth Barracks and Imphal Barracks. Together these sites are proposed to deliver 1,347 residential units. Both of these sites are operational and

are not anticipated to become available for development until 2021 and 2031 respectively.

- 4.12 Until these sites are fully vacated by their existing users, they cannot be considered to be available. There would appear to be a significant prospect of them becoming available, however relying on such sites to deliver the plan's housing requirements presents a significant risk insofar as there is also a prospect of the current operator deciding to retain its ownership and operation of the sites.
- 4.13 This issue arose in respect of joint Cheltenham, Tewkesbury and Gloucester Core Strategy where the plan proposed the allocation of the Ministry of Defence's site at Ashchurch for 2,726 residential dwellings. During the Core Strategy Examination, the Ministry of Defence wrote to the Examination Inspector confirming that its intention to retain a significant presence on the site, reducing the amount of housing it could accommodate to 550 units. A copy of the letter submitted by the Ministry of Defence is provided at Appendix 4.
- 4.14 This is not to say that these sites should not be treated as part of the potential supply of housing land, rather their inclusion and the extent to which they are relied upon to meet the City's housing requirements should be approached with caution given the prospect of these sites not becoming available for development in the timeframe or to the extent assumed at this stage. The uncertainty over the availability and deliverability of these sites would suggest that it may be more appropriate treating these as part of the safeguarded land supply to meet development needs beyond the plan period.

Allowance for flexibility

- 4.15 In view of the above considerations, it is important that the Local Plan includes an appropriate allowance for flexibility. This will ensure that the Local Plan remains robust and deliverable in the event of under delivery, which for the reasons outlined above, presents a significant risk in York.
- 4.16 Recent DCLG analysis has indicated that between 10 and 20% of residential planning permissions are not delivered at all.³ A further proportion of sites deemed to be developable will inevitably not materialise as planning applications. As a result, it is reasonable to assume that upwards of 15% of the total supply (both urban capacity sites and future Green Belt sites) (equating to 2,376 residential units based on a proposed supply of 18,239 units) will not come forward over the plan period, notwithstanding policy support for these sites.
- 4.17 Whilst the Framework does not prescribe a 'Flexibility Factor' with respect to housing allocations, a recent Report to the Communities Secretary and the Minister of Housing and Planning (March 2016) prepared by the Local Plans Expert Group recommends that Local Plans should include a mechanism for the release of developable 'Reserve Sites' equivalent to 20% of their total housing requirement to enable a Plan to respond to rapid change. In the context of York, and given the issues outlined above, a flexibility

³ DCLG Presentations to HBF Planning Conference (September 2015)

allowance of at least 20% should be pursued to ensure that the full objectively assessed need for housing is met.

Ensuring the Green Belt can endure over the long term

- 4.18 As noted above, the Local Plan seeks to allocate sufficient land to meet the housing needs of the City for 5 years after the plan period.
- 4.19 Paragraph 83 of the NPPF advises that in Local Authorities should define 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. Notwithstanding the comments above, seeking to meet development needs for only five years after the plan period is clearly not consistent with the NPPF requirement to ensure Green Belts endure over the 'long term'.
- 4.20 The emerging Local Plan should therefore seek to define Green Belt boundaries to ensure these can endure for at least ten years after the plan period (i.e. up to 2043 as opposed to up to 2038 as currently proposed).

Overall requirement for the release of land from the Green Belt

- 4.21 Taking the above considerations into account, Tables 4.1 and 4.2 below set out Gallagher Estates' position on the amount of land which should be released from the Green Belt to meet the need for residential development over the plan period. These also consider additional land to be removed from the Green Belt and either designated as safeguarded land or allocated for housing development to meet the need for housing beyond the plan period in order to ensure the Green Belt boundaries for York can endure over the long term in accordance with the NPPF.

Table 4.1: Requirement for the release of land from the Green Belt based on 867 dwellings per annum

Land to meet housing needs over the plan period		
A	Local Plan housing requirement (2017 – 2033)	13,872
B	Shortfall in delivery to 2017	928
C	Allowance for flexibility	2,774
D	Maximum urban capacity	11,649
E	Green Belt release requirement (A + B + C – D)	5,925 dwellings
Land to meet housing needs beyond the plan period		
F	Housing requirement to 2033 to 2043	8,670
G	Assumed reliance on Green Belt release	43%

H	Green Belt release requirement to meet needs beyond plan period (F x G)	3,728 dwellings
I	Total Green Belt release requirement (E + H)	9,653 dwellings

Table 4.2: Requirement for the release of land from the Green Belt based on 1,070 dwellings per annum

Land to meet housing needs over the plan period		
A	Local Plan housing requirement (2017 – 2033)	17,120
B	Shortfall in delivery to 2017	1,746
C	Allowance for flexibility	3,424
D	Maximum urban capacity	11,649
E	Green Belt release requirement (A + B + C – D)	10,641
Land to meet housing needs beyond the plan period		
F	Housing requirement to 2033 to 2048	10,700
G	Assumed reliance on Green Belt release	62%
H	Green Belt release requirement to meet needs beyond plan period (F x G)	6,634
I	Total Green Belt release requirement (E + H)	17,275

4.22 The above calculations demonstrate a need to release land capable of delivering at least 9,653 residential units from the Green Belt to meet needs over the plan period and beyond based on a requirement for 867 residential units per annum, or 17,275 units based on a requirement for 1,070 units per annum. This compares to the Local Plan proposal to release 347 ha of land from the Green Belt to deliver 6,590 units, representing a shortfall of between 4,051 and 10,685 units and approximately 202 to 534 ha.

5. The spatial strategy and selection of sites

The spatial distribution of housing sites

Reinstatement of Policy SS3 of the 2013 Draft Local Plan

- 5.1 A key question in the development of any spatial strategy is that of how, in broad terms, development should be sought to be distributed across the Local Authority area to achieve the optimum spatial approach.
- 5.2 The pattern of distribution has critical economic, environmental and social implications and a sound plan must first seek to consider and understand this. York is not a uniform area where the positive social and economic impacts of development will be the same irrespective of where development takes place. Distribution must not be viewed as a subservient consequence of the selection of individual sites which has had no regard to the spatial pattern of growth, rather is an important planning consideration in its own right, determining how the city grows and whether the Local Plan vision will be realised. Conversely, the selection of sites must be the consequence of the implementation of a purposefully planned distribution of allocations.
- 5.3 It is noted that this question was considered in the development of the 2013 Draft Local Plan and various options for the spatial distribution of development were considered through the June 2013 Sustainability Appraisal. This identified as preferred spatial distribution as follows:

'Prioritise development within and / or as an extension to the urban area and through the provision of a single new settlement'

- 5.4 The policy articulation of this was provided through Policy SS3 of the 2013 Draft Local Plan. This set out that 19% of new allocations would be directed to the main urban area of York, 42% would be delivered through extensions to the main urban area and 39% would be directed to areas outside of the York ring road, including through the provision of a standalone settlement at Whinthorpe and growth within the outlying settlements to York. In addition 3,231 units would be provided through delivery of schemes benefitting from planning permission, including the development of five strategic sites within the main urban area of York. Whilst the 2013 Draft Local Plan did not set this out as such, it is assumed that the vast majority of these commitments were on sites within the main urban area.
- 5.5 Accordingly, against a proposed housing requirement of 1,250 units per annum between 2012 and 2030 (total requirement of 22,500 units), the following spatial distribution was proposed:
- 7,506 units (33%) within the main urban area of York (assuming 100% of extant commitments are located in the main urban area) and 8,093 units (36%) as extensions to the main urban area of York (total of 69% within the urban area and as extensions);

- 7,515 units (31%) outside beyond the York ring road, including through the provision of a single standalone new settlement.
- 5.6 This spatial distribution broadly reflects the preferred option for the spatial distribution of development as tested through the 2013 Sustainability Appraisal.
- 5.7 This strategy would clearly deliver significant sustainability benefits in siting residential development where this achieves the highest level of co-location with employment opportunities and services, where it provides the best prospect of minimising travel and commuting and promoting sustainable transport choices and in providing the potential to utilise and tap into existing infrastructure capacity (transport, utilities and community) concentrated within the main urban area to accommodate growth.
- 5.8 The 2013 Sustainability Appraisal continues to be relied upon by the Council in determining the most appropriate spatial strategy for York and the spatial distribution of development sites. There has been no reconsideration of the spatial distribution of sites through the development of the Local Plan and so it is assumed to be the case that the preferred option tested through the 2013 Sustainability Appraisal remains the Council's selected option for the purposes of the Local Plan.
- 5.9 However it is noted that the 2017 Draft Local Plan does not contain an equivalent to Policy SS3 of the 2013 Draft Local Plan. Instead Policy SS1 outlines what considerations will determine the location of new development, without any reference to the requirement to achieve a specific spatial distribution of development.
- 5.10 As noted above, the spatial distribution of development sites is a critical consideration for the Local Plan and cannot be set aside as simply an inconsequential output of the selection of sites for allocation. It is critical to the soundness of the Local Plan that the equivalent of Policy SS3 of the 2013 Draft Local Plan is reinstated into the plan. In the absence of any update to the Sustainability Appraisal to reconsider options for the spatial distribution of development, this should continue to reflect the output of the 2013 Sustainability Appraisal; that being that prioritising development within and / or an extension to the urban area represents the most sustainable approach to the growth of York.

Compliance with the preferred spatial distribution

- 5.11 Further to the above, it is noted that changes to the Local Plan since 2013 means that the Draft Local Plan as presented is now not consistent with the preferred spatial distribution approach, fully tested and proven to represent the most sustainable approach through the 2013 Sustainability Appraisal.
- 5.12 Gallagher Estates has undertaken a review of the sites proposed for allocation within the Draft Local Plan. This comprises:
- 3,578 units on sites benefitting from planning permission (assumed to be located within the main urban area of York)
 - Allocated sites within the main urban area of York and as extensions to the urban area of York providing 6,400 units.

- Three standalone new settlements providing 4,245 units across three separate sites;
 - Other sites outside of the York ring road providing 1,912 units.
- 5.13 As a result, 62% of units will be provided within the urban area of York and as extensions to the urban area, with 38% being provided as standalone new settlements (3 of) or extensions to outlying settlements. This represents a significant deviation from Policy SS3 of the 2013 Draft Local Plan with a 10% swing away from the urban area and urban area extensions plus the introduction of two new standalone settlements.
- 5.14 Clearly the preferred spatial distribution of sites selected through the Sustainability Appraisal process is open to interpretation, however the extent to which sites which comprise standalone new settlements and land outside of the York ring road are relied upon to deliver the spatial strategy does not reflect the selected strategy of prioritising development within and / or as extensions to the urban area. Put simply the distribution of sites is now too disbursed and has moved away from the preferred option adopted by the Council.
- 5.15 This will have a number of adverse impacts, including:
- Increasing levels of longer distance commuting into the centre of York employment purposes by placing development further away from the City Centre where the opportunities to choose sustainable modes of transport are significantly reduced;
 - Increasing congestion on York's key arterial roads in view of the above;
 - Requiring the development of brand new social and transport infrastructure to accommodate new standalone settlements rather than building on and utilising existing infrastructure;
 - Placing unnecessary pressures on existing infrastructure (transport and community) within outlying settlements which may not be able to sustain the level of planned growth given the size of the existing communities which this infrastructure supports;
 - Failing to properly consider the social dimensions to growth, including how development can achieve positive regenerative outcomes such as securing new community facilities in existing areas of need or through increasing localised consumer spending capacity, helping to support existing services and local and district centres.
- 5.16 Given the relative sparsity of the population outside of the ring road, there is a significant degree of uncertainty as to whether the transport and community infrastructure exists to accommodate the level of growth proposed in this area. At the very the least, the Council has failed to undertake any appraisal to consider this issue. Where this infrastructure is inadequate, new infrastructure will need to be developed to accommodate the proposals. This might be achievable, however it should be a last resort and developing in areas where the existing infrastructure can accommodate

growth, either based on existing capacity or extending and improving existing infrastructure, is a fundamentally more sustainable approach to growth.

- 5.17 Further the selected and tested preferred option for the spatial distribution of sites is clearly based on the provision of one new standalone settlement. The Draft Local Plan now proposes the allocation of no less than three standalone settlements (ST5, ST7 and ST14). This is very clearly a significant deviation from the preferred option for the spatial distribution of development tested through the Sustainability Appraisal process and adopted by the Council for the purposes of progressing the Local Plan.
- 5.18 The Local Plan must be subject to substantial amendments to bring it in line with Policy SS3 of the 2013 Local Plan as reflective of the spatial distribution fully tested and resolved to represent the most sustainable approach to growth through the 2013 Sustainability Appraisal. This will include increasing the amount of development which is directed to the urban area and extensions to the urban area and removal of two of the three proposed new settlements from the Local Plan.
- 5.19 This conflict is a critical deficiency in the Draft Local Plan. The spatial distribution of sites, and the number of new settlements, proposed has not been tested through a Sustainability Appraisal process and cannot be deemed to be the most sustainable compared to reasonable alternatives. The evidence base to support the spatial approach is entirely absent. The Local Plan cannot be justified and is unsound as a result.

The process of site selection

- 5.20 As outlined in section 2 of this representation report, the body of evidence which has fed into the selection of sites for allocation is significant with numerous stages of appraisal undertaken, including partial reappraisal at different stages as the Local Plan has developed over a number of years.
- 5.21 The justification for the selection of the chosen sites, and the discounting of reasonable alternatives, is unclear. There is no single analysis which presents a comparative assessment of all of the site options working to a consistent sustainability criteria and there is no evidence that sites have considered on an equal footing.
- 5.22 It is incumbent upon the Council to present clear evidence and justification for its decisions. The site selection evidence simply does not provide this, with inconsistencies and contradictions throughout. This issue alone is likely to mean that the plan is not capable of being found to be unsound.
- 5.23 Whilst not intending to present a full analysis of the deficiencies in the evidence base in this regard, it is helpful to draw attention to a number of instances where this arises by reference to the 2013 Site Selection Paper which forms the basis of the selection of sites for allocation, supplemented by updated assessments undertaken in 2014.

Assessment of new settlement sites

- 5.24 The 2013 Site Selection Paper sets out the process of appraising the sustainability of sites considered for development. This comprised 4 criteria. Criterion 4a and 4b relate to access to services and sustainable transport. Paragraph 15.1 of the paper states that

sites over 100 ha in size and capable of accommodating more than 3,000 units were not assessed against this criterion on the basis that they are large enough to provide this infrastructure as part of the development (i.e. they effectively satisfy the criterion without further assessment).

- 5.25 Whilst there may be some rationale to this approach, it is noted that none of the new settlement options now proposed as part of the Draft Local Plan will provide 3,000 residential units over the plan period, with the largest (Allocation ST5) assumed to provide 2,200 units over the plan period. The other new settlements (Allocations ST7 and ST14) will deliver just 845 and 1,348 units in total respectively. Clearly these sites do not provide the critical mass of residential development to fund the provision of the full suite of community and sustainable transport infrastructure needed for these settlements to become sustainable places, in accordance with the Council's own assessment criteria. The Council has failed to evidence that these sites can present sustainable development opportunities and their allocation cannot therefore be justified at this stage. The inclusion of these sites is therefore unsound.

Treatment of urban extension sites

- 5.26 It is noted that the site assessment is undertaken on the basis that urban extension sites above 3,000 units also do not need to meet the sustainability criteria relating to access to services and transport on the assumption that sites of this size can provide their own such facilities. This is an appropriate threshold in respect of new settlements, where there is no existing service provision to speak of and the potential for building on and connecting the development into existing infrastructure is very limited. However, the same does not apply to urban extensions.
- 5.27 Urban extension sites are, by definition, connected to and build on the existing urban area and its infrastructure. Accordingly, such sites can in many cases be made sustainable through limited levels of investment in existing facilities in the wider area. This might be through an extension or improvement to an existing bus service operating locally such that this routes through the site or provision of a small new local centre which, if serving the site alone may not be viable, but if located where it can serve the existing residential area surrounding, could feasibly be achieved.
- 5.28 In considering the future sustainability potential of sites, urban extensions should be assessed on a different basis to new settlements. Sites comprising as little as say 300-400 residential units can offer the potential to fund improvements to existing local infrastructure in order to improve the sustainability credentials of the site and to improve the accessibility to such facilities for existing residents.

Treatment of sites located with historic setting and character areas

- 5.29 The City of York is seeking to formally define its Green Belt for the first time. Paragraph 84 of the NPPF states that:

'When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.'

5.30 This is to say that the definition of Green Belt boundaries must be undertaken in the context of an appreciation of development needs and the consequences, for sustainable development, of defining land as Green Belt. Indeed, paragraph 84 recognises that much Green Belt land is inherently well located in relation to main urban areas and concentrations of activity, in contrast to open areas of countryside distant from a main urban area.

5.31 As part of the site appraisal process undertaken by the Council, sites which are deemed to fall wholly within one or more areas identified as forming part of the historic setting and character of the City (essentially those deemed to make a strategic contribution to the Green Belt against NPPF Green Belt Purpose 4) were discounted and not subject to further consideration, with some isolated exceptions. The approach is summarised at paragraph 9.2 of the 2013 Site Selection report:

'The Approach to the Green Belt Appraisal (2003) study carried out by the Council indicates that, regardless of the extent to which the City may have to identify further land to meet its development requirements and needs, there are areas of land outside the existing built up areas that should be retained as open land due to their role in preserving the historic character and setting of York.'

5.32 This approach is at odds with the guidance provided at paragraph 84 of the NPPF.

5.33 Key components of the historic development of York are the Green Wedges which incorporate the river corridors of the Ouse and Foss and the historic strays and 'ings'. These areas of open land extend between the historic core and the outer ring road and provide an important connection between the rural hinterland and the city centre. They are indicative of the historic evolution of the city, provide important areas of open land and allow views to the city's landmarks.

5.34 Between the urban edge of York and the Outer Ring Road a number of tracts of land are identified as 'Areas Retaining the Rural Setting' of York. The Green Belt Appraisal undertaken by City of York Council in 2003 described these as 'Areas which provide an impression of the historic setting of the city'.

5.35 Whilst fully acknowledging the need for a considered and cautious approach to sites immediately surrounding the urban area of York, Gallagher Estates does not agree with the Council's contention that sites which fall within areas 'retaining rural setting' are sacrosanct and should automatically be discounted as part of the site appraisal process.

5.36 In this regard it is unreasonable and inconsistent with national planning policy to treat sites which are deemed to be within the rural setting of York in the same manner as sites within Flood Zone 3b or areas of ancient woodland for example, as the Council has done. Clearly there is a specific direction from national policy that development in the latter should be restricted, which does not apply to the former.

5.37 Whilst comprising open land and providing a setting to the urban area, many such areas have no meaningful relationship with the historic core of York. Such locations are evidently less sensitive to development than other areas of open land which do protrude into the historic core of York and have a clear physical relationship with this, such as the Strays. They shouldn't be treated on the same basis as these more sensitive locations.

- 5.38 Further, given the presence of the York ring road, the rural land immediately surrounding the main urban area makes a much lesser contribution to purposes 1 and 3 of the NPPF Green Belt purposes (namely 'to check the unrestricted sprawl of the built up area' and 'to assist in safeguarding the countryside from encroachment') than other areas of open land. In this regard, the ring road functions as a physical defensible boundary to more open areas of countryside beyond. Land beyond the ring road clearly doesn't benefit from this and, in the context of Green Belt purposes 1 and 3, is significantly more sensitive to development. This is given no consideration in the Council's appraisal of sites, reflecting an approach which views the Green Belt and its function in a narrow manner. This approach is unjustified.
- 5.39 The Local Plan must seek to secure the optimum sustainable outcomes, giving equal weighting to all dimensions of sustainability in the planning balance. This requires the Local Plan to be progressed based on assessing the sustainability of potential development sites in a broad sense (including social, economic and environmental considerations) and, similarly, considering a site's sensitivity to release in Green Belt terms based on a consideration of its contribution to all purposes of the Green Belt.
- 5.40 No site can be justifiably discounted before a consideration of the wider sustainability benefits which might arise through its development unless a clear direction to this effect is provided in the NPPF. In the context of paragraph 84, and in respect of sites deemed to perform a specific Green Belt function, no such direction is provided. All sites, irrespective of their assumed Green Belt function, need to be subject to a full sustainability appraisal, with appropriate weighting given to each dimension of sustainability.
- 5.41 In considering this matter further, attention is drawn to the letter at Appendix 6 of this representation issued by the Inspectors in respect of the Cambridge City and South Cambridgeshire Local Plan Examinations. This highlights weaknesses in the Councils' evidence base and justification for rejecting the selection of sites on the urban edge of the main settlements on the basis of these being more sensitive to development in Green Belt terms, without a counter assessment of the sustainability benefits which would be derived from their release. The issues presented in this letter are very similar to those present in respect of the York Local Plan and centre on the premature and unjustified rejection of site options based on a narrow appraisal (limited to a single topic area) of sustainability. York Local Plan is very clearly at risk of being found to be unsound on a similar basis to the Cambridge City and South Cambridgeshire Local Plans in falling foul of the same issue.
- 5.42 The Council's appraisal therefore represents a flawed approach to the selection of sites at odds with the NPPF. The justification for discounting such sites is deficient and needs to be fundamentally reviewed. The Draft Local Plan is unsound as a result.
- 5.43 Notwithstanding the above, the publication of a proper Green Belt Assessment which considers the extent to which different areas of open land around the urban area contribute to the five purposes of the Green Belt set out in the NPPF is a critical part of the evidence base for the development of the Local Plan. Without this, it is not possible to identify how the Green Belt should be defined through the Local Plan nor to identify

sites and areas of land which may be capable of being developed with affecting the ability of the retained open land from fulfilling a Green Belt function in the long term.

- 5.44 The Preferred Sites Paper published for consultation in 2016 confirmed that work is 'ongoing' to look at the parcels of land around York to understand their significance and contribution against Green Belt purposes set out in the NPPF. No further work has been published by the Council as part of the Draft Local Plan consultation and so at this juncture, it remains the case that the Council has failed to publish a Green Belt Assessment to inform the selection of sites for allocation. This is a key legal deficiency and fundamental flaw in the plan making process.
- 5.45 Gallagher Estates set out its concerns with regard to this position and the manner and extent to which matters of Green Belt contribution and impact had been considered within the selection of sites for allocation at paragraphs 3.27 to 3.41 of its representations to the Preferred Sites consultation.
- 5.46 These issues have very clearly not been rectified. Given the more advanced status of the Plan, this is now even more critical deficiency in the plan and its evidence base. It renders the Local Plan unjustified in its current form and therefore fundamentally unsound.

6. Treatment of land at North Field

- 6.1 This section of the representations report provides comments on how the Council has treated land at North Field within the Local Plan and its evidence base.

York SHLAA 2017

- 6.2 The Council's published Strategic Housing Land Availability Assessment (SHLAA 2017) provides the Council's latest stated position with respect to the site. It reiterates previous conclusions drawn by the Council regarding the suitability of the site for allocation in the Local Plan. This includes a brief commentary on this site in the context of the submission made by Gallagher Estates. It concludes that:

'The site fails criteria 1 as it is within historic character and setting area, partly area preventing coalescence (G4) and area retaining rural setting. This land creates a physical and visual separation between the A1237 and the main urban area of York and between Knapton and Beckfield Lane. Whilst it is acknowledged that landscaping could provide some mitigation the introduction of a solid form in this location would compromise what is currently open countryside.'

- 6.3 As part of this further representation to the Local Plan, and to supplement the case for allocation of its site as set out to date, Gallagher Estates has commissioned further work to consider the Council's stated reasoning for determining that the site should not be allocated for development through the Local Plan. This has included a critique of the Council's evidence base insofar as it relates to this site. This critique focuses on four key areas.

Landscape and historic setting considerations

- 6.4 CSA Environmental has undertaken a further landscape assessment of land at North Field in the context of the Council's stated reasons for not taking this site forward. This appraisal is provided at Appendix 7. This explains that the site lies at the edge of the built up area of York but that owing to the disposition of built development, vegetation along the route of the A1237 and the low lying topography, middle and long distance views of the site are extremely limited and, critically, the historic core of York is not visible in views across the site. There are only fleeting views of the site from the ring road and in views from the edge of Knapton to the west of the site, post-war housing in the suburb of Acomb is clearly a visible component in the backdrop. It is also notable that there are significant urbanising influences in this location, including service station and retail facilities at the junction of the A59 and A12357. These compromise the rural character of this location which the Council claims to exist.
- 6.5 The existing development at Acomb presents a blunt edge to York and a sensitively designed scheme which maintains a landscaped / farmland buffer to the ring road would respect the rural setting of this approach to the City. Development would be closely related to existing housing and would assist in maintaining the impression of a compact city, minimising encroachment into the wider countryside.

- 6.6 As considered in section 5, between the urban edge of York and the ring road a number of tracts of land are identified as 'Areas Retaining the Rural Setting' of York. This includes land at North Field.
- 6.7 These designations have had a significant influence on the Local Plan.
- 6.8 The Green Belt Appraisal undertaken by City of York Council in 2003 described these as '*Areas which provide an impression of the historic setting of the city*'. It notes that category relates to:

'significant tracts of undeveloped land providing an open foreground of rural character enabling good views of the Minister or towards an urban edge of a historic character from a prominent and frequently used place'.

- 6.9 It should be noted that this appraisal identified three such areas which performed this function and did not originally include the land at North Field. The northern part of the land at North Field was subsequently included within this area following supplementary work undertaken as part of the Historic Character and Setting Technical Paper Update (June 2013). This report considered the northern part of this land parcel as important to retaining the rural setting of the City when viewed from the A1237 and the A59.
- 6.10 Gallagher Estates' own assessment would agree that the land at North Field represents an area of undeveloped farmland between the existing edge of settlement and the A1237. Despite this, views from the ring road are of modern housing development at the edge of Acomb, albeit with farmland in the immediate foreground. Views of the historic core / landmark buildings in York are unavailable.
- 6.11 In addition, the land at North Field displays few historic landscape features. Whilst it does function as a buffer of residual farmland between the A1237 and housing in York, it does not play the same role in defining the historic settlement pattern of York as the Green Wedges; nor is it as sensitive as other locations at the periphery of the city where views are available to the historic core.
- 6.12 The Council also identify 'Areas Preventing Coalescence', including the southern part of North Field. This land plays a role in preserving the separate identity of Knapton from the edge of York at Acomb. Again, Gallagher Estates would acknowledge that proposals for residential development at North Field would need to carefully consider the separation and setting of Knapton, however this could be achieved by sensitive masterplanning and should not represent an overriding constraint to growth in this direction.
- 6.13 Gallagher Estates' landscape and visual analysis of the land at North Field has identified that this land does function as a landscape buffer to the outer ring road and to the neighbouring settlement at Knapton. Despite this, it plays little role in the historic setting of York and should not be considered as sensitive as other land parcels which play a much more direct and important role in the landscape and historic setting of the city.

Heritage asset considerations

- 6.14 Turley Heritage has undertaken a heritage assessment of the site in the context of the Council's conclusions on the site's suitability for residential development and allocation in the emerging York Local Plan. This appraisal is based upon a site visit and a desk based review of relevant heritage assets. The appraisal identifies relevant heritage assets close to the site and undertakes a brief review of any interrelationship between the site and key assets in York city centre.
- 6.15 The site is located in an area defined by the transition between the urban townscape of York to the east, and the visual and physical barrier of the A1237 to the west which bisects the landscape north-south and separates the site from the more open agricultural and rural landscape to the west. The site is in agricultural use and is subdivided into large fields principally by hedgerows. The topography is largely flat and modern residential dwellings are visible to the east and south.
- 6.16 A review of historic maps has been undertaken and below is a summary of the history and development of the Appraisal Site and surrounding area. The findings of this review are presented below.
- 6.17 During the mid-19th century the Appraisal Site was part of a large area of open agricultural landscape to the east side of York. By 1907 the dramatic incursion of the railway had taken place to the east side of York but the Appraisal Site and surrounding area remained in agricultural use. During the early 20th century incremental development expanded to the west side of York, and by the 1920's a cluster of terraced dwellings has been built to the south east of the Appraisal Site. By 1950 dramatic change affected the landscape separating the Appraisal Site and the urban edge of York; this large area was filled with housing estates and the Appraisal Site became the edge of the urban settlement. Additionally there was residential growth in Knapton during this time. During the late 20th century development to the west side of York increased in density and became more heavily urbanised. At the same time the field boundaries within the site were amalgamated to create larger fields.

Heritage Assets

- 6.18 The closest conservation area to the site is the **Acomb conservation area**, which is located approximately 600m to the south east of the Appraisal Site. The conservation area was designated in 1975 and it focuses upon the historic core of Acomb village and the Green but has been entirely enclosed by later residential estates constructed during the mid-late 20th century. Due to this built development and the distances involved there is no visual relationship between the Appraisal Site and the land within the conservation area. There is also no known functional or historic relationship between the conservation area and the Appraisal Site and it does not form part of the setting of the conservation area.
- 6.19 The Appraisal Site is proximate to two listed buildings to the south of the site. These buildings are **St Peters Cottages** (Grade II) and **St Peters Farm Cottage and St Peters Farmhouse** (Grade II). Both are located in the centre of Knapton Village on the east side of Main Street. St Peters Cottages is a house which dates to the late 18th century and was raised to two storeys in the 19th century. It is in brick with Flemish bond

to the ground floor and English garden wall bond above with a 20th century pantile roof. The building is two storeys and two bays and the central door and 20th century windows are below elliptical arches. The building is of architectural and historic interest as 18th century house with legible alterations.

- 6.20 St Peters Farm Cottage and St Peters Farmhouse consist of a principal house dating to the mid-18th century with a cottage of early-mid 18th century to the north. The house has a Welsh slate roof. The 20th century door is to the left with two three light Yorkshire sashes to the right, below elliptical arches, and a dentilled eaves course. The Cottage is a direct entry 2 cell plan with a central door with a two light casement to the left and three light casement to the right. Both are two storeys with the cottage with a slightly lower roofline; the roofs are steeply pitched with end stacks. The buildings are of architectural and historic interest as 18th domestic properties and may have agricultural origins.
- 6.21 Both listed buildings are located in the centre of Knapton village and are positioned at the road frontage; they are legible as historic domestic dwellings in a village setting and have a resonance with other traditional properties on Main Street. The traditional street form and other historic properties are elements of setting which contribute to significance. The two listed buildings also have group value in their shared traditional appearance, materiality and scale. The development of 20th century residential buildings to the west side of Main Street and Back Lane to the rear has however partially eroded the appreciation of the historic context of the assets. The buildings are enclosed by built development and there is no visual relationship to the surrounding landscape.
- 6.22 The site is to the north east of St Peters Cottages and St Peters Farm Cottage and St Peters Farmhouse and there is no visual relationship between the site and the assets. There is also no known functional or historic relationship. The Appraisal Site is not considered to make any contribution to the significance of these assets.
- 6.23 The west boundary of **York City Central Historic Core Conservation Area** is approximately 3km to the east of the site. The boundary encompasses much of the complex and layered central area of the City of York and principally encloses the medieval core. The designated area is enclosed by large areas of post-war residential and commercial development. The land between the Appraisal Site and the Conservation Area boundary is largely developed with mid-late 20th century residential areas and due to the distances and topography there is no visual relationship between the Appraisal Site and any part of the conservation area. There is also no known functional or historic relationship between the conservation area and the Appraisal Site.
- 6.24 **York Minster** (Cathedral Church of St Peter, York Minster) (Grade I listed) is located approximately 3.5 kilometres to the east in the centre of York. There are no views of York Minster from within the Appraisal Site or from the immediately surrounding area. There is therefore no visual relationship between the Appraisal Site and this important listed building. There is also no known functional or historic association between the Minster and the Appraisal Site that would suggest it makes any contribution to the significance of the asset.

Green Belt policy considerations

- 6.25 It is helpful to consider the above matters in the context of Green Belt policy and the extent to which the site can reasonably be considered to make a strong contribution to the Green Belt as claimed by the Council.

Purpose 2: Preventing neighbouring towns from merging (coalescence)

- 6.26 Whilst noting the role which this site plays in preventing the urban areas of York and Knapton merging, Gallagher Estates has put forward a scheme which will ensure this function is not compromised through the development of the site. This is achieved through a considered design approach which will incorporate a significant area of retained open land between the western edge of the development and Knapton would remain. At its narrowest, this gap will be c280 m wide, securing a sufficient degree of separation to the extent that the development would generally be no more visible from Knapton than the existing urban edge of York. This is explained in further detail within Gallagher Estates representations to the Preferred Sites consultation (See Appendix 1 paragraphs 5.22 to 5.40).

Purpose 4: Preserving the setting and special character of York

- 6.27 Policy 31 of the Draft Local Plan notes that the primary purpose of the York Green Belt is to preserve the setting and special character of York. This is broadly comparable Purpose 4 of the Green Belt set out at paragraph 80 of the NPPF, namely:

'to preserve the setting and special character of historic towns'

- 6.28 As outlined elsewhere in this report, the Council has undertaken work to identify areas of land which contribute to the historic character and setting of York. Sites which make such a contribution are essentially deemed to perform a strategic Green Belt role and treated as sacrosanct by the Council and not appropriate for development.
- 6.29 Gallagher Estates' comments in section 5 highlight the conflict of this approach with paragraph 84 of the NPPF. Put simply, the suitability of this land to accommodate development must be undertaken in a balanced manner, weighing benefits against adverse impacts. It cannot be discounted before and without proper consideration of its ability to contribute to the wider objectives of the Local Plan, notwithstanding that in Green Belt terms, it may be sensitive to development to some degree.
- 6.30 Notwithstanding this, and for the reasons outlined above, Gallagher Estates does not agree with the Council's assertion that land at North Field forms part of the historic character and setting of the City. As outlined above, and as confirmed by the Council's 2003 Green Belt Assessment, land is deemed to perform this function where it *'...provides an impression of the historic setting of the city'* and relates to *'significant tracts of undeveloped land providing an open foreground of rural character enabling good views of the Minister or towards an urban edge of a historic character from a prominent and frequently used place'*.
- 6.31 It is undeniable that North Field does not enable good views of the Minister or towards an urban edge of a historic character as has been demonstrated through the landscape and heritage assessment above. In accordance with the Council's 2003 Green Belt

Assessment, it does not meet the Council's own definition of land which forms part of the historic character and setting of York.

- 6.32 The site does form part of the rural hinterland to York, however given the physical context to this site, this simply reflects its landscape characterisation and does not mean it takes on a Green Belt function. The Council has incorrectly characterised the site and its function in this instance. The evidenced basis for the Council's rejection of the proposed allocation of the site is therefore fundamentally flawed and the Local Plan is unsound as a result.

Other Green Belt purposes

- 6.33 Finally, by the Council's own admission, the site does not contribute to Green Belt purposes 1 and 3 as set out in the NPPF given the firm and defensible boundary provided by the ring road. This contrasts with other land in York, particularly that beyond the ring road which does contribute to these functions, notwithstanding the Council's unsubstantiated assertion that the York Green Belt only has principally only one function.
- 6.34 Paragraph 50 of the NPPF requires Green Belt boundaries to be drawn using physical features are readily recognisable and likely to be permanent. The York ring road would provide such a feature in relation to the land at North Field. In stark contrast, the definition of the Green Belt boundary as proposed through the Draft Local Plan will result in isolated pockets of new urban area being created within the wider expanses of open Green Belt beyond the ring road. The Green Belt boundaries around these settlements will clearly not be drawn along physical and permanent features but are drawn along weak and poorly defined field boundaries. These boundaries will ultimately not be defensible leaving the remaining Green Belt open to further encroachment and sprawl.

Other sustainability considerations

- 6.35 Using the available technical evidence for Land at North Field as well as the previously submitted representations an independent Sustainability Appraisal Assessment has been undertaken utilising the methodology adopted by the Local Plan and referenced within the Sustainability Appraisal. This is presented in Appendix 5 and considers the sustainability of this location in comparison to two selected proposed allocations – sites ST7 and ST8.
- 6.36 This assessment demonstrates that North Field represents a more sustainable option for residential development than the two proposed allocations based upon its performance against the Sustainability Appraisal Framework.

Summary

- 6.37 It is Gallagher Estates view that the characterisation of the site as forming part of the historic character and setting to the City is flawed given the relationship which this land has with the historic core of York. Land can only perform this function where the historic core of York is visible from views across this land and where the historic core provides a backdrop to this land, as confirmed by the Council's own definition provided in the 2003 Green Belt Assessment. Clearly that does not apply in the case of North Field. The

evidential basis on which the site has been discounted without proper consideration as a viable and sustainable development opportunity is deficient. The Local Plan is not justified and is unsound as a result.

- 6.38 More generally, and as outlined in section 5, the Council's approach to appraising sites which are deemed to have a specific Green Belt function in respect of NPPF Purpose 4 is at odds with paragraph 84 of NPPF. As a procedural point, there is no justified reason for discounting such sites on the basis of one aspect of their Green Belt contribution (as only one provision of national planning policy) without properly considering their sustainability credentials in a broader sense. This puts the Local Plan in conflict with the NPPF (paragraph 84) and renders it unsound as a result.

7. Comments on Sustainability Appraisal process

- 7.1 This section of the representation report highlights a number of concerns with respect to the SA process undertaken by the Council.

The City of York Local Plan Sustainability Appraisal. Pre-publication Draft, September 2017

The Spatial Distribution Strategy

- 7.2 It is evident that the Pre-Publication Draft Sustainability Appraisal (2013) has provided the only opportunity to comment upon the sustainability implications of the chosen spatial distribution strategy in the context of the new Local Plan and its revised housing and employment numbers.

A revised spatial strategy

- 7.3 It is the view of Gallagher Estates that as part of the new Local Plan, a review of the spatial distribution strategy should have been undertaken to address a number of key sustainability issues which could be positively addressed by ensuring that the spatial strategy considers social, economic and environmental matters in a balanced manner. This revision of the spatial strategy should have considered the following factors as a minimum:
- (a) Out-Commuting – Section 4.11 of the baseline data section of the Sustainability Appraisal notes that the highest number of out-commuters journey to Leeds with the third highest commuters to Harrogate both of which are on the West of the City. Given the air quality issues within York it is clearly appropriate to consider locating housing to the West of the City to provide those commuters to Leeds with the opportunity to live closer to their places of work as proposed to sites in the East of the City which would require commuting across York. Further, it is inherently more sustainable to locate residential development in locations which provide good connections to economic centres. Given the level of out-commuting to the City of Leeds, there is a strong sustainability argument for focusing development in the western part of the city.
 - (b) Maximising socio-economic benefit – Section 4.4 of the Sustainability Appraisal identifies that whilst there has been a general reduction in deprivation across York there remain notable pockets of deprivation which should be tackled and is identified as a key sustainability issue for the Local Plan. The location of new housing within or close to these areas of deprivation would bring substantial social benefit which should be considered against any environmental impact. Figure 4.5 within the SA identifies the areas of deprivation and it is noted that the ward of Westfield is adjacent to the ward which contains Land at North Field and is currently identified as being within the top 20% of deprived wards in the UK.

7.4 A revision of the spatial strategy to consider issues listed above may also have additional sustainability benefits to a number of other key baseline sustainability issues identified by the Sustainability Appraisal⁴ which include:

- Air quality is a key sustainability issue within the City of York with a number of Air Quality Management Areas (AQMA's) located in the City Centre and on the main transport routes into the city. It is noted from Figure 4.10 of the Sustainability Appraisal that there are no AQMA's on the West of the City around Acomb and its surrounding urban area. Locating residential development to the West of the site would alleviate additional pressure upon the AQMA's in the City.
- Cultural Heritage. It is noted within the SA that the West of the City is relatively unconstrained with regards to heritage⁵ sensitivity when compared to the rest of the City. Gallagher Estates would fully agree with this. Locating residential development within this area would therefore have a lower impact when compared to development to the North or South of the City.
- Landscape. Gallagher Estates representations to the Preferred Sites consultation in 2016 (provided at Appendix 1) noted that the Local Plan is not supported by a robust landscape evidence base which adequately assesses landscape impact across the City. Evidence submitted with the Representations identified that development to the West of the City (and particularly around Acomb) will not negatively impact upon views of the York Minster which is a fundamental criteria of the spatial distribution strategy.

Appraisal of all Reasonable Alternatives to deliver the housing demand

7.5 Gallagher Estates has significant concerns with regards to the process for identifying and selecting the reasonable alternatives to deliver the revised housing demand as set out in the Draft Local Plan. These can be summarised as follows:

- (i) The use of a methodology to appraise reasonable alternatives that is contrary to the Planning Practice Guidance;
- (ii) The use of selection criteria to select the reasonable alternatives that are too focused on environmental constraints; and
- (iii) The failure to recognise and appraise Land at North Field as a sustainable location for residential development.

The methodology to appraise reasonable alternatives

7.6 Gallagher Estates representations to the Preferred Sites consultation outlined concerns with regards to the methodology used to appraise the reasonable alternatives to deliver the housing demand. These can be summarised as follows:

- The Preferred Sites consultation document has presented a range of reasonable alternatives to meet the housing demand the majority of which have been carried forward from the aborted Local Plan which rejected or selected a number of sites.

⁴ City of York Local Plan. Sustainability Appraisal Pre Publication Draft. September, 2017. Section 4.15

⁵ City of York Local Plan. Sustainability Appraisal Pre Publication Draft. September, 2017. Figure 4.12

- The preferred sites presented within the Preferred Sites Consultation document have been selected based on the site selection criteria set out in the Site Selection Report (2014) and its predecessor the Site Selection Paper (2013). Assessment material is identified in the following documents:
 - City of York Local Plan Further Sites Consultation Appendix 2: Residential Site Assessment Proformas (June 2014)
 - City of York Local Plan: Site Selection Paper Addendum (September 2014)
- As part of the preparation of the Preferred Sites consultation paper, several sites have been subject to ‘reappraisal’⁶ utilising an updated evidence base as stated in paragraph 2.3.12 of the SA⁷ which has resulted in the selection of a number of additional sites.
- As an example this reappraisal has resulted in the selection of additional housing allocation such as Land at Knapton Village (H53) which is noted as now being considered sustainable⁸ in terms of criteria 4 (Access to Services).

7.7 The requirements of the Environmental Assessment of Plans and Programmes Regulations (2004) and hereafter referred to as The SEA Regulations require the SA report to clearly identify all reasonable alternatives selected and the reasons for the rejection of all alternatives.

7.8 The Planning Practice Guidance (PPG)⁹ states the following:

The sustainability appraisal should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. It should provide conclusions on the overall sustainability of the different alternatives, including those selected as the preferred approach in the Local Plan. Any assumptions used in assessing the significance of effects of the Local Plan should be documented.

7.9 It is clear that not all of the proposed housing allocations selected or rejected by the new Local Plan (reasonable alternatives) have been appraised using the same methodology and evidence base (and therefore the same level of detail) as deployed in the Preferred Sites consultation paper (2016). Had a comprehensive reappraisal been undertaken for all sites selected or rejected during the current and aborted Local Plan process that one or more sites may have been included or rejected as sustainable locations for residential development as indeed occurred for Land at Knapton Village (H53).

7.10 This flaw in the methodology is a breach of the requirements of the SEA Directive and Planning Practice Guidance. To rectify this deficiency the City of York Council must undertake a complete reappraise *all* of the reasonable alternatives considered or

⁶ City of York Local Plan. Preferred Sites Consultation. July 2016 – Pages 16 -19.

⁷ City of York Local Plan. Sustainability Appraisal Pre Publication Draft. September, 2017. Pages 38-39.

⁸ City of York Local Plan. Preferred Sites Consultation. Sustainability Appraisal. July 2016 – Pages 165 -166.

⁹ <https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>. Paragraph: 018
Reference ID: 11-018-20140306

rejected through the Local Plan process (including those up to the aborted Local Plan) utilising the same methodology and consult upon the final proposed allocations.

- 7.11 These procedural deficiencies mean that the Council has failed to follow due process in undertaking SA of the Local Plan. They render the plan unsound and does not meet the relevant legal obligations.

8. Proposed residential site allocations – comments on landscape impact

- 8.1 The landscape and heritage evidence base published by the Council has been a key influence on the plan and the distribution of sites for allocation with significant reliance being placed on the findings of the Heritage Topic Paper (2013), the Heritage Impact Appraisal (2017) and the Historic Character and Setting Technical Paper (2017). Collectively, these consider the role and function of open areas of land in preserving the historic character and setting of the City, with much of the land within the York ring road deemed to be performing an important role in this regard.
- 8.2 It is acknowledged that developing an understanding of the role played by open land in preserving the historic character and setting of the City is important in the context of York and, as noted above, this might justify a disproportionate level of development being directed to areas outside of the ring road. However, this needs to be balanced against the adverse impacts arising from this approach as have been highlighted above.
- 8.3 Notwithstanding this, CSA Environmental have undertaken an appraisal of the landscape sensitivity of selected proposed residential allocations in the context of the landscape and heritage evidence published by Council in respect of these sites in order to consider their landscape context and the extent to which they are sensitive to development. This is provided at Appendix 7.
- 8.4 This focuses on five of the proposed allocations and critiques the Council's case for the allocation having regard to their landscape and heritage context. The sites are:
- Land east of Metcalfe Lane (Site ST7)
 - Land north of Monks Cross (Site ST8)
 - Land north of Haxby (Site ST9)
 - Land west of Wigginton Lane (Site ST14)
 - Land to the west of Elvington Road (Site ST15).
- 8.5 Their appraisal is summarised as follows.

Land east of Metcalfe Lane

Evidence base

- 8.6 The site is identified as lying part to the west of an area identified as 'retaining the rural setting of York' and an area which 'prevents coalescence.' The Heritage Impact Assessment notes a concern that a new settlement in close proximity to the city could be out of character with the current pattern of development and that development could impact or obscure views of the Minster.

Impact evaluation

- 8.7 The new housing proposal will be visible in views from the edge of York, including the Osbaldwick Conservation Area and from the A64 and surrounding footpaths. It will therefore be difficult to design a new separate settlement in this location, as is the concept for this site, and the proposals will inevitably be closely associated with housing at the edge of York.
- 8.8 Development in this location will result in encroachment into the rural landscape at the edge of York. It will have some impact on the rural setting of the town and on key views from the A64 towards the historic core.

Land north of Monks Cross

Evidence base

- 8.9 The Heritage Impact Assessment notes that the development would represent a significant intrusion into the open countryside and would erode the rural setting of the village of Huntington and would begin to enclose the green wedge which is located to the east.

Evaluation

- 8.10 The site would introduce development to a section of the Monks Cross Link Road where at present housing is inconspicuous and the landscape dominated by agricultural fields. The development would be highly visible from a number of the approaches to York from the surrounding area. The proposed green wedge along the western boundary would result in a poor relationship between the new housing and existing settlement edge and could form a barrier to effective integration.

Land north of Haxby

Evidence base

- 8.11 The Heritage Impact Assessment states that development would further extent Haxby's boundary beyond its historic core and is likely to have a significant effect on the settlement's compactness. It notes that proposals would impact on historic landscape elements and will have a detrimental impact on the setting of the village, including the rural approach along Moor Lane.

Evaluation

- 8.12 Development would result in the loss of pleasant agricultural land with a distinctive pattern of well trees hedgerows and a historic small scale/strip field pattern. The existing landscape framework would make a comprehensive development scheme, including playing fields and access, difficult to achieve without resulting in losses of trees and sections of hedgerows.
- 8.13 The proposed open space would result in a development which is poorly related to the existing settlement. The development would result in a significant northern expansion of the existing settlement and would impact on the rural approaches along Moor Lane and Usher Lane.

Land to the west of Wiggington Road

Evidence base

- 8.14 The Heritage Impact Assessment identifies that there are potential significant negative impacts from urban sprawl as development would extend beyond the ring road.

Evaluation

- 8.15 Due to the site's relative isolation from the existing highway, new roads would need to be developed crossing tracts of intervening countryside. The woodland belt contains views from the east, whilst to the north, south and west, views will be possible despite the site being relatively flat.

Land to the west of Elvington Lane

Evidence base

- 8.16 The Heritage Impact Assessment notes that there are potential negative impacts from a new access point off the A64, development may obscure or impact on views of the Minster and the Wolds, and proposals could negatively impact on nearby wildlife sites, in particular Hesslington Tilmire SSSI and the Lower Derwent Valley SPA / Ramsar. It also notes potential impacts on existing recreational routes including the Minster Way.

Evaluation

- 8.17 Development would introduce built form into an area which is mainly agricultural land, although the airfield within the southern part of the site and to its east and west changes the land use in this area. New development will impact on a number of ecological and wildlife assets and the effects should be carefully assessed in order to provide suitable mitigation.
- 8.18 The site is flat and is well contained by woodland to the north and south, however, there are partial views to the southwest and some long distance partial views to the northeast. If access is taken from the A64, this will impact on an additional area of farmland to the north. Development would inevitably result in a substantial loss of agricultural land within the countryside and its replacement with housing infrastructure and open space.

Summary and implications

- 8.19 The evidence base for the Local Plan has identified that each of these sites is sensitive to development to some degree and that impacts to the historic setting of York will arise. That is inevitable given the scale of development York needs to accommodate but is a necessary consequence of the City needing to grow.
- 8.20 However at this juncture, and reflecting on the above points, insufficient justification, in respect of landscape and heritage setting impact considerations, for the selection of these sites over others has been provided by the Council. These allocations cannot therefore be justified as representing the most suitable when considered against reasonable alternative. The Draft Local Plan is unsound as a result.
- 8.21 It is requested that further work is undertaken by the Council to explain the justification for the selection of the above sites over others in the context of the adverse impacts identified above and within the prevailing evidence base.

9. Towards a sound plan

- 9.1 These representations have highlighted a number of deficiencies in the Local Plan which, individually and collectively, render the plan unsound and legally deficient in its current form. There are a combination of flaws in the Local Plan's evidence base, procedural deficiencies in the plan's appraisal of site options and a fundamental inconsistency with the selection spatial strategy for York as reflected in the Draft Local Plan (2013) and fully tested through a Sustainability Appraisal process.
- 9.2 At this stage, it is not possible to outline in detail how the plan should be amended to address these points of unsoundness, rather further strategic work and a reappraisal of site options needs to be undertaken by the Council to arrive at a sustainable Local Plan. However, from the analysis above, several critical points are apparent:
- 1) The Local Plan will need to allocate significantly more land for residential development to meet the Local Plan housing requirement and additional land either for residential development or safeguarded for future development beyond the plan period to ensure the Green Belt can endure over the long;
 - 2) The Local Plan will need to increase the proportion of residential development that is directed to the main settlement of York (defined by the ring road) to:
 - achieve a better physical synergy between the location of residential growth and employment opportunities;
 - to avoid unsustainable patterns of commuting and the potential for increased congestion on the outskirts of York;
 - to ensure the Plan utilises and builds on existing infrastructure as a fundamental principle of a sustainable spatial strategy; and
 - to bring the Plan in line with the selected spatial strategy and spatial distribution of development as set out in the 2013 Draft Local Plan and determined to be the most sustainable through the 2013 Sustainability Appraisal.
 - 3) Two of the three proposed new settlements will need to be removed from the Local Plan to bring the Plan in line with the selected spatial strategy and spatial distribution of development as set out in the 2013 Draft Local Plan and determined to be the most sustainable through the 2013 Sustainability Appraisal.
 - 4) The Local Plan will need to reconsider the categorisation of open land inside the ring road and its Green Belt function given the incorrect characterisation of selected areas of land as forming part of the historic setting and character of York;

5) Notwithstanding point 4), the Council and will need to reappraise land which is deemed to contribute to the historic setting and character of York and its suitability to accommodate development in a sustainable manner (based on all dimensions of sustainability) in accordance with the requirements of paragraph 84 of the NPPF.

Land at North Field

- 9.3 In the context of the above, Gallagher Estates has put forward a strong case for the allocation of land at North Field for residential development through the Local Plan. This site can make an important contribution to meeting the strategic housing requirements of the City in a sustainable form, utilising a sustainable location which can add to the quality and choice of housing available within the Acomb area of York and deliver other associated benefits to the area and existing residents.
- 9.4 The development can be delivered in a manner which is sensitive to its landscape and Green Belt setting, retaining a green gap between the urban edge of York and the settlement of Knapton ensuring the overall Green Belt function of this land is retained.
- 9.5 It also offers the potential to facilitate the delivery of the York Outer Ring Road project through dedicating land along the site's front to enabling the dualling of the A1237 to be achieved, thereby avoiding the need for the Council to acquire land and be exposed to the costs, delays and risks associated with this.
- 9.6 The development is of a sufficient scale to accommodate new community facilities, including a school and areas of open space, securing new community infrastructure for the Acomb area of York to which it is well related. It is based on the principle that building on and utilising existing infrastructure, and where necessary and beneficial, improving this, represents the most sustainable approach to accommodating growth.
- 9.7 The site is deliverable in full over the plan period, in the control of an experienced and responsible land promoter.
- 9.8 The site is capable of being designed sensitively to retain a significant green buffer to Knapton and to be delivered at a density and in a form which reflects its semi-rural location and which provides a soft and green edge to the urban area of York. This design quality can be secured through an appropriately worded policy allocation.

**Appendix 1: Gallagher Estates main
representations to the
Preferred Sites consultation**

Appendix 2: Land at North Field, Vision Framework

Appendix 3: An Updated Review of the Objectively Assessed Need for Housing in York

**Appendix 4: Letter from Defence
Infrastructure Organisation to
the Cheltenham, Tewkesbury
and Gloucester Core Strategy
Core Strategy (October 2016)**

Appendix 5: Sustainability appraisal of land at North Field and selected other sites

**Appendix 6: Cambridge City and South
Cambridgeshire Local Plan
Examinations – letter from
Examination Inspectors 20th
May 2015**

Appendix 7: Landscape overview report

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**CITY OF YORK LOCAL PLAN
PROPOSED MODIFICATIONS
(JUNE 2019)
REGULATION 19 CONSULTATION
RESPONSE**

REPRESENTATIONS

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Appendices

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Appendix 2: Turley - Proposed Modifications to the York Local Plan: OAN Critique – July 2019

Appendix 3: CSA Environmental - Addendum to Landscape Overview – July 2019

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the June 2019 City of York Local Plan Proposed Modifications (the PMs) on behalf of L&QE Estates (formerly Gallagher Estates) (L&QE). These representations are pursuant to and cross-reference with previous representations by Turley at Preferred Sites and Pre-Publication Draft (Regulation 18) stages and Carter Jonas' Regulation 19 Representations (as enclosed at Appendix 1) to the City of Publication Draft York Local Plan (the PDP).
- 1.2 These representations have been prepared for the exclusive benefit of the respondents as set out in the report contents herewith. No other parties may use or duplicate the report contents without the written permission of Carter Jonas LLP.
- 1.3 L&QE has a controlling interest in the land at North Field, York, which Carter Jonas continues to promote for allocation for housing. The land is Site Reference 871 (please see below) within the Strategic Housing Land Availability Assessment (SHLAA) (2018). Our client is keen to work with the City of York 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.



1.4 We have grave concerns over the modifications 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:

- PM3-PM5 and associated amendments – The January 2019 Housing Needs Update and the Revised Objectively Assessed Need (OAN)
- The associated 'garden village' strategy for delivery of sufficient land to meet the OAN
- 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

1.5 In summary our main representations are as follows:

The Housing Requirement

- As previously, the Vision and Outcomes are not justified or effective as they are not backed by sufficient evidence and/or positive policies to meet the identified housing need. The proposed modifications fail to address those concerns.
- The revised OAN housing requirement and the predicted housing supply remain unjustified, ineffective and inconsistent with national planning policy.
- In particular, the revised minimum annual provision of 790 new dwellings per annum is not based upon any robust objective assessment of need.
- The draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- Based on the available evidence, the plan should provide for a minimum of 1,069 new dwellings per annum.
- Even founded on a figure of 790dpa the plan proposes insufficient appropriate and sustainable housing land to meet its proposed requirement.
 - The spatial strategy still relies too heavily on a number of key large and/or complex sites, and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.
 - Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice and in particular a lack of family housing.
- By proposing a reduction to the previous unsound OAN of 867 dpa, the main modifications represent a fundamental change at a late stage of the local plan process and, as a result, the soundness of the plan is even further weakened.

The Green Belt and Strategic Growth

- The Council's negative approach to meeting the development needs of York is reflected in the approach taken toward to the Green Belt.
- The proposed Green Belt boundaries are unsound as they would unreasonably restrict more sustainable development opportunities for the necessary growth of York.
- The combined methodology in terms of defining the inner and outer Green Belt boundaries and allocation of development sites is flawed. CYC has produced a number of evidence base documents in respect of the green belt and historic setting of York between 2003 and 2019. However, no city-wide, comprehensive and objective assessment of green belt purposes has been undertaken. In this respect the plan is unsound.
- The inner boundary as proposed would be too tightly drawn to allow for housing development needs during the plan period and beyond.
- The PMs fail to revisit the spatial strategy for housing or to reconsider sustainable urban extensions as an appropriate alternative.
- The strategy of sustainable urban extension housing allocations should be re-introduced to make up the projected shortfall against the true OAN and improve future range and choice. To illustrate this opportunity:
 - The Outer Ring Road between Millfield Lane to the north and Main Street, Knapton to the south would make a strong Green Belt boundary to the NW edge of the city.
 - This would enable a sustainable urban extension to help meet the uplifted and appropriate level of housing need.
- The March 2019 Addendum to Topic Paper 1 - Approach to Defining York's Green Belt (the Green Belt Addendum) forms part of a flawed process that seeks to retrospectively justify proposed Green Belt boundaries that had already been selected long before the May 2018 submission.
- The Green Belt Addendum is the latest in a long line of green belt review documents, going back to 2003. However, rather than providing a comprehensive and robust evidence base, these documents represent a fragmented and piecemeal approach to considering appropriate, detailed Green Belt boundaries for the city.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet "longer term needs stretching well beyond the plan period".
- The Council's emphasis for the detailed inner boundaries is geared towards safeguarding "the special character and setting of the historic city" rather than establishing "long term development limits" that will (1) take into account necessary levels of growth and (2) "also endure beyond the Plan period".

OAN and Green Belt: Executive Summary

- In summary, the PMs highlight three fundamental flaws in the emerging local plan, namely:
 - A proposed OAN which seriously underestimates the true levels of extreme housing need that prevail across within the city;
 - Associated conflict with the National Planning Policy Framework aims and objectives requiring an “overall strategy” to achieve “sufficient provision for housing (including affordable housing)” and “delivering a sufficient supply of homes”;
 - Tightly drawn Green Belt boundaries and a lack of appropriate housing land which will prevent established needs being met within the plan period and beyond; and
 - A strategic distribution of new housing which will fail to meet both the established need and market requirements.
- In conclusion, the Council has chosen an unreasonably low OAN to help justify tightly drawn inner Green Belt boundaries that were originally proposed long ago.
- The March 2019 Addendum to Topic Paper 1 is an attempt to retro-fit an evidence base to justify those same inner Green Belt boundaries that fails both in terms of robust methodology and content.

1.6 We have provided a structured response which addresses the issues raised within the PMS consultation, as follows:

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

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

2.0 THE HOUSING REQUIREMENT

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

- 2.1 Our previous representations confirmed that Policy SS1 was not sound as it was not positively prepared, effective or consistent with national policy for the reasons set out previously on behalf of L&QE/Gallagher. The PMs documentation does nothing to resolve this and the proposed reduction to the minimum annual provision of new dwellings pushes in the opposite direction.
- 2.2 Pursuant to the Turley OAN Critique (Appendix 2), preceding representations and wider evidence base, L&QE objects to the housing requirement being set at 790 dwellings per annum (DPA) and concludes that the OAN should be at a minimum of 1,069 DPA.
- 2.3 The Council's own 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.
- 2.4 The Plan ignores the supporting evidence base conclusions and provides no clear or sound justification for not making an adjustment for market signals in light of Government guidance. The Publication Draft Plan text at paragraph 3.3: Housing Growth was silent on the methodology behind the selection of the 867dpa figure, which was a failing in itself.
- 2.5 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.
- 2.6 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. This approach is wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above.
- 2.7 The previous housing requirement of 867 per annum failed to comply with Planning Practice Guidance and the revised OAN under the PMS does nothing to rectify that situation, quite the contrary. As set out within the Turley report at Appendix 2, the 2014 population projections are a more appropriate factor in the calculation of OAN than the 2016 figures the council seeks to rely on.

2.8 Given the real prospects of the plan being found unsound at the earliest juncture, the council should allow for a significant increase from the 790 figure towards the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. This is supported by the Turley OAN Critique report (Appendix 2) which concludes as follows

5.6 Drawing together the above, it is considered that in the order of 1,000 dwellings per annum are needed in York over the period from 2012 to 2037...

5.8 Our conclusions are consistent with evidence previously submitted by Turley on behalf of L&QE Estates. It is also proportionate to the current outcome of the standard method (1,069dpa) and the alternative assessments submitted by other representors during earlier stages of consultation, which suggested that up to 1,150 dwellings per annum are needed in York.

5.9 Within this context, the Council's proposal to lower its housing requirement and provide only 790 dwellings per annum is strongly challenged. This proposed modification has not been positively prepared, but has instead been motivated by an opportunity to provide fewer homes rather than seeking to meet the full need for housing in York. The proposed level of housing provision is not justified or consistent with the requirements of national policy and guidance. It is therefore considered that the modified Local Plan, like the submitted version, is unsound.

2.9 In summary, the proposed housing requirement and associated modifications at PM3 – PM5 are not justified or consistent with the NPPF. This should be resolved through a housing requirement based on a minimum OAN of 1,069 dpa.

3.0 GREEN BELT

EX/CYC/18: Green Belt TP1 Addendum and Proposals Map Modifications

- 3.1 The PMs and evidence base seek to provide further evidence for the selection of boundaries for the inner and outer Green Belt edges along with urban areas and proposed development sites within the General Extent of Green Belt.
- 3.2 We 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.
- 3.3 The CSA Environmental (CSAE) - Addendum to Landscape Overview enclosed at Appendix 3 supplements the previous representations on behalf of L&QE/Gallagher in respect of the CYC methodology for determining appropriate green belt boundaries for York.
- 3.4 We remain of the view that the evidence base provided by the council is comprised of a loose collection of documents emerging over a 16 year period and concerned that the proposed detailed green belt boundaries are based upon evidence that is out-of-date, going back as far as 2003 and preceding not only the current NPPF but also the 2012 NPPF as well. The March 2019 document Green Belt TP1 Addendum forms part of the current consultation and seeks to address the Local Plan Inspectors' comments of 24 July 2018 that:

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

- 3.5 As noted within the CSAE report enclosed at Appendix 3, the approach taken by the council and the associated methodology in preparing the TP1 Addendum do not constitute a comprehensive green belt review to, amongst other things, consider appropriate Green Belt boundaries. The CSAE report states:

...rather its purpose is to provide further justification for the existing spatial strategy / Green Belt approach.

- 3.6 In other words, the TP1 Addendum is a further attempt to retrofit an evidence base to justify green belt boundaries and the detailed extent of the York Green Belt already proposed to be designated as such since 2005.

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

3.7 The TP1 Addendum Annex 3 (EiP Document Ref. EX/CYC/18d) seeks to assess and justify the proposed inner edge of the green belt. The assessment breaks down the main built part of the city into 7 radial “inner boundary sections” within the York Outer Ring Road (YORR). As with the main TP1 document, Annex 3 seeks to retrofit an evidence base to draft Green Belt boundaries selected as early as 2005. Paragraph 5.16 of the TP1 Addendum confirms the scope of the inner boundary assessment as follows:

The key role of the inner Green Belt boundary is to establish long term development limits to the built up area, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt including safeguarding the special character and setting of the historic city.

3.8 The CSAE report at Appendix 3 of these representations reviews the approach and methodology against that scope, the associated NPPF advice and with reference to Section 2, Sub-Sections 4-10. We do not repeat the CSAE analysis but note the following key points arising.

3.9 Annex 3, Section 2, Boundaries 4 – 8 assess the proposed inner green belt edge to the immediate east of SHLAA Site 8171. However, this assessment fails to objectively consider other potential boundaries. As such, the assessment is subjective rather than objective. Of particular relevance to these representations is the CSAE report comment that the A1237 and the built development of large scale housing at Acomb have “severed any connection between this land parcel and the historic centre of York. (i.e. referring to the land between the YORR and current urban edge, including SHLAA Site 871). As such, “there are no Key Historic Core Views”).

3.10 CSAE refutes the CYC attempted justifications for the green belt boundary at this point. As per previous representations in respect of Site 871 the CSAE Addendum report maintains:

The adjacent land parcel does have an open character, however the existing edge is poorly assimilated and the A1237 would provide a much more robust alternative boundary. Planned expansion could maintain a buffer to the ring road and provide a much better edge to York.

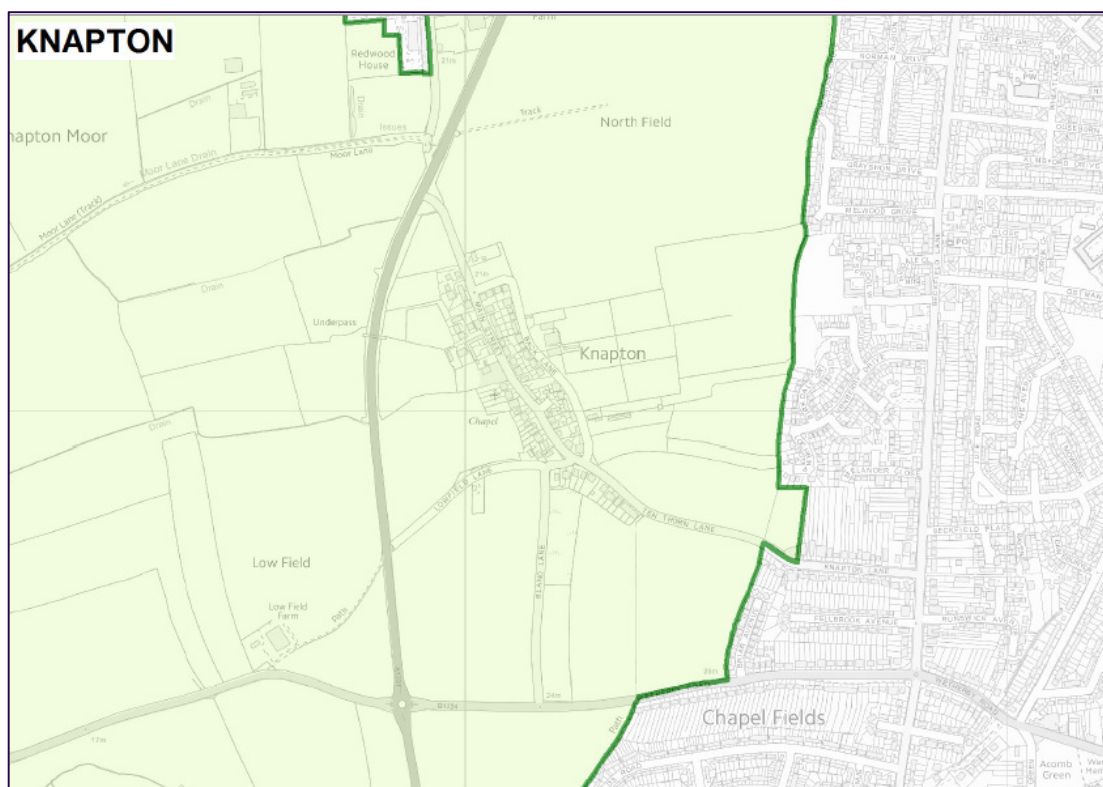
3.11 In respect of permanence, the CSAE report goes on to say:

The assessment notes that the proposed boundary follows an historic field boundary which forms a distinct edge between the urban area and more open farmland. In fact, this boundary largely follows the rear gardens of housing at the edge of York. This does not meet the criteria of a robust manmade or natural feature. The A1237 would provide a much more logical and permanent edge to the Green Belt at this point, however this does not appear to have been considered.

- 3.12 We consider the 2018 SHLAA conclusion in respect of Site 871 that *“the site should not be included as an allocation in the emerging Local Plan”* is a missed opportunity that should have been reconsidered under the PMs. Taking into account the need to identify more housing land, potential sustainable urban extensions such as the site should be strongly considered to help meet housing delivery requirements.
- 3.13 In proposing to designate the North Field site as part of the Green Belt, the council is in conflict with paragraph 139 of the NPPF as is missing the opportunity to allocate a suitable and sustainable site to help meet the requirement for allocation of sufficient land for housing.
- 3.14 If the North Field site is ultimately identified as an appropriate and sustainable urban extension the A1237 YORR boundary of the site would give a clearly defined and strong boundary to the Green Belt at this point, marking the urban edge of this part of York but enabling the land to be allocated to meet a significantly uplifted OAHN. An A1237 boundary would perform well under NPPF paragraph 139(f) in respect of a physical feature that is recognisable and permanent. Furthermore, this would be a simple and straightforward continuation of the proposed green belt boundary to the north, between the Boroughbridge Road Roundabout and where the A1237 crosses the River Ouse.

PM41 - Knapton

- 3.15 Proposed modification 41 seeks to amend the 2018 Proposals Map and to revise the extent of greenbelt, as shown on the following extract i.e. for the green belt to ‘wash over’ Knapton, a change from previous plan iterations whereby Knapton was inset, with a settlement boundary.



3.16 To facilitate housing delivery, we consider that an alternative green belt boundary to Annex 3 Section 2 would help meet development needs during the plan period, based upon an uplifted OAN and the selection of appropriate and sustainable housing land options. Pursuant to paragraphs 3.12 – 3.15 above, the suggested alternative Green Belt boundary is shown in green below, based upon an extract from the Vision Framework submitted as part of previous representations. This would also accommodate a green belt buffer to Knapton village.



PM29-PM40 – Proposed Green Belt Boundary Modifications

- 3.17 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 specific comments in respect of PM29 – PM40 in themselves, we object to all of these PMs as a result of the green belt supporting evidence base as it stands.
- 3.18 L&QE 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”.
- 3.19 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 in appropriate and sustainable locations.

EX/CYC/18b: TP1 Addendum Annex 5 – Development Sites in the Green Belt

- 3.20 Whilst the PMs the subject of this consultation do not include any amendment to the policies and evidence base behind strategic sites, within the General Extent of Green Belt, previous representations for L&Q/Gallagher have raised issues in respect of the selection and justification for the following strategic sites:
- ST7 – East of Metcalfe Lane;
 - ST8 – Land North of Monks Cross;
 - ST9 – Land North of Haxby;
 - ST14 – Land North of Clifton Moor; and
 - ST15 – Land to the West of Elvington Road.
- 3.21 As set out at pages 11 – 13 of the CSAE Addendum report (Appendix 3), the assessment of these sites under TP1 Addendum Annex 5 – Development Sites in the Green Belt raises a number of concerns.
- 3.22 In respect of consistency, Annex 5 highlights the point at paragraphs 3.4 – 3.6 above that the TP1 Addendum seeks to retrofit an evidence base to a set of draft green belt boundaries already selected under previous local plan iterations.
- 3.23 Further inconsistencies arise from the assessments for ST7 and ST9 which have passed the necessary site selection criteria, **despite the site assessments acknowledging harm to the special character and setting of York.**
- 3.24 The CSAE Addendum Report also highlights issues of urban sprawl and countryside encroachment for ST8, ST9 and ST14.

3.25 ST14 – Land North of Clifton Moor is of particular concern as it represents major development outside the YORR. It would also result in additional impact as a result of the extensive infrastructure needed. Problems of “cumulative urbanisation”, major encroachment into the open countryside and loss of separation between Clifton Moor and Skelton would occur. As a result, the Annex 5 conclusion that ST14 would cause only minor harm to green belt purposes 1, 3 and 4 and no significant harm to purpose 2 is patently absurd.

Green Belt Assessment – Summary

3.26 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.

3.27 Despite this, the proposed green belt boundaries within the plan have clearly been drawn up with maximum development restraint in mind. Given the proposed boundaries are in no small part based upon a highly flawed approach under Policy SS1, 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 1,069 dwellings per annum in order to meet the OAN for the City. 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 the General Extent of Green Belt given the proposed detailed boundaries are tightly drawn around the urban extent of the City. The Proposed Modifications do nothing to help resolve this problem.

3.28 Furthermore, given the absence of any full review of the General Extent of Green Belt since its introduction 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 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:

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

3.29 In summary, more land should be released from the General Extent of Green Belt and from within the inner green belt boundary. Appropriate land should be allocated for housing as sustainable urban extensions to meet a significantly increased OAN and safeguarded land should also be allocated for development needs well beyond 2038. We therefore remain of the view 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).*

- 3.30 The 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 representations.

4.0 CONCLUSION

4.1 These and our preceding representations refer to fundamental flaws in the Publication Draft Plan and explain why it is unsound. These representations explain why the Proposed Modifications and supporting evidence continue to fail to make the local plan sound. In particular, the plan fails to meet the necessary test of soundness and the NPPF paragraph 157 requirement to:

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

4.2 The most significant and on-going concerns are: -

- the proposed even lower annual housing provision with an OAN of 790;
- tightly drawn Green Belt boundaries;
- lack of any robust green belt review or justification; and
- insufficiency of housing land allocation

4.3 These would combine to hold back growth to unreasonably low levels, fail to facilitate delivery of much needed housing and further exacerbate the existing significant affordability issues.

4.4 To summarise in more detail, the Proposed Modifications will achieve nothing towards resolving/recognising the following issues that go directly to the heart of plan soundness:

- The plan should provide for a minimum of 1,069 new dwellings per annum.
- Even founded on a proposed housing figure of 790dpa the plan proposes insufficient housing land in appropriate and sustainable locations.
- The spatial strategy remains too heavily reliant upon (1) a number of large key and/or complex sites and over-optimistic and (2) unsupported assumptions over both timing and number of dwellings to be delivered. The PMs fail to resolve these concerns.
- The Proposed Modifications fail to include the reconsideration of sustainable urban extensions to make up the projected shortfall in supply and improve future range and choice.
- The draft plan remains unsound and in conflict with the NPPF as:
 - the PMs do not include measures to address the above issues; and
 - the green belt review update fails to accommodate safeguarded land to help meet “longer term needs stretching well beyond the plan period”.
- The proposed Green Belt remains unsound as it would unreasonably restrict development opportunities for the necessary growth of York.
- The proposed modifications under PM41 do not acknowledge that the A1237 to the west of Acomb would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point

- 4.5 L&QE respectfully maintains that Land at North Field, York, SHLAA ref. 871 should be released from the General Extent of Green Belt to be (at 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 and previous representations. In particular this would help supplement draft housing allocations to meet an objectively assessed need for housing that will increase significantly during the progress toward local plan adoption.

**APPENDIX 1: CARTER JONAS – REPRESENTATIONS TO THE CITY OF YORK
LOCAL PLAN PUBLICATION DRAFT (REGULATION 19 CONSULTATION) –
APRIL 2018**

**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT (FEB 2018)
REGULATION 19 CONSULTATION**

REPRESENTATIONS

March 2018
On behalf of Gallagher Estates

Carter Jonas

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Appendices

Appendix 1: Further Review of the Objectively Assessed Need for Housing in York - March 2018

Appendix 2: Representations to the City of York Local Plan Pre-publication Draft (Regulation 18 consultation) – October 2017

1.0 INTRODUCTION & EXECUTIVE SUMMARY

- 1.1 Carter Jonas LLP welcomes the opportunity to make representations upon the February 2018 City of York Local Plan Publication Draft (the PDP) on behalf of Gallagher Estates Ltd. (Gallagher). These representations are pursuant to and cross-reference with previous representations by Turley at Preferred Sites and Pre-Publication Draft (Regulation 18) stages (the latter enclosed at Appendix 2).
- 1.2 Gallagher has a controlling interest in the land at North Field, York, which we again propose for allocation for housing. The land is Site Reference 871 within the Strategic Housing Land Availability Assessment (SHLAA) (2017). Our client is keen to work with the City of York 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, and site-specific matters to facilitate swift progress.
- 1.3 We note that the Minister for Housing, Communities and Local Government (HCLG) has confirmed (as of 23 March 2018) the council is not one of those selected for intervention. However, a watching brief will be maintained by HCLG to ensure the Council continues to meet the published timetable set out within the Local Development Scheme. Notwithstanding this, we have major concerns over the soundness of the plan as currently proposed which will impact upon the timetable for Plan and prolong the continued failure to plan to meet the needs of the City of York.
- 1.4 In summary our main representations are as follows:

Vision, Spatial Strategy and the Housing Requirement

- The Vision and Outcomes are not justified or effective as they are not backed by sufficient evidence and positive policies to meet the identified housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- In particular, the minimum annual provision of 867 new dwellings per annum is not based upon any robust objective assessment of need – even the council's own evidence base gives an OAN of 953dpa.
- As a result, the draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- Based on the available evidence, the plan should provide for a minimum of 1,070 new dwellings per annum.
- Even founded on a figure of 867dpa the plan proposes insufficient housing land to meet its proposed requirement.
 - The spatial strategy relies too heavily on a number of key large and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.

- The draft plan also includes over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.

The Green Belt

- The concept of sustainable urban extensions should be re-introduced to make up the projected shortfall in supply and improve future range and choice.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet “longer term needs stretching well beyond the plan period”.
- The proposed Green Belt is unsound as it is drawn to unreasonably restrict development opportunities for the necessary growth of York.

Site selection and the case for land at North Field, York

- As noted below, the emerging spatial strategy changed when options including 42% of new housing delivery through extensions to the main urban area were dismissed to be replaced by additional land beyond the Ring Road and within three freestanding settlements described as garden villages.
- Whilst the Sustainability Appraisal considers the strategic sites against each other it fails to reassess them against legitimate alternatives such as the proposed urban extensions.
- In effect, the Sustainability Appraisal fails to provide a comparative assessment of urban extension Site 871: Land at North Field, York as a reasonable alternative against the selected sites.
- The A1237 to the west of Acomb would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.
- Our client’s land at North Field, York is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives and our client and the relevant landowners are willing parties.
- We demonstrate that:
 - The site occupies a highly sustainable location within close proximity to the existing facilities and services of Acomb District Centre;
 - It is well connected via existing sustainable transport network, including bus stops on Beckfield Lane providing access to the City Centre, a train station at Poppleton and a recently completed park and ride facility on the A59;
 - The development of the site as proposed provides opportunities to improve local community facilities, including the provision of new public open space and a

primary school and will deliver significant economic, social and environmental benefits;

- The development will deliver new and much needed affordable housing;
 - The development can sensitively address the relationship between the urban edge of York and the settlement of Knapton through the inclusion of a green gap between the site and Knapton. The development will not result in significant harm to the Green Belt and its key purposes.
 - The development offers the potential to facilitate the delivery of the York Outer Ring Road project through dedicating land along the site's frontage to enabling the dualling of the A1237 to be achieved, thereby avoiding the need for the Council to acquire land and be exposed to the costs, delays and risks associated with this.
- In summary, the North Field, York site should be released from the Green Belt and allocated for housing.

1.5 We have provided a structured response which addresses the policies within the PDP, as follows:

- Section 2 sets out our response to the document as a whole and general approach of the Pre-Publication Draft Local Plan;
- Section 3 covers spatial strategy and the overall housing requirement
- Section 4 relates to housing
- Section 5 sets out and summarises the case for the allocation of land at North Field, York.
- Section 6 summarises our conclusions

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

2.0 THE OVERALL DOCUMENT & GENERAL POLICIES

Background

- 2.1 Within this response, our comments are directed at specific parts of the Publication Draft Plan, which we consider make the document 'unsound'. Our response addresses the issues of soundness set out in paragraph 182 of the National Planning Policy Framework (NPPF) (2012). These require that the Plan should be: -
- Positively Prepared;
 - Justified;
 - Effective and
 - Consistent with national planning policy.
- 2.2 We have some initial comments in regards the document as a whole. Principally the concerns are as follows: -
- Following a long and troubled preparation over many years and as a result of recent Council decisions on growth the Publication Draft Plan is not sufficiently strategic in focus and fails to provide a clear strategic direction for the City;
 - In view of the proposed unreasonably low level of housing growth set at 867 dpa the plan fails to respond to the direction of travel contained within CLG's White Paper 'Fixing our Broken Housing Market' (Feb 2017), 'Planning for the Right Homes in the Right Places: Consultation Paper' (September 2017) and the recent draft National Planning Policy Framework and Planning Policy Guidance issued in March 2018 and associated documents.
 - In effect, as a result of the housing land shortfall the plan will fail to significantly boost housing land supply, address affordability or 'fix the broken housing market' across the city.
- 2.3 It is considered that a significant amount of work still needs to be done to make the Local Plan sound. As it stands, the document is:
- Not justified because is not based on an robust and credible evidence base, and is not the most appropriate strategy when considered against reasonable alternatives;
 - Not effective due to issues of flexibility and does not plan properly to meet the identified needs; and
 - Not consistent with current and emerging national planning policy.
- 2.4 Our specific comments are set out below on a section-by-section basis.

Section 2: Vision and Development Principles

- 2.5 The Vision and Outcomes at p16 are fairly generic and fail to say anything about the need for housing growth to help both deliver and underpin the sustainable development aims and objectives.
- 2.6 Paragraphs 2.1 and 2.2 promote the key role of York in leading Sub-Regional economic growth and new job creation whilst as safeguarding existing employment provision. The aim is to deliver 650 new jobs per annum. Paragraph 2.5 acknowledges the need to provide new homes in the form of “sufficient land for 867 dwellings per annum. Specific reference is made to ‘garden village’ developments at three locations plus “major sustainable urban extensions such as British Sugar and York Central.”
- 2.7 Policies DP1 and DP2 of the Publication Draft Plan acknowledge the need for development to meet housing needs. DP1 aims to ensure:
- The housing needs of the City of York’s current and future population including that arising from economic and institutional growth is met within the York local authority area.*
- 2.8 We wholeheartedly welcome this aim, although for the Vision to be ‘sound’ it should also explicitly acknowledge the need to provide affordable housing and diversify the housing market.
- 2.9 We have significant concerns that the Plan will not effectively meet the development principles of Policy DP1 aims, as set out above. It is well documented that the housing target set out within the publication Plan is not appropriately justified and should be increased to seek to meet the housing needs and economic growth in the area

3.0 SPATIAL STRATEGY AND THE HOUSING REQUIREMENT

Policy SS1: Delivering Sustainable Growth for York

- 3.1 Policy SS1 is not considered to be sound as it is not positively prepared, effective or consistent with national policy for the following reasons.
- 3.2 In light of the 2018 Turley OAN report (Appendix 1) and wider evidence base, our client objects to the housing requirement being set at 867 dwellings per annum and concludes that the OAN should be closer to 1,000 dwellings per annum.
- 3.3 The Council's own 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.
- 3.4 The Plan ignores the supporting evidence base conclusions and provides no clear or sound justification for not making an 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. 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. This approach is wholly unjustified and in breach of the aims and objectives of draft Policy DP1 as noted above.
- 3.5 As such, the housing requirement of 867 per annum fails to comply with Planning Practice Guidance and as a result the Publication Draft Plan fundamentally fails to provide for the evidenced housing growth requirement and is therefore patently unsound.
- 3.6 Furthermore, an additional economic uplift based upon representations from businesses and bodies such as the York Chamber of Commerce and ambitions of the Local Enterprise Partnership should reflect the confirmed role of York as a "key economic driver". As paragraph 4.5 of the 2018 Turley OAN Report at Appendix 1 notes, the 10% uplift would be the absolute minimum level of adjustment necessary. The report suggests a figure of circa 1,000dpa. The lack of reasonable explanation for not including an economic uplift is contrary to PPG advice at Paragraph: 004 Reference ID: 2a-004-20140306, as follows:

...the use of this standard methodology set out in this guidance is strongly recommended because it will ensure that the assessment findings are transparently prepared. Local planning authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.

3.7 Given the real prospects of the plan being found unsound at the earliest juncture, the council should allow for a significant increase from the 867 figure towards the 1,070dpa confirmed within the Planning for the Right Homes Publication Data spreadsheet. As a result, we consider the OAN figure for York is closer to 1,000 dwellings per annum to meet demographic needs and provide a reasonably necessary response to market signals, which should be planned for in the dual interests of flexibility of supply and positive planning. This follows directly from the conclusions at paragraphs 4.3 – 4.9 of the 2018 Turley OAN Report, as follows:

4.3 At a fundamental level, Gallagher Estates continues to be concerned with the Council's disregarding of the evidence set out in the SHMA Update, and its decision to "agree" only with the scale of housing need suggested by the 2014-based household projections. The unjustified dismissal of the market signals adjustment subsequently applied by its consultant's results in a figure derived only from a partial application of the PPG methodology, with this approach not objective or sound. The continued omission of any reference to the concluded OAN for 953 dwellings per annum is strongly challenged by Gallagher Estates.

4.4 A review of submissions to the previous stage of consultation confirms that similar concerns around the interpretation of the OAN evidence were expressed by a number of representors, with concerns around its calculation also noted. The Publication Draft Plan fails to respond to these concerns.

4.5 Our previous technical review identified the following principal points of concern with regards to the Council's OAN evidence and its interpretation into policy:

- **The selection of a demographic projection which failed to allow for an improvement in younger household formation**, despite the SHMA Update confirming that 873 dwellings per annum would be needed to facilitate such an improvement;*
- **The omission of any adjustment to respond to the evidenced worsening in market signals**. The 10% uplift recommended in the SHMA update – but disregarded by the Council – has been commonly viewed as the absolute minimum level of adjustment necessary and justified in York, with at least one representor arguing that a higher uplift of 20% is required; and*

- **The absence of clear justification for the Council's comparatively low employment growth target**, which contrasts with its apparently more ambitious economic strategy. The omission of technical detail and transparency on the modelling assumptions made in testing the alignment between housing need and job growth also restricts proper consideration of the extent to which labour availability may constrain the realisation of economic objectives over the plan period.

4.6 The above points of critique led Turley to previously conclude that closer to 1,000 dwellings per annum are likely to be needed in York to meet demographic needs and provide the absolute minimum response of 10% reasonable and necessary to respond to market signals. This conclusion remains valid, and indeed is reinforced by evidence of a continued worsening in market signals which – if not addressed – will result in a further deterioration in the affordability of housing in the city. York already ranks amongst the least affordable authorities in the north, particularly at entry level.

4.7 A review of other representations has identified three alternative OAN assessments submitted during the previous stage of consultation which similarly concluded that in excess of 1,000 dwellings per annum are needed in York, broadly aligning with the indicative outcome of the proposed standard method for calculating housing needs (1,070dpa). This suggests an annual need for around a quarter (23%) more homes than the Council intends to provide through the Local Plan, as a minimum.

4.8 The proposed housing requirement is therefore derived from evidence which fails to comply with the PPG, against which its soundness will be tested before the introduction of the new standard method. This failure to ensure consistency with national policy – coupled with the lack of justification for an approach which will not be effective in meeting York's housing needs through a positively prepared Local Plan – means that the Publication Draft Plan fails the tests of soundness defined through the NPPF.

4.9 In the context of an acknowledged failure to plan for the full need for housing, it is apparent that other neighbouring authorities – with which the city has the strongest housing market relationships – do not have any stated intention to meet the unmet needs of York. Contrary to national policy, this will leave a significant level of housing needs unmet, detrimentally impacting upon households and the ongoing sustainability of the city as well as failing to contribute to addressing an acknowledged national housing crisis. 3.6 The Publication Draft Plan housing requirement of 867 dwellings per annum wholly fails to meet the requirements of the PPG and NPPF and in light of paragraph 182 of the NPPF it is not positively prepared, justified, effective and consistent with national planning policy.

Policy SS2: The Role of York's Green Belt

3.8 The General Extent of Green Belt for York was established by The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. We 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. Under 'saved' Policy YH9 of the Yorkshire and Humber Plan the council must "*establish long term development limits that safeguard the special character and setting of the historic 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; and
- identify areas of 'safeguarded land' for potential development beyond 2033.

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 1,000 dwellings per annum in order to meet the OAN for the City. 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 the General Extent of Green Belt given the Green Belt boundaries are tightly drawn around the urban extent of the City.

3.11 In respect of the overall housing requirement and the need for the release of land from the General Extent of Green Belt to meet the OAN we cross-refer to the October 2017 representations on behalf of Gallagher Estates, appended herewith at Annex 2 for ease of reference. Paragraph 4.21 of those representations by Turley includes Tables 4.1 and 4.2, covering the land to be released from the General Extent of Green Belt for both 867 and 1,070dpa scenarios.

3.12 Paragraph 4.22 summarises the findings as follows:

The above calculations demonstrate a need to release land capable of delivering at least 9,653 residential units from the Green Belt to meet needs over the plan period and beyond based on a requirement for 867 residential units per annum, or 17,275 units based on a

requirement for 1,070 units per annum. This compares to the Local Plan proposal to release 347 ha of land from the Green Belt to deliver 6,590 units, representing a shortfall of between 4,051 and 10,685 units and approximately 202 to 534 ha.

- 3.13 Furthermore, given the absence of any full review of the General Extent of Green Belt since its introduction 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:

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

- 3.14 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).*

Spatial Strategy: Key Housing Sites - Policies SS4 – SS20

- 3.15 Whilst we do not go into detail on each of the key sites set out between pages 32-69 of the Publication Draft Plan we have deep-seated concerns in respect of (1) the over-reliance on large, strategic sites (including new settlements) and (2) the unrealistic yields being suggested.

Policy SS4: York Central

- 3.16 Whilst at this stage we do not go into the details and evidence base behind Policy SS4 we note that the suggested yield includes a significant degree of optimism in terms of programme and delivery rates on the one hand and an unreasonably broad range of potential housing yield stated within Table 1 of the reports to the Local Plan Working Group and Executive (both January 2018), ranging from 1,700 – 2,500 dwellings. In particular, the suggested “1,700 – 2,500 dwellings, of which a minimum of 1,500 dwellings will be delivered in

the plan period” is too broad a range, demonstrating a lack of clear understanding of true site potential and likely yield during the plan period.

- 3.17 It is worth noting that the suggested range of 1,700 – 2,500 dwellings doesn't correlate with the council's own York Central webpage which states:

The current proposals are subject to further technical work and consultation, but current suggestions include 1,000 to 2,500 homes...

Policy SS6: British Sugar/Manor School

- 3.18 As with SS4 above we do not go into the details behind Policy SS6 at this stage. However, consider the suggested 1,200 dwelling yield includes a significant degree of over-optimism. This is highlighted through the October 2017 Planning Committee report for the undetermined planning application ref. 15/00524/OUTM which refers to “up to 1,100 dwellings” and then with the subsequent January 2018 Design and Access Statement setting out a range of scenarios resulting in as few as 675 units (Option A, at 35dph), up to a maximum of 1,076 units (Option C, at 45dph).

Policy SS19 and 20: Queen Elizabeth Barracks and Imphal Barracks

- 3.19 Given the stated intentions of Defence Infrastructure Organisation (DIO) there would appear to be a significant prospect of the land becoming available. However, these DIO sites remain operational until Queen Elizabeth Barracks (QEB) and Imphal Barracks (IB) are vacated by existing users. As stated in previous representations (see Appendix 2), concerns are raised in relation to the reliance on such sites to deliver the plan's housing requirements as this strategy represents a significant risk insofar as there is also a prospect of current operators deciding to retain control. This is especially a risk in the case of IB, which is not expected to be disposed of until 2031 at the earliest.

Site Selection and the Spatial Distribution of Housing Sites

- 3.20 Policy SS3 of the 2013 Draft Local Plan proposed to “Make provision for 42% of need within urban extensions to the main built up area”. Section 3 of the Publication Draft Plan fails to re-establish the principle of urban extensions, with the allocation of strategic sites beyond the built part of York and inset within the Green Belt being proposed instead. These include Site ST14: Land to the West of Wigginton Road and ST15: Land to the West of Elvington Lane. Whilst the Sustainability Appraisal considers the selected sites against each other it fails to reassess them against alternatives such as the dismissed urban extensions. We maintain this renders the plan unsound and that urban extensions in sustainable locations, such as the Land at North Field, should be reintroduced to help make up the expected delivery shortfalls against OAN noted throughout these representations and to increase flexibility and broaden choice.

3.21 Paragraphs 5.11 – 5.46 of the appended October 2017 representations for Gallagher by Turley set out further detailed concerns over the approach taken in respect of spatial distribution of development and housing site selection which we carry forward as part of these submissions. Gallagher confirms that the previous representations covering site selection and the spatial distribution of housing sites still stand and should be taken into account as the plan progresses to submission and examination. Those concerns are summarised as follows:

- Inconsistency with previous preferred spatial distribution approach toward prioritising development within and extensions to the main urban area
- The uncertainty over transportation and community infrastructure for standalone new settlements.
- The reliance on large, strategic sites including new free-standing settlements has not been properly tested through an updated Sustainability Appraisal.
- The smaller new settlements (Allocations ST7 and ST14) *“will deliver just 845 and 1,348 units in total respectively”*, falling short of the critical mass required to fund the provision of the necessary community and sustainable transport infrastructure needed.
- The Green Belt appraisal in support of the proposed allocations is not compliant with the NPPF.
- The discounting of sites on Green Belt grounds in the absence of consideration of wider sustainability benefits and alternatives is wholly unsound.
- The selection of sites in the absence of a robust and up-to-date Green Belt assessment is similarly unsound.
- These matters combine to render the plan fundamentally unsound.

3.22 In conclusion, due to the need to allocate additional land for housing as set out throughout these latest representations, Gallagher maintains that urban extension sites represent a more sustainable alternative compared to any additional new settlement options. This approach has not been sufficiently re-tested through the Sustainability Appraisal 2018 as an appropriate alternative.

3.23 In addition, we note that an updated and amended Sustainability Appraisal (SA) has been published, as of February 2018. The comments made in the Turley October 2017 representations in respect of the wider sustainability appraisal process still remain. However, we specifically note that neither the updated SA Appendix H Appraisal of Allocations and Alternatives nor Appendix I: Appraisal of Strategic Sites and Alternatives include a comparative assessment of Site Ref. 871: Land at North Field, York. This represents a further reason to deem the Publication Draft Plan unsound.

4.0 HOUSING

Policy H1: Housing Allocations

- 4.1 This section of the plan seeks to set out *the “policies and allocations to positively meet the housing development needs of the city”*. We maintain for the reasons given above, the proposed housing allocations will not meet the appropriate level of OAN for the City over the plan period. In this respect the plan is not sound, justified, effective or in accordance with national policy.
- 4.2 It is vital the Council produces a plan which can deliver against its full housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period and that the plan allocates more sites than required to meet the housing requirement as a buffer. To meet NPPF requirements for the plan to be positively prepared and flexible the buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites. Gallagher suggests a contingency of at least 10% to the overall housing land supply to provide sufficient flexibility for unforeseen circumstances and in acknowledgement that the housing requirement is proposed as a minimum not a maximum figure.
- 4.3 As far as we are aware, the Council has not provided a robust assessment of trajectory for the housing allocations and therefore it is difficult to provide a detailed analysis of the likely delivery rates of the individual sites. However on the limited information available it is considered that the Publication Draft Plan significantly underestimates the length of time it will take for the housing allocations to start delivering completions. A significant amount of supply is based upon the regeneration sites and large strategic allocations set out within Section 3: Spatial Strategy and therefore are likely to take a number of years to achieve detailed planning permission given the requirements for, *inter alia*, remediation, Environmental Impact Assessment and complexities of the likely Section 106 Agreements involving the delivery of new schools, local centres and significant pieces of infrastructure etc.
- 4.4 Furthermore, a number of the sites are under multiple ownerships and therefore may take many years for land assembly to take place and the drawing up contractual agreements with developers. These combined factors mean that a large number of the housing allocations are unlikely to start delivering completions within the first 5 years of the plan period.
- 4.5 Our client is concerned that the methodology used for determining the capacity of the proposed allocations has overestimated the amount of housing that will be delivered on the sites and as such the reliance on these sites could render the Plan ineffective due to more realistic lower yields. It is considered that the build out rates and density levels contained in the SHLAA are not realistic or robust. To illustrate this it is worth noting the very broad estimated 1-10 year phasing within Table 5.1 for key sites such as H1: Heworth Green Gas Works and H7: Bootham Crescent. In addition, the SHLAA overestimates gross to net site ratios, which is a particular problem for large sites which will require substantial on-site infrastructure and ancillary uses such as public open

space, schools, local services and facilities, flood attenuation ponds and swales, significant adoptable road networks etc. The assumptions used in the SHLAA do not appear to be supported by any local evidence.

- 4.6 As evidenced by the Windfall Technical Paper, the housing supply makes an allowance for windfall sites of 169 dwellings per annum from plan year 4. As noted above, previously developed land is a finite resource and, similarly, historic rates of windfall are most unlikely to be maintained for the plan period. Furthermore, we note the allocation of smaller sites (e.g. Site H53 Land at Knapton Village for 4 dwellings). In the past, these smaller sites for only a handful of units might otherwise have been considered as windfall should they come forward and as a result their allocation would detract from projected windfall based on historic rates. Gallagher therefore objects to the inclusion of over 2,000 units of windfall within supply as being wholly unsupported, unsound and lacking justification. It is understood that Government guidance enables allowances to be made for windfall contribution. However, we suggest that it would be more effective to regard any contribution from windfalls as a boost to supply due to their uncertainty in delivery and the shortfall made up of appropriately planned for, allocated sites.
- 4.7 The above will necessitate additional housing allocations being identified. Failure to identify additional housing will impact upon the overall delivery of the Local Plan aims and objectives to meeting housing need.

Policy H2: Density of Residential Development

- 4.8 We envisage that the high housing densities within Policy H2 represent part of the council's case to minimise housing land allocations and thus the need to remove land from the General Extent of Green Belt. Development densities of 100 dwellings per hectare within the city centre and 50 dwellings per hectare within the wider urban area are unrealistically high and would lead to lack of choice and poor standards. As currently drafted, Policy H2 is not considered to be sound as it is not effective, justified or consistent with national policy.
- 4.9 Whilst paragraph 47 of the NPPF indicates local authorities can set out their own approach to housing density this should be based upon local circumstances and not harm the overall objective of boosting significantly housing supply.
- 4.10 Gallagher considers that the appropriate evidence is not available to support this policy as written. The high-density development proposed in this policy may be difficult to market as it would be likely to result in poor internal standards of residential amenity, small garden areas, no garages and little parking. It is considered that lower density developments would be more marketable, and the policy should be amended to allow for this flexibility. We recommend the inclusion of an additional category of Sustainable Urban Extensions with densities set between 25-35dph.
- 4.11 As noted above, the proposed high densities and in particular the 50dph proposed within the York urban area would lead to smaller units and more cramped layouts being proposed. Unless the suggested densities are reduced, Policy H2 will also be in conflict with other Government initiatives such as the Nationally Described

Space Standard which seeks increased total floorspace and better standards of internal amenity per dwelling and against the interests of providing good quality new housing to meet the high levels of demand.

Policy H3: Balancing the Housing Market

- 4.12 Gallagher maintains that the housing market and the appropriate mix of housing will vary both with time and within different parts of the housing market. We maintain that greater flexibility should be built into Policy H3 as the optimum mix for any proposed housing development to reflect market demand and aspirations alongside need over the plan period.

Policy H4: Promoting Self and Custom House Building

- 4.13 In view of the lack of market evidence over the willingness of self-builders and/or small/custom house-builders to build within larger sites of 5ha plus, Gallagher objects to Policy H4 in principle and will maintain a watching brief in respect of Policy H4. We will review this stance in the event that such demand can be identified by the council.

Policy H5: Gypsies and Travellers

- 4.14 Gallagher is concerned that housing sites of 5ha or more will be expected to meet the need of *“those 44 Gypsies and Traveller households that do not meet the planning definition”* and we note the HBF has similar concerns. We agree with the HBF that *“further clarity is needed in relation to why provision is needed for those households no longer meeting the definition; whether a pitch on a strategic allocation is an appropriate location for these households particularly at the numbers proposed; what will happen to these pitches if no gypsy or traveller wishes to utilise them; and the management of these pitches.”* In the absence of such clarity Gallagher objects to Policy H5 as drafted.

Policy H9: Older Persons Specialist Housing

- 4.15 In respect of Policy H9 we maintain that strategic sites should only be required to *“incorporate the appropriate provision of accommodation types for older persons within their site masterplanning”* only if the need for older persons accommodation and the site suitability and location are appropriate. H9 should be amended to incorporate flexibility.

Policy H10: Affordable Housing

- 4.15 Gallagher generally supports the provision of affordable housing and maintains that urban extensions provide the opportunity to help meet affordable housing requirements across the city. We reserve our position on this aspect of the plan subject to more detail of how the draft NPPF amendments to the definition of affordable housing provision as set out in the current consultation on the draft NPPF will be incorporated as the plan proceeds.

5.0 THE CASE FOR THE ALLOCATION OF LAND AT NORTH FIELD, YORK

5.1 These representations are pursuant to the previous representations for Gallagher and seek to establish that the site is suitable for allocation and represents the most appropriate option for allocation when considered against reasonable alternatives. The representations in particular make cross-reference to the October 2017 Vision Framework by Turley, which was attached to their October 2017 representations. This framework provides details of the sites' deliverability, suitability for development and achievability in terms of its ability to be brought forward to meet the city's housing requirement and is summarised and quoted at paragraphs 5.3 – 5.7 below.

5.2 In all planning respects the proposal is sustainable and addresses all planning policy, environmental and technical considerations.

The Proposal - Summary

5.3 The site is approximately 84 hectares in size and could readily accommodate up to 1,000 dwellings (at a net density of 25-35dph) and a new primary school. There is sufficient land to enable the delivery of a high quality and sustainable development, relating well to the surrounding context. The proposals also include local highway network improvements to the benefit of all users and in particular helping to underpin and deliver the council's own planned widening Ring Road.

5.4 As confirmed within the Vision Document:

A thorough assessment of the site's context has been undertaken and it has been demonstrated that the site is both suitable and appropriate for the proposed development. It also represents a deliverable and viable opportunity to provide sustainable housing growth on the north-western edge of York and contribute towards meeting the housing targets within the local area.

5.5 The Vision Document justifies this by undertaking an in-depth assessment of relevant planning policy and site context, detailed site analysis covering all material considerations before developing a concept framework. In conclusion the Vision Document demonstrates the following:

- *Policy Context – The development proposes a sustainable form of development which will help make a significant contribution towards the Council's housing supply position and help deliver wider economic growth and social benefits;*

- *Townscape and Context – The site relates well to Acomb and forms a logical and well-contained extension to the suburban area of York. The A1237 will create a defensible boundary to the west of the site and the proposed retention of the agricultural land to the*

south will ensure that a sensitive buffer is retained between the development and Knapton village and ensure that the development will result in only minimal harm to the Green Belt;

• Access – The site is in a sustainable location, close to local facilities and community services. It relates well to the surrounding area and is fully accessible by car, walking, cycling and public transport modes; and

• Benefits – The future development of the site can be delivered whilst retaining and enhancing its specific landscape and ecological attributes. The masterplan also demonstrates that additional areas of public open space and community facilities can be delivered through the release of the land for development.

5.6 Section 6 of the October 2017 representations for Gallagher by Turley provides a detailed rebuttal of the 2017 SHLAA explanation for not allocating the site covering the following:

- landscape and historic setting
- heritage assessment
- Green Belt policy
- sustainability considerations

5.7 In the interests of completeness and for ease of reference their conclusions at paragraphs 6.37 and 6.38 remain of full relevance when responding to the Publication Draft Plan consultation and we repeat them in full below:

6.37 *It is Gallagher Estates view that the characterisation of the site as forming part of the historic character and setting to the City is flawed given the relationship which this land has with the historic core of York. Land can only perform this function where the historic core of York is visible from views across this land and where the historic core provides a backdrop to this land, as confirmed by the Council's own definition provided in the 2003 Green Belt Assessment. Clearly that does not apply in the case of North Field. The evidential basis on which the site has been discounted without proper consideration as a viable and sustainable development opportunity is deficient. The Local Plan is not justified and is unsound as a result.*

6.38 *More generally, and as outlined in section 5, the Council's approach to appraising sites which are deemed to have a specific Green Belt function in respect of NPPF Purpose 4 is at odds with paragraph 84 of NPPF. As a procedural point, there is no justified reason for discounting such sites on the basis of one aspect of their Green Belt contribution (as only one provision of national planning policy) without properly considering their sustainability credentials in a broader sense. This puts the Local Plan in conflict with the NPPF (paragraph 84) and renders it unsound as a result.*

Deliverability

5.7 Site Ref. 871: Land at North Field, York is fully 'deliverable' in accordance with Paragraph 47 of the NPPF as it is: -

- a) Available now;
- b) A suitable location for development now; and
- c) Is achievable with a realistic prospect that housing will be delivered on the site.

6.0 CONCLUSION

6.1 These representations set out fundamental flaws in the Publication Draft Plan and explain why it is unsound. In particular, the plan fails to meet the NPPF paragraph 157 requirement to

...plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework...

6.2 The most significant concerns are the proposed low annual housing provision, tightly drawn Green Belt boundaries and insufficiency of housing land allocation would combine to hold back growth to unreasonably low levels and exacerbate the existing significant affordability issues further.

6.3 To summarise in more detail:

- The Vision and Outcomes are not justified or effective as they are not backed by positive policies to meet housing need.
- The housing requirement and the predicted housing supply is not justified, effective or consistent with national planning policy or even the council's own evidence base.
- The draft plan will not deliver sufficient new housing or the much needed boost to the level of supply indicated by the available evidence.
- The plan should provide for a minimum of 1,000 new dwellings per annum.
- Even founded on a proposed housing figure of 867dpa the plan proposes insufficient housing land.
- The spatial strategy relies too heavily on a number of large key and/or complex sites and over-optimistic and unsupported assumptions over both timing and number of dwellings to be delivered.
- The draft plan also relies too heavily on over-optimistic assumptions over the predicted level of windfall.
- Indicative densities are too high, giving unrealistic yield per hectare assumptions and potentially resulting in poor quality development and lack of new housing choice.
- The spatial strategy changed when options including urban extensions were replaced by additional land beyond the Ring Road and within freestanding new settlements but, whilst the Sustainability Appraisal considers the proposed strategic sites against each other it fails to reassess them against legitimate alternatives such as the proposed urban extensions delivering 42% of supply.
- The concept of sustainable urban extensions should be re-introduced to make up the projected shortfall in supply and improve future range and choice.
- The draft plan is unsound and in conflict with the NPPF as no safeguarded land is proposed to help meet "longer term needs stretching well beyond the plan period".
- The proposed Green Belt is unsound as it is drawn to unreasonably restrict development opportunities for the necessary growth of York.

- The Sustainability Appraisal fails to provide a comparative assessment of Site 871: Land at North Field, York against the selected sites.
- The A1237 to the west of Acomb would form a logical, permanent and strong Green Belt boundary and a well-defined edge to the built-part of the city at this point.

6.4 Our client's land at North Field, York is fully deliverable and represents one of the most appropriate sites for allocation when considered against reasonable alternatives. In addition, our client and the relevant landowners are willing parties.

6.5 Gallagher respectfully maintains that Land at North Field, York, SHLAA ref. 871 should be released from the Green Belt to be (at 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.

**APPENDIX 2: TURLEY – PROPOSED MODIFICATIONS TO THE YORK LOCAL
PLAN: OAN CRITIQUE – JULY 2019**

**Proposed Modifications to the York Local
Plan: OAN Critique**
L&Q Estates Limited
(formerly Gallagher Estates)

July 2019

Turley

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1. Introduction

- 1.1 This report has been prepared by Turley on behalf of L&Q Estates – formerly Gallagher Estates – to review and critique the Housing Needs Update¹ published by the City of York Council (‘the Council’) in January 2019. The review is undertaken in the context of the Council’s ongoing consultation on proposed modifications² to its submitted Local Plan, which runs until 22 July 2019.
- 1.2 Through this consultation, the Council has proposed to lower its emerging housing requirement, from 867 to 790 dwellings per annum, to precisely align with the objectively assessed need (OAN) concluded in the Housing Needs Update. This report strongly challenges the basis for such a reduction, and indicates that the level of housing provision now proposed by the Council – or indeed previously proposed – would fail to meet the housing needs of York in full. Earlier submissions on behalf of L&Q Estates have expressed similarly fundamental concerns³.
- 1.3 Beyond the overall level of housing growth planned and needed, this report further considers the size and type of housing likely to be needed in York; a requirement of the relevant National Planning Policy Framework⁴ (NPPF) and its associated guidance. This is omitted from the recently published Housing Needs Update, but provides important context in appraising the extent to which the profile of housing supply proposed by the Council will ensure that housing needs are met in full.

Structure

- 1.4 This report is structured as follows:
- **Section 2 – Introducing the Emerging Policy Position** – a chronology of the Council’s approach to evidencing and planning for housing needs, including an overview of the factors that have been claimed by the Council in its evidence base to lower housing need in York relative to earlier evidence;
 - **Section 3 – Critique of the OAN** – a further interrogation and critique of the key inputs to the revised OAN calculation, including the demographic projections, employment growth forecasts and market signals adjustments;
 - **Section 4 – Size and Type of Housing Needed** – the overall need for housing in York is broken down to estimate the proportionate split between houses and flats, in the absence of such analysis in the Housing Needs Update; and
 - **Section 5 – Summary and Conclusions** – a concise overview of the conclusions and implications of this report.

¹ GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9]

² City of York Council (June 2019) City of York Local Plan: Proposed Modifications

³ See Appendix 1 of Gallagher Estates’ submission to the Regulation 19 consultation in March 2018 (Ref 604). This appended and referred to an “Updated Review of the Objectively Assessed Need for Housing in York”, dated October 2017, and an earlier report dated September 2016

⁴ DCLG (2012) National Planning Policy Framework, paragraphs 50 and 159

2. Introducing the Emerging Policy Position

- 2.1 This section provides a chronological overview of the housing need evidence commissioned by the Council, and its proposed approach to meeting this need based on public consultations and correspondence with the Inspectors following submission of the Local Plan.

OAN Evidenced at Submission

- 2.2 The York Local Plan was submitted for examination in May 2018, with its evidence base including a Strategic Housing Market Assessment Update⁵ ('the SHMA Update') produced in May 2017. This represented the latest OAN evidence commissioned by the Council, completed in the context of the relevant NPPF and Planning Practice Guidance (PPG).
- 2.3 The SHMA Update concluded that 953 dwellings per annum are needed in York over the plan period (2012-32). As shown at Table 2.1 overleaf, this was principally derived from its '*starting point*' of the 2014-based household projections, which were found to be predicated upon a '*level of population growth which is higher than any recent historic period or any trend based forecast of growth*'. It was nonetheless concluded that '*a positive step*' would be to '*consider these as the preferred population growth scenario*', with lower sensitivity scenarios '*not...defensible given the very strong recent trends*'⁶ in population growth. It continued by stating that:
- "A clear and evermore consistent migration trend is appearing and could not fully justify any move away from the official projections. Doing so would risk under-estimating the true housing need in the City"*⁷
- 2.4 The 2014-based household projections therefore form the demographic basis of the OAN concluded in the SHMA Update, and are uplifted by 10% '*to respond to housing market signals and to enhance affordable housing delivery*'⁸. While there was not '*a full update to the analysis of economic growth*', it was concluded that '*there is unlikely to be any justification for an uplift to housing numbers in the City to support expected growth in employment*'⁹.

⁵ GL Hearn (May 2017) City of York Council Strategic Housing Market Assessment – Addendum Update [SD050]

⁶ *Ibid*, paragraphs 2.11 and 2.12

⁷ *Ibid*, paragraph 2.13

⁸ *Ibid*, paragraph 3.30

⁹ *Ibid*, paragraphs 4.4 and 5.5

Table 2.1: Basis of OAN Concluded in the SHMA Update (2017)

	Dwellings per annum 2012-32	Adjustment from 'starting point'
2014-based projections – the 'starting point'	867	–
Preferred demographic projection	867	0%
Market signals adjustment (+10%)	953	+10%
Objectively assessed need	953	+10%

Source: GL Hearn, 2017

- 2.5 The SHMA Update was prefaced by a note, drafted by the Council, to provide 'introduction and context to [the] objective assessment of housing need'¹⁰. This "accepted" the figure of 867 dwellings per annum as 'the relevant baseline demographic figure', but noted that:

*"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"*¹¹ (emphasis added)

- 2.6 The Council therefore dismissed the market signals adjustment applied by its consultants, and consequently selected a figure that was derived from only a partial application of the PPG methodology. The submitted version of the Local Plan – like the Pre-Publication version, which was subject to consultation in autumn 2017 – misleadingly labelled this preferred figure of 867 dwellings per annum as 'an objectively assessed need'¹², and entirely omitted reference to the OAN for 953 dwellings per annum concluded in the SHMA Update.

Reaction to the Council's Approach

- 2.7 As noted within our previous submission, the Council was aware of the widespread objection to its proposed requirement for 867 dwellings per annum following consultation on the Pre-Publication version in autumn 2017. This reflected the departure from the conclusions of the SHMA Update and its resulting lack of conformity with existing and emerging national policy¹³. The Local Plan Working Group (LPWG) met in January 2018 and were advised that:

¹⁰ City of York Council (September 2017) City of York Strategic Housing Market Assessment Update, Introduction and Context to Objective Assessment of Housing Need [SD050]

¹¹ *Ibid*

¹² City of York Council (February 2018) City of York Local Plan – Publication Draft, Regulation 19 Consultation, paragraph 3.3

¹³ City of York Council (23 January 2018) Local Plan Working Group – Report of the Assistant Director of Planning and Public Protection [Agenda Item 4]

*“Members must be satisfied that they consider the Submission Draft Plan meets the test of “soundness”. This is a statutory duty. Officers’ advice is that the direction of travel in national policy indicates that if the site proposals previously consulted on were increased this would be a more robust position...In Officers’ opinion, **an increase in the supply of housing** would place the Council in a better position for defending the Plan proposals through the Examination process”¹⁴ (emphasis added)*

- 2.8 The minutes of the subsequent Executive meeting on 25 January 2018 confirmed that the recommendations of the LPWG differed from officers’ advice. As a consequence, the Publication draft of the Local Plan – submitted for examination in May 2018 – retained the requirement for 867 dwellings per annum, against officers’ advice.
- 2.9 This continued to be strongly challenged by Gallagher Estates (now L&Q Estates) and other representors, building upon and reiterating the concerns raised at earlier stages of consultation that were summarised in our previous submission¹⁵. At a fundamental level, the attempt to depart from the OAN concluded in the SHMA Update was widely criticised. This criticism was reinforced by evidence of a higher OAN, with the then-outcome of the standard method and three alternative assessments submitted by representors each independently concluding that at least 1,070 dwellings per annum are needed in York¹⁶.
- 2.10 As shown in Table 2.2, the standard method continues to indicate that such a level of provision is the minimum needed in the city, albeit it is accepted that the Local Plan was submitted prior to its implementation through national policy.

Table 2.2: Up-to-date Application of Standard Method for York

	Baseline	Affordability ratio	Uplift	Outcome
York	820	8.86	30.4%	1,069

Source: MHCLG; ONS

- 2.11 Housing need was immediately identified as an area of ‘*particular concern*’ by the Inspectors appointed to examine the Local Plan, as documented within their initial observations in July 2018¹⁷. The Inspectors observed that the preface to the SHMA Update was ‘*not the work of GL Hearn and is not part of the SHMA Update, as such*’. They referred to the Council’s claim that its adjustments were ‘*speculative and arbitrary*’, but noted that ‘*precisely what it is about the SHMA Update that the Council considers “speculative and arbitrary” is not apparent to us*’. Similarly, it was unclear to the Inspectors as to why the Council considered ‘*the SHMA Update to be “too heavily reliant on recent short-term unrepresentative trends”*’. They also reinforced that ‘*difficulty in housing delivery and the existence of environmental constraints have no place in identifying the OAN*’.

¹⁴ *Ibid*, paragraphs 26 and 27

¹⁵ Section 3 of our “Further Review of the Objectively Assessed Need for Housing in York”, March 2018 [Appendix 1 to Gallagher Estates’ submission, reference 604]

¹⁶ *Ibid*, Figure 3.1

¹⁷ Letter to City of York Council from Planning Inspectors, 24 July 2018 [EX/INS/1]

2.12 The Inspectors concluded that:

“As things presently stand, we have significant concerns about the Council’s stance regarding the OAN. The evidence necessary to demonstrate that the 867dpa figure used in the plan is properly justified is absent from the documents submitted so far. On the contrary, the evidence produced for and submitted by the Council does rather more to suggest that the 867dpa figure is not justified”¹⁸

2.13 The Council’s response to the Inspectors committed to setting out a timetable for a full response during the first week of September¹⁹. This self-imposed deadline was not met.

Housing Needs Update and Proposed Modifications

2.14 The Council’s delay in responding to the Inspectors’ initial observations extended beyond the publication date of the 2016-based household projections on 20 September 2018. The Council’s LPWG met on this date to discuss the housing issues raised by the Inspectors, in the knowledge that the 2016-based sub-national population projections (SNPP) had been released in May with a ‘*marked downward trend*’ implied for York²⁰. Members were advised that:

“...irrespective of the issues of clarification raised by the Inspector, new evidence has been released which appeared to show a substantive change in the demographic starting point or baseline for the Plan period and that officers considered that this new evidence must be analysed and the potential implications for the submitted Plan understood”²¹

2.15 The Council belatedly responded to the Inspectors on 13 November, though did not explicitly respond to each of the points raised through earlier correspondence. Instead, it referred to the publication of the 2016-based household projections and described ‘*a state of flux*’ in the national policy context as a result of the Government’s then-ongoing revision of its standard method²². It suggested that a process of ‘*dialogue*’ with the Ministry of Housing, Communities and Local Government (MHCLG) was ongoing ‘*in the light of these recent developments*’, with the Council considering that:

“...in order to achieve a robust and up-to-date Plan, the implications of the Government’s emerging position should also be clarified and understood before a final OAN figure is settled through the examination process...Subject to the issue of the draft guidance...we expect to conduct this review and to update you on its conclusions by early in the New Year”²³

¹⁸ *Ibid*

¹⁹ Letter to Planning Inspectors from City of York Council, 9 August 2018 [EX/CYC/4]

²⁰ Minutes of the Local Plan Working Group meeting (20 September 2018)

²¹ *Ibid*

²² Letter to Planning Inspectors from City of York Council, 13 November 2018 [EX/CYC/7]

²³ *Ibid*

2.16 The Inspectors' response²⁴ requested further detail on the outcome of the Council's dialogue with MHCLG, and directly questioned why clarity on emerging changes to the standard method was necessary given the Council's submission within the transition period from the previous NPPF. The Inspectors were clear that *'the 2012 NPPF requires that an OAN figure be identified'*, and outlined that:

*"The starting point for our examination is that the Council has submitted what it considers to be a sound plan. Given this, and in light of the above, unless the Council considers the OAN currently identified to be unsound in some way, we intend to now proceed to the first phase of hearings as expediently as possible..."*²⁵

2.17 Following this correspondence, interested parties were advised on 11 January 2019 that a first phase of hearings – to include consideration of the OAN – would be held in March/April²⁶.

2.18 The expedient progress sought by the Inspectors was jeopardised by the Council's publication of new OAN evidence less than three weeks later, as referenced in its subsequent letter to the Inspectors²⁷. This evidence took the form of a "Housing Needs Update", dated January 2019²⁸. It concludes with an OAN of 790 dwellings per annum; some 17% lower than the need for 953 dwellings per annum identified through the SHMA Update, and 9% below the requirement for 867 dwellings per annum proposed in the submitted Local Plan. It is also some 26% below the current outcome of the standard method, noting the Council's previous reference to the *'emerging position'*.

2.19 The Housing Needs Update refers to the 2016-based household projections as its *'starting point'*, deriving a need for 484 dwellings per annum from this dataset over a longer plan period (2012-37). This almost halves the *'starting point'* of the SHMA Update (867dpa) which drew upon the 2014-based household projections.

2.20 This has a further effect in moderating the absolute impact of the proportionate adjustment applied to respond to recent market signals, which are reviewed again in the Housing Needs Update to reflect the latest available data. It concedes that market signals now justify a larger uplift of 15%, and chooses to apply such an adjustment to its *'starting point'* to generate a figure (557dpa) that remains some way short of the previous OAN.

2.21 As a result, the OAN itself is ostensibly linked to the economy, aiming to provide the labour force required to support an employment forecast historically referenced elsewhere in the Council's evidence base²⁹. It is concluded that the 2016-based projections would not provide a sufficient growth in the labour force to support this forecast, requiring increased in-migration with implications for population and household growth. This would require provision for 590 dwellings per annum when applying the household formation rates assumed in the 2016-based household

²⁴ Letter to City of York Council from Planning Inspectors, 14 December 2018 [EX/INS/2]

²⁵ *Ibid*

²⁶ Initial letter to representors from Programme Officer [EX/INS/3]

²⁷ Letter to Planning Inspectors from City of York Council, 29 January 2019 [EX/CYC/8]

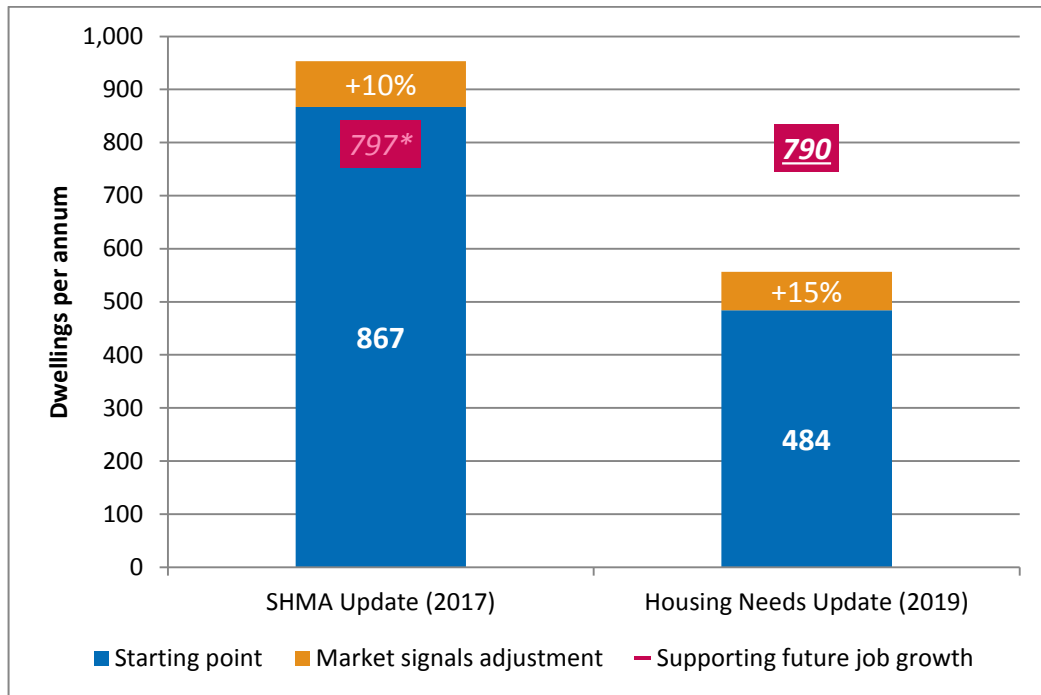
²⁸ GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9]

²⁹ City of York Council (September 2017) Employment Land Review Update [SD063]

projections, though the Housing Needs Update correctly acknowledges that these assumptions *'have not been met uncritically'*³⁰. It therefore tests the impact of applying 2014-based household formation rate assumptions to the *same* population, which generates a higher need for 735 dwellings per annum. This increases further to **790 dwellings per annum** where allowance is made for a partial return to historic trends for younger age groups (aged 25-44), providing the basis for the concluded OAN.

2.22 This is illustrated in Figure 2.1, which shows how the respective starting points have been proportionately adjusted in the SHMA Update and Housing Needs Update. Unlike in 2017, the lower *'starting point'* in the latter is claimed to bring demographic needs below the level of housing provision required to support future job growth, which now results in a "jobs-led" OAN for York. The SHMA Update notably considered this to be a remote prospect and did not present any jobs-led modelling scenarios, though did refer to modelling from the earlier 2016 SHMA which is included below for context³¹.

Figure 2.1: Basis of Respective Conclusions of OAN (2017/2019)



Source: Turley analysis of GL Hearn modelling

* 2016 SHMA modelling

2.23 In introducing the Housing Needs Update to the Inspectors, the Council took the view that:

³⁰ GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9] paragraph 2.17

³¹ GL Hearn (May 2017) City of York Council Strategic Housing Market Assessment – Addendum Update [SD050] paragraphs 4.2 and 4.3

“...in order to achieve a robust and up to date Plan it is necessary to consider the implications of the newly published national evidence before a final OAN is settled through the examination process”³²

- 2.24 It proceeded to claim that the OAN concluded in the Housing Needs Update confirms that *‘the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements’³³*.
- 2.25 The Council has, however, since proposed a series of modifications to the Local Plan to lower the housing requirement and precisely align with the OAN concluded in the Housing Needs Update³⁴. This followed correspondence with the Inspectors, who observed that the previous requirement was *‘higher than the number of houses the Council now considers to be needed’* and requested *‘a short paper setting out the justification for this’³⁵*.
- 2.26 The Inspectors simultaneously requested a further period of consultation to reflect the Council’s submission of *‘quite substantial new evidence of a fundamental nature’*. It was anticipated that this consultation would run from mid-March to allow Phase 1 hearings to begin in June, although this did not happen and the consultation on proposed modifications commenced on 10 June.

Summary

- 2.27 The Council has historically evidenced a need for 953 dwellings per annum in York, though chose not to accept this conclusion in an approach that was widely criticised during earlier consultations. Respondents cited independent evidence of a greater need for at least 1,070 dwellings per annum, which exceeded the Council’s proposed housing requirement (867dpa) by some 23%.
- 2.28 Following submission of the Local Plan, the Inspectors immediately identified housing need as an area of particular concern, due to a lack of justification for the Council’s proposed approach. The Council committed to responding to these concerns in a timely manner, but seemingly delayed its response to benefit from lower 2016-based household projections and ongoing uncertainty around the outcome of the standard method for assessing housing need.
- 2.29 The Inspectors questioned why such a delay was necessary, and had intended to swiftly proceed to the first phase of hearings based on the OAN evidence that had been submitted by the Council. This progress was, however, jeopardised by the Council’s publication of new evidence which claimed that the OAN had reduced to 790 dwellings per annum. This was markedly influenced by the 2016-based population and household projections, which suggested a substantially lower level of growth than was considered reasonable and *‘positive’* in the previous iteration of the Council’s evidence base. Demographic need is claimed to have changed so significantly that the OAN itself

³² Letter to Planning Inspectors from City of York Council, 29 January 2019 [EX/CYC/8]

³³ *Ibid*

³⁴ City of York Council (June 2019) City of York Local Plan: Proposed Modifications

³⁵ Letter to City of York Council from Planning Inspectors, 12 February 2019 [EX/INS/4]

is now linked to an employment forecast that was historically referenced elsewhere in the Council's evidence base.

- 2.30 The Council has proposed a series of modifications to the Local Plan to lower the housing requirement and precisely align with the OAN for 790 dwellings per annum. This is a 9% reduction from its submitted housing requirement, and a 17% reduction from the OAN evidenced in 2017. It is at least 26% lower than the need for at least 1,070 dwellings per annum advanced by various representors during earlier stages of consultation, which is also generated by the standard method.
- 2.31 It is evident from the summary of the Council's changing OAN position that it has sought every opportunity to present the lowest concluded need it considers that it can justify, with this contributing to a significant delay in the progress of the Plan both prior to and following submission. The OAN concluded within the latest Housing Needs Update must be considered in this context.

3. Critique of the OAN

3.1 This section technically critiques the OAN concluded in the Housing Needs Update. In the context of the relevant PPG, it focuses on:

- The **demographic need for housing**, specifically considering the conclusion advanced that the 2016-based sub-national population and household projections present a reasonable picture of demographic needs in the local circumstances of York;
- The proposed **response to market signals** of imbalance between supply and demand, and the impact of applying this to a reasonable demographic projection; and
- The housing needed to **support future job growth**, specifically reviewing the employment forecast that is now integral to the concluded OAN

3.2 Consideration of the above factors is prefaced by an overview and critique of the claimed justification for the Housing Needs Update.

Justification for the Housing Needs Update

3.3 The Housing Needs Update was evidently commissioned by the Council to take into account the lower level of population and household growth projected under the 2016-based sub-national population and household projections (SNPP/SNHP). The 2016-based SNPP were released on 24 May 2018, one day before the Local Plan was submitted for examination by the Council. The 2016-based household projections were published almost four months later, on 20 September 2018.

3.4 It is recognised that the relevant PPG requires the '*latest available*' household projections to be used as the '*starting point*' when assessing housing needs³⁶. It equally makes clear that '*wherever possible, local needs assessments should be informed by the latest available information*'³⁷. This information may signal '*a meaningful change in the housing situation*', albeit the guidance is clear that assessments are not '*automatically...rendered outdated every time new projections are issued*'³⁸.

3.5 This requirement to take '*the latest available information*' into account does, however, predate the publication of the 2016-based projections, which have been extensively scrutinised since their release. The Government has described its fundamental concerns with the 2016-based household projections, and made clear its view that they '*should not be used as a reason to justify lower housing need*'³⁹. It has been explicitly aware of '*concerns about not using the latest evidence*', but has still taken this position due to overriding concerns about the reliability of the latest projections for the

³⁶ PPG Reference ID 2a-015-20140306 and 2a-016-20150227

³⁷ PPG Reference ID 2a-016-20150227

³⁸ *Ibid*

³⁹ MHCLG (2019) Government response to the technical consultation on updates to national planning policy and guidance: a summary of consultation responses and the Government's view on the way forward, p6

purposes of assessing housing need⁴⁰. Although its concerns were raised in the context of the standard method and the revised NPPF, the Government has indicated that this should continue to provide '*relevant background to the level of weight that should be afforded to the revised household projections*' even where – as in York – plans are being examined in the context of the earlier NPPF⁴¹.

- 3.6 In taking this view, the Government referred to the 62 strategic plans that were being examined under the transitional arrangements of the revised NPPF as of October 2018. It was explicitly seeking to prevent the '*delays and uncertainty*' which had already been caused in such areas by often significant changes between the 2014-based and 2016-based household projections. This strongly indicates that any delay or lowering of need caused by integrating the new projections must be very carefully considered and justified.
- 3.7 Such a view was implicit in a newsletter issued by the Planning Directorate of MHCLG in November 2018, which reaffirmed that '*Plans submitted on or before 24 January can be based on **existing assessments** of housing need*'⁴² (emphasis added). In the case of York, this would have been the 2017 SHMA Update.
- 3.8 Similarly, the Inspectors examining the Local Plan did not appear to request consideration of the new projections, or an update to the OAN. To the contrary, they clearly intended to proceed on the basis that '*the Council has submitted what it considers to be a sound plan*'⁴³, thereby continuing to rely upon and examine the SHMA Update produced in 2017 and the extent to which it provided supporting justification for the housing requirement.
- 3.9 Given this important informing context, we consider that such a '*fundamental*'⁴⁴ change in the underlying evidence base was not necessary or appropriate at this stage of the examination process, in the circumstances of York.

Identifying a Reasonable Demographic Projection for York

- 3.10 Any demographic '*starting point*' in the calculation of housing need is underpinned by a projection of population growth, and assumptions on household formation. These elements are separately considered below.

Reasonable Population Projection

- 3.11 As introduced in section 2, the SHMA Update concluded that the use of the 2014-based SNPP would be '*a positive step*' which reflects '*very strong recent trends*' in York and avoids the risk of underestimating the demographic need for housing⁴⁵. The use of the 2014-based SNPP has been supported by L&Q Estates in its previous submissions, as

⁴⁰ *Ibid*

⁴¹ London Plan Written Representation by the Ministry of Housing, Communities and Local Government (Reference ID 2631 – Housing Requirement, matter 17s)

⁴² MHCLG (November 2018) Planning Update Newsletter

⁴³ Letter to City of York Council from Planning Inspectors, 14 December 2018 [EX/INS/2]

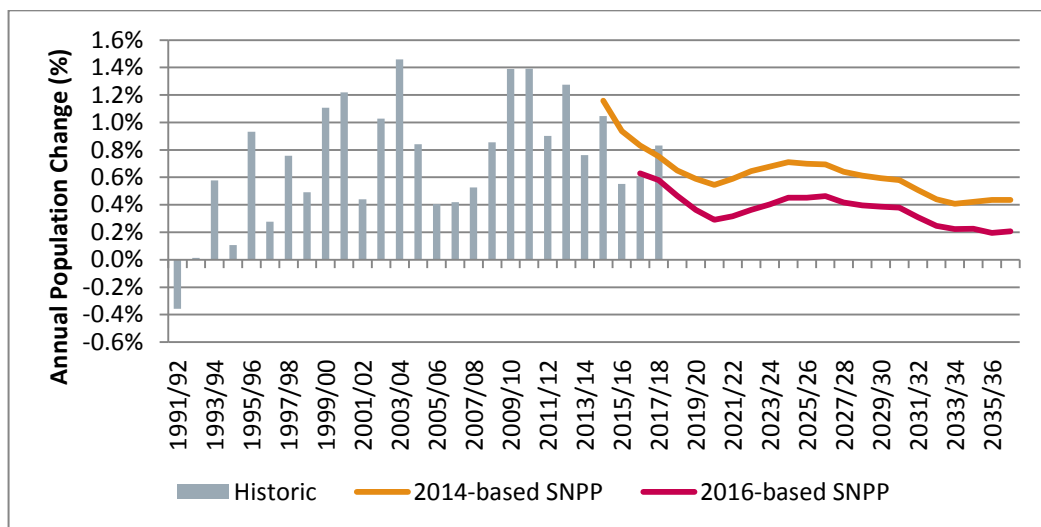
⁴⁴ Letter to City of York Council from Planning Inspectors, 12 February 2019 [EX/INS/4]

⁴⁵ GL Hearn (May 2017) City of York Council Strategic Housing Market Assessment – Addendum Update [SD050] paragraphs 2.11 – 2.13

well as other representors. The Government is also satisfied that this projection currently provides the most appropriate basis from which to understand future housing needs, at least in the short-term, given its continued integration within the standard method.

- 3.12 The Housing Needs Update chooses to revisit this conclusion of the SHMA Update, and now describes the 2016-based SNPP as ‘*a more robust assessment of population growth for York than their predecessor*’⁴⁶. It therefore favours a projection that, between 2012 and 2037, downgrades future population growth in York by over one third (35%) relative to the earlier projection, despite giving only cursory consideration to the factors and assumptions that have led to such a divergence and the confidence placed in the earlier dataset.
- 3.13 A change of this magnitude should not be accepted uncritically, particularly given the volatility of trend-based projections and their sensitivity to underlying assumptions and trend periods. Such a shift appears potentially anomalous in the context of the ‘*very strong*’ demographic pressures identified in York only two years ago, in the SHMA Update. The evidence which supported this conclusion is largely unchanged.
- 3.14 At a basic level, the projected rate of population growth assumed in the 2016-based SNPP is comparatively modest in the context of long-term historic trends. The population of York has annually grown by an average of 0.7% since 1991, which aligns relatively closely with the growth anticipated by the 2014-based SNPP over the period to 2037 (0.6%). In contrast, the 2016-based SNPP assumes an average growth of only 0.4% per annum. This long-term projected rate of growth has, on an annual basis, been exceeded in 23 of the past 27 years, and would clearly represent a notable departure from historic evidence. Such a scale of difference warrants careful consideration in order to ensure that there is not a risk that this projection will underestimate the future population growth of York.

Figure 3.1: Comparing Historic and Projected Rates of Population Growth

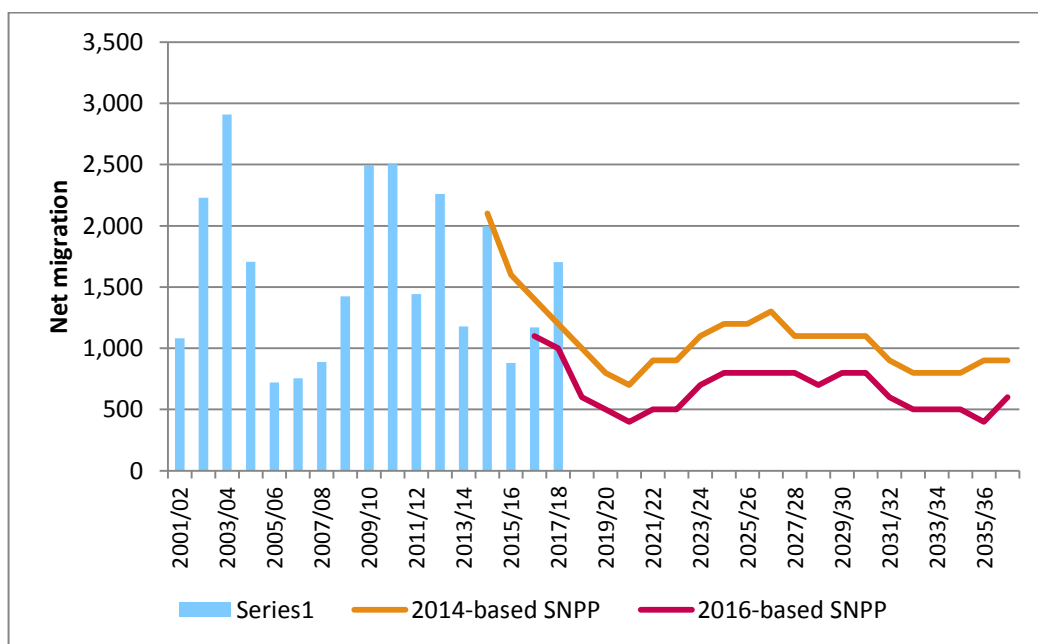


Source: ONS

⁴⁶ GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9] paragraph 5.2

- 3.15 The Housing Needs Update examines the individual components of projected change under the 2016-based SNPP, isolating the contribution of migration and natural change (births minus deaths). It broadly considers the 2016-based assumptions to be more reflective of recent trends, but such conclusions appear premature and potentially inaccurate in the context of the latest population estimates released by the Office for National Statistics (ONS) in June 2019.
- 3.16 Over the initial two years of its projection period (2016-18) the 2016-based SNPP anticipated a net inflow of only 2,100 people from elsewhere in the UK or internationally. The ONS has estimated that a larger net inflow of some 2,873 people has actually occurred over this period, demonstrating a much closer alignment with – though still exceeding – the 2014-based SNPP which assumed a net inflow of 2,600 people.
- 3.17 The longer-term migration assumptions of the 2014-based SNPP also appear more reasonable in the context of historic trends in York, as shown in the following chart. The 2016-based SNPP, in contrast, assume that annual inflows will reduce in the short-term and thereafter be no higher than 800 people. This is despite historic inflows exceeding this level in all but two of the past 17 years, and recent evidence of a growing net inflow.

Figure 3.2: Comparing Historic and Projected Net Migration to York



Source: ONS

- 3.18 The Housing Needs Update considered that the migration assumptions of the 2016-based SNPP ‘more closely follow on from the more recent trends’⁴⁷, but this is clearly no longer the case following the release of the latest population estimates that show a growing net inflow of people into York. This is consistent with the ‘clear and evermore

⁴⁷ Ibid, paragraph 2.9

consistent migration trend’ previously and correctly identified in the SHMA Update⁴⁸, with no evidence to suggest that this trend is diminishing. This undermines the Council’s decision to switch to a preference for the 2016-based SNPP, which are based upon a marked departure from recent demographic trends in York with no evidence that such a change is more likely to occur.

- 3.19 On the basis of the latest demographic evidence, the 2014-based SNPP are considered to remain a more appropriate demographic projection for York, allowing for a reasonable level of future population growth and net migration that is more in line with historic trends. This is consistent with the conclusions of the SHMA Update, which viewed the use of this projection as a *‘positive step’* that fully acknowledges recent demographic trends and averts the risk of underestimating future population growth. The use of the substantially lower 2016-based SNPP, by contrast, would be an implicitly *negative* approach, which appears likely to underestimate future growth and is not adequately justified in the Council’s evidence.

Reasonable Assumptions on Household Formation

- 3.20 The Housing Needs Update correctly acknowledges that the household formation rates assumed in the 2016-based household projections have been subject to criticism since their release. It describes how:

*“The main change is the period from which household formation rates trends have been drawn. Previously these were based on trends going back to 1971 but in the most recent projections trends have only been taken from 2001. It is argued that by focussing on shorter term trends **ONS have effectively locked in deteriorations in affordability and subsequently household formation rates particularly within younger age groups in that time**”⁴⁹ (emphasis added)*

- 3.21 This is consistent with the views of Government, which has warned that:

“Reducing the historic period of household formation on which the projections are based from five census points to two...focuses it more acutely on a period of low household formation where the English housing market was not supplying enough homes”⁵⁰

- 3.22 The ONS⁵¹ has itself acknowledged that the methodological changes implemented through the 2016-based household projections could *‘result in a downward trend in household formation for the younger age groups, which in turn would downplay the need for housing for younger people’*. It recognises that *‘users [may] wish to investigate the impact of the change in the...methodology on the household projections’*.

- 3.23 This reinforces the need to interpret the 2016-based assumptions on household formation rates with extreme caution. Any marked reduction is potentially a simple

⁴⁸ GL Hearn (May 2017) City of York Council Strategic Housing Market Assessment – Addendum Update [SD050] paragraph 2.13

⁴⁹ GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9] paragraphs 2.20 and 2.21

⁵⁰ MHCLG (October 2018) Technical consultation on updates to national planning policy and guidance, paragraph 11

⁵¹ ONS (2018) Methodology used to produce household projections for England: 2016-based

consequence of methodological changes that have been intensely scrutinised since their release.

- 3.24 The Housing Needs Update shows that these methodological changes have a significant impact in York. Its Table 6 compares the housing need implied when applying 2014-based and 2016-based rates to an identical population projection (2016-based SNPP). This shows that the annual need is some 30% higher when applying 2014-based rates, relative to outcomes derived from the 2016-based rates (629/484dpa respectively). This illustrates the extent to which the 2016-based rates are likely to underestimate household formation in York, notwithstanding their application to a misrepresentative population projection.
- 3.25 Divergence from the *'starting point'* of the 2016-based household projections increases further to 40% where the 2014-based rates are adjusted to allow for a partial return to historic trends for younger people, in order to avoid *'locking in...historic deteriorations and ensuring that these improve in future'*⁵². Such a demographic adjustment is strongly supported, as is the principle of retaining 2014-based household formation rates in preference to the 2016-based assumptions.
- 3.26 The Housing Needs Update does, however, proceed to retain the unadjusted 2016-based household projections as its *'starting point'* from which any subsequent adjustment should be benchmarked⁵³. This is despite acknowledgement that they have been extensively criticised and viewed as unrepresentative of future needs. As such, it blurs the adjustments needed to correct a dataset that the Government considers to be significantly flawed, and those required to respond to market signals of imbalance between supply and demand. This approach is not considered to be justified or appropriate.
- 3.27 The previous section concluded that the 2014-based SNPP provide a reasonable population projection for York. This section strongly indicates that the 2014-based household formation rates should be retained, in preference to the 2016-based assumptions that have been widely viewed as unreliable and should therefore be attributed little or no weight at the current point in time for the purposes of calculating future housing need.
- 3.28 Collectively, this indicates that the 2014-based household projections should be retained as the demographic *'starting point'* when assessing housing needs in York. When applying a consistent allowance for vacancy, this dataset provides a *'starting point'* of **835 dwellings per annum** over the period now covered by the Housing Needs Update (2012-37). This *'starting point'* exceeds the OAN concluded in the Housing Needs Update (790dpa) and would increase still further where any assumed *'deterioration'* in younger household formation is positively addressed, as considered necessary and reasonable within the Housing Needs Update.

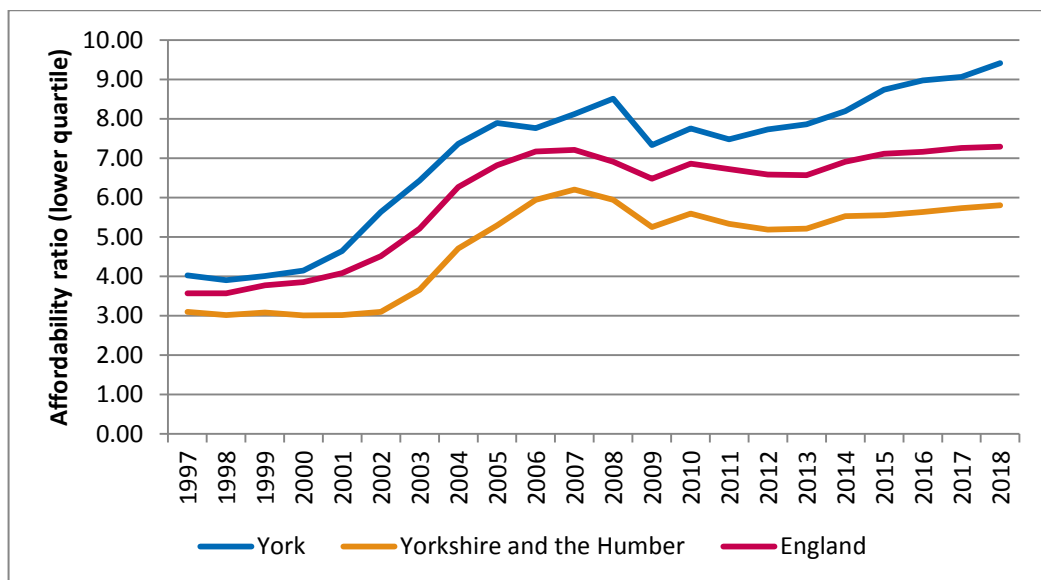
⁵² GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9] paragraph 3.19

⁵³ *Ibid*, paragraph 2.26

Responding to Market Signals

- 3.29 The SHMA Update previously concluded that the *'starting point'* of the 2014-based household projections should be uplifted by 10% to reflect market signals of imbalance between supply and demand. The Inspectors challenged an attempt by the Council to omit such an uplift, as outlined in section 2.
- 3.30 The Housing Needs Update provides an updated review of market signals, identifying that *'house prices have increased in the past year and the affordability ratio between house prices and earnings has worsened'*⁵⁴. The imbalance between house prices and earnings in York is actually more severe than it claims, with the latest ONS statistics confirming that entry-level house prices equate to some 9.41 years earnings as of 2018⁵⁵. This is substantially higher than the ratio of 7.26 cited at Table 12 of the Housing Needs Update, and indeed the origin of this figure is extremely unclear given that the ONS has not recorded such a low affordability ratio in York for fifteen years.
- 3.31 As shown in the following chart, the affordability situation in York has continued to worsen, with the ratio increasing by 20% over the past five years alone. This is almost double the growth recorded regionally and nationally during the same period (both 11%). The current ratio is also notably higher than the national average, undermining the unfounded claim of the Housing Needs Update that the affordability ratio of York is *'less than the rest of England'*⁵⁶.

Figure 3.3: Lower Quartile Affordability Ratio in York



Source: ONS

- 3.32 Though informed by seemingly inaccurate data, the Housing Needs Update concludes that *'an uplift in the region of 15% would seem reasonable'* in response to market

⁵⁴ *Ibid*, paragraph 4.29

⁵⁵ ONS (2019) Housing affordability in England and Wales, Table 6c

⁵⁶ GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9] paragraph 4.18

signals⁵⁷. This is evidently a more pronounced uplift than previously recommended in the SHMA Update, reflecting the further deterioration of market conditions in York in the intervening period. It is agreed that a more pronounced uplift is appropriate within this context, and a still greater uplift may indeed be justified given that this conclusion appears to have been based on inaccurate affordability data which understated the severity of the issue.

- 3.33 Uplifting the 2014-based household projections by 15% would suggest a need for **966 dwellings per annum**. This would be considered an absolute minimum need, given that it makes no explicit allowance to improve suppressed younger household formation. This could cumulatively lead to a larger uplift of 20%, which would imply a need for **in the order of 1,000 dwellings per annum** over the period from 2012 to 2037. It is of note that Turley has previously concluded that such a level of need exists in York within its submissions on behalf of L&Q Estates, with this outcome also proportionate to the standard method and the concluded levels of housing need previously submitted by other representors.

Supporting Future Job Growth

- 3.34 As shown at Figure 2.1 of this report, the Council's latest evidence arrives at the conclusion that the OAN is based on a "jobs-led" projection of need as a result of its view that demographic needs have significantly fallen. This position is arrived at based on a recognition that the 2016-based SNPP will not provide the labour force needed to support forecast employment growth, and therefore makes allowance for higher levels of net in-migration beyond that assumed in the demographic projection.
- 3.35 It is agreed that an assessment of the implications of job growth on the scale of housing needed is required in the context of the relevant PPG⁵⁸. The approach taken to model the relationship between job growth and population, and therefore housing need, is also considered to be broadly appropriate, based on a review of the input labour-force assumptions.
- 3.36 Given the reliance now placed on this step of the PPG methodology, however, it is concerning that the Housing Needs Update draws upon the '*most recent*' assessment of the '*economic growth potential*' of York by referring to baseline forecasts by Oxford Economics that were originally produced over four years ago in May 2015⁵⁹, and subsequently adjusted in an Employment Land Review⁶⁰ (ELR) dated July 2016. With the most recent OAN now seeking to justify its calculation of need on the basis of supporting likely employment growth, it is considered that attention must be given as to whether the forecasts remain up-to-date and reasonable.
- 3.37 An ELR Update was produced in September 2017, and identified that more recent baseline forecasts were suggesting an overall level of employment growth that was

⁵⁷ *Ibid*, paragraph 4.34

⁵⁸ PPG Reference ID 2a-018-20140306

⁵⁹ City of York Council (September 2017) Employment Land Review Update [SD063] Paragraph 2.1 confirms that the underlying Oxford Economics forecasts were produced in May 2015

⁶⁰ City of York Council (July 2016) Employment Land Review [SD064]

almost one third higher than suggested by Oxford Economics⁶¹. Retention of the earlier forecast was only justified by its stronger growth in those jobs requiring employment land (B use classes), which was seen to provide an acceptable level of ‘headroom’ when allocating land for these uses⁶². Such considerations are less relevant when considering the housing required to support job growth across all sectors, as required under the PPG. In basing its housing need on the earlier economic forecast, the Council’s assessment therefore risks underestimating the full need for housing.

- 3.38 This is compounded by the Council’s apparent stated ambition and support for delivering stronger economic growth, and its belief that ‘*local interventions such as the ‘Growth Deal’ with Government will promote faster growth in key sectors*’⁶³. L&Q Estates has previously questioned the justification for a comparatively low employment growth target in the context of these economic ambitions, which are unchanged from earlier consultations.
- 3.39 This increases the risk that the employment forecast which underpins the current OAN is underestimating the future job growth that is likely in York, and therefore the scale of housing needed to reasonably support its economic growth prospects. Any such risk would be at least partially offset by planning for a higher level of population growth, which fully reflects recent demographic trends and provides additional capacity to support further job growth. This is considered to further justify the use of the 2014-based SNPP in preference to the substantially lower 2016-based dataset that is currently favoured by the Council.

Summary

- 3.40 The commissioning of the Housing Needs Update has evidently been motivated by the release of lower, 2016-based sub-national population and household projections. While the relevant PPG generally requires ‘*the latest available information*’ to be taken into account ‘*wherever possible*’, the Government has made an exception for the 2016-based household projections due to overriding concerns about their reliability for the purposes of assessing housing need. It has confirmed that such concerns remain of relevance when examining plans submitted prior to the implementation of the revised NPPF and following the previous methodology for calculating OAN. It has explicitly sought to prevent the delays and uncertainty caused in such areas by disparities between the 2014-based and 2016-based household projections. It indicated in this context that authorities could continue to rely upon ‘*existing assessments*’ of housing need, such as the SHMA Update commissioned by the Council in 2017. The Inspectors did not appear to request consideration of the new projections, thereby calling into question the justification for the Council’s overt attempt to advance a lower level of housing need through reliance on this dataset specifically.
- 3.41 The Council has nonetheless taken the opportunity to substantially lower its OAN, from 953 to 790 dwellings per annum. The analysis in this section strongly indicates that such a reduction is not justified, because:

⁶¹ City of York Council (September 2017) Employment Land Review Update [SD063] Table 1

⁶² *Ibid*, paragraph 2.5

⁶³ City of York Council (February 2018) City of York Local Plan – Publication Draft, paragraph 1.36

- It is underpinned by a demographic projection that appears likely to underestimate future population growth.** The Housing Needs Update claims that the 2016-based SNPP is *'more robust'*, but fails to fully interrogate the assumptions that have led to projected growth being revised downwards by over one third relative to the 2014-based dataset. A change of this magnitude should not be accepted uncritically, particularly in light of the *'very strong'* demographic pressures identified only two years ago in the SHMA Update. The 2016-based SNPP allows for a very low level of population growth relative to long-term trends, with an inherent assumption that net migration will fall to a level that is largely without recent precedent. This has not occurred in the two years of its projection period to date, with evidence of a greater alignment with the 2014-based SNPP. As such, the 2014-based SNPP are considered to remain a more appropriate and *'positive'* demographic projection for York, in line with the conclusions of the SHMA Update;
- It unjustifiably blurs the adjustments needed to correct fundamental flaws in the 2016-based household projections with those required to respond to market signals.** The Housing Needs Update correctly scrutinises the 2016-based household formation rates, which have been widely viewed as unreliable and significantly influence the downgrading of projected household growth in York. It attributes greater weight to the 2014-based household formation rates, but retains the unadjusted 2016-based household projections as its *'starting point'* from which all subsequent adjustments are benchmarked. Building upon the conclusion above, it is considered that the 2014-based projections continue to provide a more reliable and appropriate demographic *'starting point'* for York, suggesting a need for *at least* 835 dwellings per annum over the period now covered by the Housing Needs Update (2012-37). This is significantly higher than the 2016-based household projections, and evidently exceeds the OAN of 790 dwellings per annum now claimed by the Council;
- Its 15% adjustment for market signals is applied to a misrepresentative demographic projection, but is agreed to be the absolute minimum necessary to respond to a continued deterioration of market conditions.** This is more pronounced than the 10% uplift recommended in the SHMA Update, due to a continued increase in house prices and a further worsening in the affordability ratio that is actually more severe than acknowledged and considerably worse than the national average. Uplifting the 2014-based household projections by 15% suggests that 966 dwellings per annum are needed in York, albeit this makes no explicit allowance for suppressed household formation and a larger uplift to around 1,000 dwellings per annum could therefore be justified within this context; and
- It is predicated upon supporting an employment forecast that has not been recently validated despite now being used as the basis to justify the OAN, with this forecast appearing to underestimate future job creation when last reviewed by the Council.** Such an approach is at odds with the Council's ambition for stronger economic growth, with a strong risk that the current OAN is therefore underestimating the job growth that will need to be serviced by a resident labour force. This is considered to further justify the use of the 2014-

based SNPP, which would provide additional capacity to support job growth in York.

- 3.42 The above strongly indicates that **an OAN in the order of 1,000 dwellings per annum is justified in York**, in line with our previous submissions on behalf of L&Q Estates. This continues to align closely with the outcome of the standard method (1,069dpa) and submissions made by other representors, which demonstrated a need for between 920 and 1,150 dwellings per annum⁶⁴.

⁶⁴ Section 3 of our “Further Review of the Objectively Assessed Need for Housing in York”, March 2018 [Appendix 1 to Gallagher Estates’ submission, reference 604] Figure 3.1

4. Size and Type of Housing Needed

- 4.1 The relevant NPPF states that local authorities should ‘*plan for a mix of housing based on current and future demographic trends*’, and identify ‘*the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*’⁶⁵. It requires Strategic Housing Market Assessments to ‘*identify the scale **and mix** of housing...that the local population is likely to need over the plan period*’⁶⁶ (emphasis added).
- 4.2 The Housing Needs Update is solely concerned with the overall number of homes needed in York, and gives no consideration to the type of homes required. This was similarly omitted from the SHMA Update in 2017.
- 4.3 The latest such assessment to have been commissioned by the Council is therefore presented in the 2016 SHMA⁶⁷, albeit this relates to the 2012-based household projections and also refers to recalibrated data from the 2001 Census.
- 4.4 This can be updated to establish the implications of the 2014-based household projections, which are considered to represent an appropriate basis from which to assess housing needs in York based on the conclusions of the previous section. It can also draw upon data from the 2011 Census which shows the number of bedrooms in properties occupied by different household types in York⁶⁸. This data is summarised in the following table.

Table 4.1: Number of Bedrooms by Household Type in York (2011)

	1 bed	2 beds	3 beds	4+ beds	Total
One person household	25%	41%	28%	7%	100%
Families without children	7%	34%	40%	20%	100%
Households with dependent children	3%	22%	42%	33%	100%
Families with other adults	1%	19%	51%	28%	100%
Other households	5%	29%	28%	37%	100%

Source: Census 2011

- 4.5 The above confirms that one person households show the greatest tendency to occupy smaller homes, albeit the vast majority have at least two bedrooms and over one in three (35%) have at least three bedrooms. Families with dependent children, or families living with other adults (who may be non-dependent children), tend to live in larger homes, with over 75% of such households having at least three bedrooms. Families without children demonstrate a general tendency to occupy homes with two

⁶⁵ DCLG (2012) National Planning Policy Framework, paragraph 50

⁶⁶ *Ibid*, paragraph 159

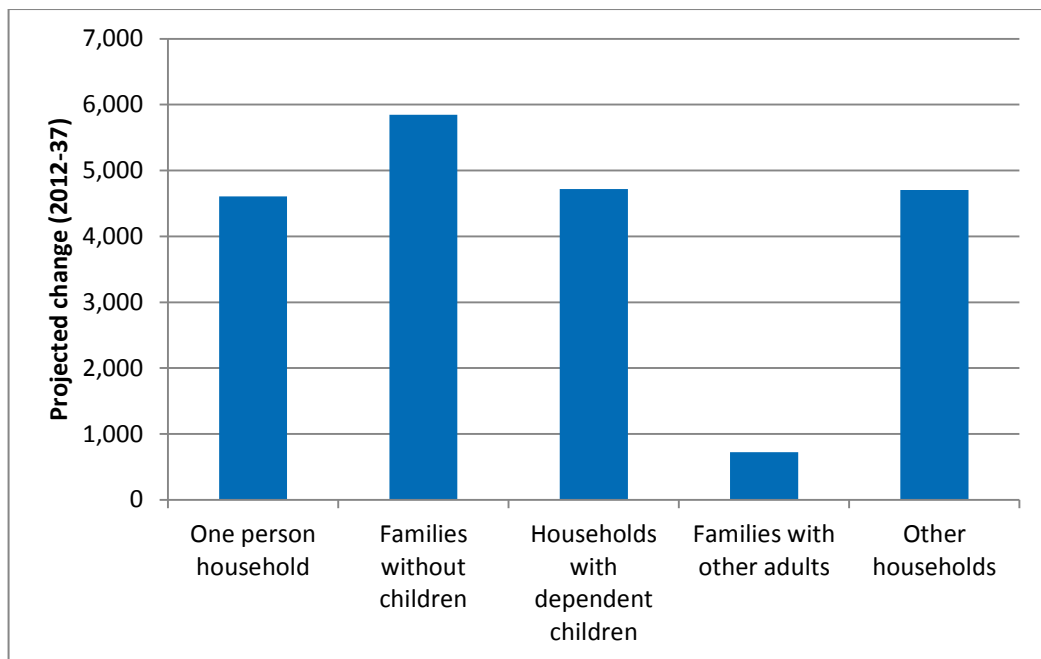
⁶⁷ GL Hearn (June 2016) City of York Council Strategic Housing Market Assessment [SD051]

⁶⁸ Census Table DC1402EW – Household composition by number of bedrooms

or three bedrooms. Other households occupy homes of different sizes, although the vast majority require at least two bedrooms.

- 4.6 Reflecting households’ tendency to occupy different sizes of home, the overall profile of household growth would be expected to influence the size of housing required in York over the plan period. As illustrated in the following chart, different types of households are projected to form over the period to 2037, with a broad level of consistency in their respective levels of growth. The exception is families with other adults, which are not expected to grow to the same extent.

Figure 4.1: Projected Change in Household Profile of York (2014-based; 2012-37)



Source: MHCLG

- 4.7 Within the context of the above, an illustrative profile of the size of housing likely to be required by additional households forming in York over the plan period can be established, by proportionately applying households’ existing tendencies to occupy different sizes of housing. Such an approach assumes that these tendencies are sustained throughout the plan period, and does not seek to estimate how market factors – such as changes to house prices, incomes and household preferences – will impact upon these occupancy patterns. Recognising market volatility over the longer term, this approach is considered reasonable to ensure that the analysis is grounded in a robust evidence-based position of household choice, and does not require unsubstantiated assumptions or predictions on future changes to household preferences.
- 4.8 The following table summarises the outcomes of this modelling, showing the proportion of *all* households that could be expected to require each size of property over the plan period. It indicates that only 9% of households will require a home with one bedroom, and suggests that 60% will require at least three bedrooms. The residual third would be expected to require two bedroom properties.

Table 4.2: Implied Size of Housing Required in York (2012-37)

	1 bed	2 beds	3 beds	4+ beds
Households requiring...	9%	31%	35%	24%

Source: Census 2011; MHCLG; Turley analysis

- 4.9 The type of property that may be needed to provide the necessary mix of unit sizes can also be estimated with reference to data from the 2011 Census, which shows how existing properties of different sizes in York are split between houses and flats⁶⁹. This suggests that circa 84% of households will require a house, with 16% requiring flats or apartments. Such a split can be simply applied to the identified need for in the order of 1,000 dwellings per annum, to suggest that circa 840 houses per annum are needed in York over the plan period.

Table 4.3: Implied Type of Housing Required in York (2012-37)

	Houses	Flats
Households requiring...	84%	16%
c.1,000 dwellings per annum	840	160

Source: Census 2011; MHCLG; Turley analysis

- 4.10 While the 2016-based household projections are not considered to provide a reliable indication of future housing need in York, it is notable that they suggest a comparable split in favour of houses in proportionate terms⁷⁰. Such a split would also be necessary to deliver the size of homes estimated as being needed across all tenures in the 2016 SHMA⁷¹.

Summary

- 4.11 This section has provided an updated assessment of the type and size of housing needed in York, drawing upon data from the 2011 Census and the 2014-based household projections.
- 4.12 Accommodating the formation of all types of households over the plan period will predominantly require larger homes, with 60% of additional households expected to require at least three bedrooms. Only 9% of households would be expected to require one bedroom, with the residual third (31%) requiring two bedrooms.

⁶⁹ Census Table CT0551 – Accommodation type (excluding caravans/temporary structures) by tenure by number of bedrooms

⁷⁰ Incorporating the 2016-based household projections indicates that 80% of households will require houses, and 20% will require flats

⁷¹ GL Hearn (June 2016) City of York Council Strategic Housing Market Assessment [SD051] Tables 55 and 56. Summing the additional households requiring market and affordable housing, and applying the split between houses and flats as outlined in this section, indicates that 78% of households will require houses, and 22% will require flats

- 4.13 Reflecting the profile of the existing stock, delivering this mix of unit sizes is likely to require 84% of new homes to be houses. Flats are expected to account for a smaller share of need, at circa 16%.
- 4.14 Within this context, L&Q Estates reserves the right to comment further on the profile of the housing land supply identified by the Council, prior to and during the relevant hearing sessions.

5. Summary and Conclusions

- 5.1 This report has been prepared by Turley on behalf of L&Q Estates to review and critique the Housing Needs Update published by the Council in January 2019. The review is undertaken in the context of the Council's ongoing consultation on proposed modifications to its submitted Local Plan, which runs until 22 July 2019.
- 5.2 Through this consultation, the Council has proposed to lower its emerging housing requirement, from 867 to 790 dwellings per annum, to precisely align with the OAN concluded in the Housing Needs Update. The housing requirement that was previously proposed by the Council failed to meet the OAN for 953 dwellings per annum that was identified through the 2017 SHMA Update. This approach was widely criticised, and the Inspectors immediately identified housing need as an area of concern.
- 5.3 While the Council committed to responding to these concerns in a timely manner, its delay in doing so created an opportunity to benefit from the release of lower, 2016-based population and household projections. Consideration of this dataset was not requested by the Inspectors and has caused further delay to hearings that were expected to have long since commenced.
- 5.4 The commissioning of the Housing Needs Update has been clearly motivated by the direction of travel in the 2016-based projections, which suggest a lower level of population and household growth than the previous dataset. While the relevant PPG generally requires '*the latest available information*' to be taken into account '*wherever possible*', the Government has made an exception for the 2016-based household projections due to overriding concerns about their reliability for the purposes of assessing housing need. It has confirmed that such concerns remain of relevance when examining plans submitted prior to the implementation of the revised NPPF, and has explicitly sought to prevent the delays and uncertainty caused in such areas by disparities between the 2014-based and 2016-based household projections. It indicated that authorities could continue to rely upon '*existing assessments*' of housing need, such as the SHMA Update commissioned by the Council in 2017. This undermines the perceived need for such a '*fundamental*' change in the evidence base at this stage of the examination process.
- 5.5 The Council has nonetheless taken the opportunity to substantially lower its OAN, from 953 to 790 dwellings per annum. This report strongly indicates that such a reduction is not justified, because:
- **It is underpinned by a demographic projection that appears likely to underestimate future population growth.** The Housing Needs Update claims that the 2016-based SNPP is '*more robust*', but fails to fully interrogate the assumptions that have led to projected growth being revised downwards by over one third relative to the 2014-based dataset. A change of this magnitude should not be accepted uncritically, particularly in light of the '*very strong*' demographic pressures identified only two years ago in the SHMA Update. The 2016-based SNPP allows for a very low level of population growth relative to long-term trends, with an inherent assumption that net migration will fall to a level that is

largely without recent precedent. This has not occurred in the two years of its projection period to date, with evidence of a greater alignment with the 2014-based SNPP. As such, the 2014-based SNPP are considered to remain a more appropriate and *'positive'* demographic projection for York, in line with the conclusions of the SHMA Update;

- **It unjustifiably blurs the adjustments needed to correct fundamental flaws in the 2016-based household projections with those required to respond to market signals.** The Housing Needs Update correctly scrutinises the 2016-based household formation rates, which have been widely viewed as unreliable and significantly influence the downgrading of projected household growth in York. It attributes greater weight to the 2014-based household formation rates, but retains the unadjusted 2016-based household projections as its *'starting point'* from which all subsequent adjustments are benchmarked. Building upon the conclusion above, it is considered that the 2014-based projections continue to provide a more reliable and appropriate demographic *'starting point'* for York, suggesting a need for *at least* 835 dwellings per annum over the period now covered by the Housing Needs Update (2012-37). This is significantly higher than the 2016-based household projections, and evidently exceeds the OAN of 790 dwellings per annum now claimed by the Council;
- **Its 15% adjustment for market signals is applied to a misrepresentative demographic projection, but is agreed to be the absolute minimum necessary to respond to a continued deterioration of market conditions.** This is more pronounced than the 10% uplift recommended in the SHMA Update, due to a continued increase in house prices and a further worsening in the affordability ratio that is actually more severe than acknowledged and considerably worse than the national average. Uplifting the 2014-based household projections by 15% suggests that 966 dwellings per annum are needed in York, albeit this makes no explicit allowance for suppressed household formation and a larger uplift to around 1,000 dwellings per annum could therefore be justified within this context; and
- **It is predicated upon supporting an employment forecast that has not been recently validated despite now being used as the basis to justify the OAN, with this forecast appearing to underestimate future job creation when last reviewed by the Council.** Such an approach is at odds with the Council's ambition for stronger economic growth, with a strong risk that the current OAN is therefore underestimating the job growth that will need to be serviced by a resident labour force. This is considered to further justify the use of the 2014-based SNPP, which would provide additional capacity to support job growth in York.

5.6 Drawing together the above, it is considered that **in the order of 1,000 dwellings per annum are needed in York** over the period from 2012 to 2037.

5.7 Additional evidence has been presented in this report to take account of the demographic evidence recommended as forming the basis for the OAN to update the analysis of the need for different types of homes, noting that the Council has not

provided such updated evidence since its 2016 SHMA. This analysis estimates that the majority of homes (c.84%) will need to be houses, with a smaller need for flats and apartments.

- 5.8 Our conclusions on the overall OAN are consistent with evidence previously submitted by Turley on behalf of L&Q Estates. It is also proportionate to the current outcome of the standard method (1,069dpa) and the alternative assessments submitted by other representors during earlier stages of consultation, which suggested that up to 1,150 dwellings per annum are needed in York.
- 5.9 Within this context, **the Council's proposal to lower its housing requirement and provide only 790 dwellings per annum is strongly challenged.** This proposed modification has not been positively prepared, but has instead been motivated by an opportunity to provide fewer homes rather than seeking to meet the full need for housing in York. The proposed level of housing provision is not justified or consistent with the requirements of national policy and guidance. It is therefore considered that the modified Local Plan, like the submitted version, is unsound.

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**APPENDIX 3: CSA ENVIRONMENTAL – ADDENDUM TO LANDSCAPE
OVERVIEW – JULY 2019**



Land at North Field, York

**Addendum to Landscape
Overview of the Land at North
Field York and Five Strategic Sites
identified in the emerging City of
York Local Plan:**

**Review of City of York
Council Topic Paper 1:
Approach to Defining the
York Green Belt –
Addendum (March, 2019)**

Prepared by
CSA Environmental
on behalf of
L&Q Estates

Report No: CSA/2995/05

Report Reference	Revision	Date	Prepared by	Approved by	Comments
CSA/2995/05	-	12.07.19	CA	JJ	First Issue
	A	22.07.19	JB	CA	Minor amendments to formatting



Review of City of York Council Topic Paper 1: Approach to Defining the York Green Belt – Addendum (March, 2019)

Introduction

CSA Environmental has been appointed by L&Q Estates to undertake a review of the Addendum to Topic Paper 1 prepared by York City Council. The purpose of the review is to consider the Council's approach, methodology and the relevant findings of the Council in respect of the York Green Belt.

L and Q Estates have an interest in land at North Field, York (the 'Site') which is being promoted as a potential housing allocation through the City of York Local Plan. CSA have previously prepared representations in respect of this site on landscape and Green Belt matters. This report is submitted as an addendum to the Landscape Overview of the Land at North Field York and Five Strategic Sites identified in the emerging City of York Local Plan, and should be read alongside this document.

The City of York Local Plan – Publication Draft (Regulation 19 Consultation) is currently in the process of independent examination by the Planning Inspectorate.

Background and Purpose

The general extent of the York Green Belt was established in the 'saved' policies of The Yorkshire and Humber Regional Spatial Strategy. Saved Policy YH9: Green Belts states that, *'The detailed inner boundaries of the Green Belt around York will be defined in order to establish long term development limits that safeguard the special character and setting of the historic city'*. Saved Policy Y1: York sub area policy identifies that the outer boundary of the York Green Belt is *'about 6 miles from York City Centre'*. It is therefore a function of the emerging York City Local Plan to identify the inner, and the remaining outer Green Belt Boundaries within the administrative area of the Council.

Topic Paper 1 ('TP1'): Approach to Defining York's Green Belt sets out the Council's approach to defining York's Green Belt for the first time. The Addendum to TP1 provides further information, including the methodology for defining the inner and outer Green Belt Boundaries; the exceptional circumstances which justify removal of land from the Green Belt; and the allocation of strategic sites within the general extent of the Green Belt. The purpose of the Addendum, as stated in TP1, is to establish the permanent boundaries to the York Green Belt which are capable of accommodating the planned growth and can endure for a minimum of 20 years.

The Addendum has been informed by previous Evidence Base documents which have shaped the spatial strategy for the City of York as set out in the draft Local Plan, and identified on the draft Proposals Maps. Given the advanced stage of the Local Plan and the strategic allocations, the Addendum does not comprise a comprehensive review of the York Green Belt; rather its purpose is to provide further justification for the existing spatial strategy / Green Belt approach.

Approach

Section 4 of the Addendum sets out the Council's strategic approach to defining land which needs to be kept permanently open, in terms of the five National Green Belt purposes. It notes that saved local and regional policy establishes the principal that the primary purpose of the York Green Belt is preserving the setting and special character of the historic City of York (National Green Belt Purpose 4). However it also notes that, whilst prioritising this purpose, both the Preferred Options Local Plan and the Sustainability Appraisal concluded that some weight should be attributed to the other Green Belt Purposes. In fact, it states that land which serves more than one Green Belt purpose will be held to have additional weight.

To date, whilst the Council have produced a number of evidence base documents concerned with the historic setting and character of York, no comprehensive Green Belt Review has been undertaken against each of the National Green Belt purposes. Section 4 of the Addendum to TP1 therefore seeks to clarify how the approach and evidence documents relate to the five Green Belt purposes. The Addendum provides mapping which demonstrate how the Green Belt performs against each of the Green Belt purposes (with the exception of purpose 5). Purpose 5 is discounted from this assessment as it is generally accepted that all Green Belt parcels perform this function equally. Each of the Green Belt purposes covered in the Addendum are described below.

Purpose 4: To preserve the setting and special character of historic towns

The Addendum highlights the previous work undertaken in the Approach to the Green Belt Assessment (2003) and subsequent historic character and setting updates (2011 and 2013). This identifies the land which is considered most important to the character and setting of the City of York.

Purpose 1: To check the unrestricted sprawl of large built up areas

This section sets out the Council's approach to assessing the contribution the Green Belt plays in preventing urban sprawl from the City of York. The

Addendum states that the NPPF identifies that Local Authorities when reviewing Green Belt Boundaries should seek to promote sustainable patterns of development. The Addendum notes that planned development in this manner would not constitute sprawl.

The Addendum states that the Local Plan spatial strategy has sought to ensure new development is well related to the main built up areas, so that it is located in the most sustainable locations, and thus preventing sprawl. The mapping at Figure 4: Access to Services identifies all land within the Green Belt which is outside 800metres of at least two services.

Sustainability criteria are undoubtedly an important consideration which should be factored into a comprehensive Green Belt review, and these factors should inform the spatial strategy for the City of York. Despite this, the degree to which a land parcel prevents urban sprawl can not be judged on sustainability criteria alone. Factors such as relationship to the existing urban edge, visual containment from the wider countryside and the presence of logical, alternative Green Belt boundaries should all be factors which form part of a robust assessment of this purpose. In the absence of a comprehensive Green Belt Review these factors have clearly not been considered.

In addition, the criteria used to establish the sustainability of land are crude. This approach inevitably directs growth to the edge of urban / built up areas, but it does not provide any indication to the degree which a parcel is sustainable. It would be a reasonable assumption that land on the urban edge of York is more sustainable than land adjacent to one of the smaller settlements which has a minimum of two services.

Purpose 2: To prevent neighbouring towns merging into one another

The approach recognises that there are no towns in the vicinity of York which the current extent of the Green Belt prevents from merging with the City. To this end the York Green Belt plays no role in meeting this purpose specifically. However, the Addendum acknowledges that the Planning Advisory Service ('PAS') in its guidance entitled The Big Issues – Green Belt (2015), recognises the role that Green Belt plays in maintaining the setting and settlement pattern within it. To this end, the Addendum recognises the relationship between York and the surrounding smaller settlements. However, in strict Green Belt terms this should be afforded less weight as the purpose is specific to the merging of towns, as opposed to the merging of the city with smaller settlements.

Purpose 3: To assist in safeguarding the countryside from encroachment

The approach set out in the Addendum states that the Local Plan evidence base recognises the role that York's natural assets play in informing the character and setting of York; and that the spatial strategy uses these factors to shape how development is accommodated. To that end, it identifies those uses considered acceptable within the Green Belt and which are therefore the most important to keep permanently open. These include nature conservation sites, existing open space, green infrastructure corridors and Ancient Woodland.

Whilst these factors are all important contributory factors to the spatial strategy for the City of York, they are not specifically considerations which should in their own right determine the functioning of a specific Green Belt parcel against this purpose. Figure 6 illustrates that much of the land which falls within one of these areas lies some distance from the edge of York. By following this approach, this would suggest that the majority of land at the edge of York plays no role in meeting this purpose. This is clearly not the case.

More relevant would be the approach set out in the PAS guidance (and referenced in the Addendum), which considers *'the difference between urban fringe land – land under the influence of the urban area – and open countryside, and to favour the latter in determining which land to try and keep open, taking into account the types of edges and boundaries that can be achieved'*. In considering the degree to which a land parcel performs this purpose, an assessment should consider its existing land-use, its relationship to the wider landscape and the degree to which it is influenced by the adjoining urban area. The presence of existing boundary features or the scope to provide mitigation as part of a planned extension should also be considered.

The Addendum, and the existing evidence base therefore lack any robust assessment of the function of the land parcels at the edge of the City of York and their performance against this Green Belt Purpose.

Overall Strategic Areas to Keep Permanently Open

Figure 7 of the Addendum combines the mapping from the previous assessment against the first four Green Belt purposes, to identify strategic areas to keep permanently open.

This approach is clearly limited and has not been informed by a robust review of the York Green Belt against the NPPF Green Belt purposes. The existing evidence base is weighted towards character and setting criteria in respect of the historic City of York. Whilst this is identified as the primary purpose of the

York Green Belt, no proper assessment of the other Green Belt purposes has been undertaken. In addition, the use of limited sustainability criteria to discount large tracts of land particularly beyond 800 metres from the edge of York is misleading and does not provide a comprehensive assessment of the degree to which land parcels meet sustainability criteria.

Methodology

Section 5 of the Addendum sets out the methodology for determining the York Green Belt boundaries. This review is only concerned with the methodology adopted for determining the Inner Green Belt Boundary.

A review of Green Belt boundaries would normally accompany a comprehensive Green Belt Review. In this case, the purpose is to establish the existing Green Belt boundary in the first instance, without taking into account the exceptional circumstances and the requirement for strategic growth within the City of York. This approach is counter intuitive, a review of Green Belt boundaries should form part of the spatial strategy and should be undertaken in light of the exceptional circumstances required to justify release of land from the Green Belt. As the Addendum states; *'The key role of the inner Green Belt boundary is to establish long term development limits to the built up area, and to distinguish land which needs to be kept permanently open to meet the Green Belt purposes, including safeguarding the special character of the historic city.'* On this basis, any review of the Green Belt boundaries must form part of a wider Green Belt Review which clearly identifies land parcels and assesses their performance against the Green Belt purposes, and other sustainability factors.

The Addendum divides the periphery of York into eight sections as illustrated on Figure 15. These sections are further sub-divided into shorter stretches in order to consider the inner boundary in more detail.

Two criteria are used to define the inner Green Belt boundaries: openness (strategic and local); and permanence.

In terms of strategic openness, the assessment relies on the tracts of land identified as strategic areas to be kept permanently open. As set out above, this approach is flawed and is not based on a robust assessment of the functioning of the Green Belt against NPPF Purposes.

In terms of assessing local openness the Addendum identifies a number of localised factors which should be considered, including local historic assets and protecting land which is open and serves a countryside function. These factors are relevant when assessing the performance of individual land parcels

against the Green Belt purposes. Setting aside the fact that the spatial strategy is already established, it is unclear from the methodology how these openness criteria have been used to establish which land parcels need to remain permanently open in Green Belt terms.

All Green Belt is essentially open land and therefore already performs this function. It is the degree to which this openness contributes to the performance of the Green Belt purposes which is the fundamental issue. The methodology does identify a number of strategic and local considerations which should form part of a review of the performance of Green Belt, however it is unclear how each of these factors have been used to assess the performance of the Green Belt against each of the purposes. For instance there is no clear method to determine which aspects contribute to which Green Belt purpose and what weight should be attributed to each of these factors. For instance, the presence of Listed Buildings, a Conservation Area, or a historic field pattern are not in themselves Green Belt matters, although they may contribute in some way to the historic setting of York. There is no analysis of how these factors have been used to inform judgements.

Criteria 2b (land serving a countryside function or the boundary between urban and rural environments) alludes to Purposes 1 and 3 of the Green Belt. Again, as all land within the Green Belt is essentially open, it will all perform this criteria to varying degrees. The purpose of a Green Belt review is to establish which land plays less of a role in preventing encroachment on the countryside or sprawl, and could therefore be released from the Green Belt for sustainable development. Factors such as the relationship to the existing urban edge, the condition / permanence of existing boundaries, and the presence of alternative boundaries are all considerations which would normally be included in a review.

Furthermore, there is no clear definition of what constitutes a high performing Green Belt parcel in respect of each purpose. Or, for that matter, how judgements about the performance of each purpose have been combined to inform an overall judgement about an area of land. As set out in paragraph 5.41:

'..the land which needs to be kept permanently open is firstly that which contributes to the special character and setting of the historic city and its clock face of settlements (including by preventing the coalescence of settlements or areas), as well as those which act to prevent sprawl, and those areas which we can identify as performing a countryside function and therefore requiring defence from encroachment.'

This would suggest that the boundary assessment relies largely on the strategic analysis to inform any judgements and there is no indication how the assessment of local openness criteria has informed judgements.

The Addendum considers the permanence of the Green Belt boundary. The NPPF is explicit that Green Belt boundaries need to be defined clearly '*...using physical features that are readily recognisable and likely to be permanent*'. At a strategic level the Addendum states that the submitted Local Plan identifies sufficient housing land to ensure that the Green Belt boundary can endure beyond the Plan period.

In terms of local permanence, the Addendum sets out the aim to establish clear, recognisable boundaries which are likely to be permanent. At paragraph 5.69 it notes that hard landscaping and major infrastructure can be argued to provide more permanent features, however it states that natural features which have been long established, also offer a type of permanence. The Addendum therefore confirms that the strongest (i.e. most permanent) boundaries are those defined by infrastructure or long established natural features (assumed to be woodland, watercourses etc.). At paragraph 5.70 the methodology states that where possible, boundaries should follow a continuous 'regular' or consistent line, as irregular or 'softer' boundaries are more vulnerable to misinterpretation and erosion. At paragraph 5.71 the methodology notes the role Green Belt boundaries play in providing a distinction between the urban and rural environment, and that a clearly identifiable urban edge can also form an acceptable Green Belt boundary. It does not define what a clearly identifiable urban edge is, however it should be assumed that rear garden boundaries would provide a weaker edge than a highway or an established tree line, for example.

Annex 3: York Green belt Inner Boundary Section Descriptions and Justifications

The following section considers the inner boundary definition in respect of the land at North Field, York. The land at North Field (the 'Site') lies west of Section 2 of the Inner Green Belt boundary.

The Annex contains a plan which shows the extent of section 2 of the Inner Boundary. The land at North Field lies adjacent to sub-sections 4 – 10. This plan shows that the Site lies within an area which protects special character and setting (including coalescence) and, based on the Council's strategic approach, outside areas preventing sprawl and protecting the countryside.

Annex 3 contains an assessment of the openness of this part of the Green Belt and the permanence of the proposed inner boundary. As the characteristics of this boundary are fairly consistent much of the commentary is duplicated

with the assessment of each sub-section. The following section considers the Council's assessment of openness and permanence in respect of the land at North Field and the proposed Green Belt boundary.

Openess

At a strategic level, North Field lies within an Area identified in the 2003 Green Belt Appraisal (and subsequent updates) as an 'Area Retaining Rural Setting', with the southern part being an 'Area preventing Coalescence' between York and Knapton.

In terms of Local Openess the assessment identifies a number of characteristics which are relevant to the Site at North Field. These are set out below and considered individually :

The southern fields adjacent to section 4 of the boundary are probable strip fields dating from the medieval period.

This area lies to the south of Knapton and along the route of Ten Thorn Lane. It has a more intact landscape structure than the land further north and plays a role in maintaining separation between Knapton and York. Should development come forward at North Field it is the intention that this area would be retained as open land.

The land at North Field is described as one large, modern, improved field defined externally by regular hedges, and has lost its internal field boundaries.

As noted in the annex, North Field comprises a large, area of relatively featureless farmland. Former, historic field patterns are absent as a result of field amalgamation and the historic character / associations have been eroded. To the east, the adjacent housing area is conspicuous and largely uncontained by any robust boundary features, such that it exerts an urbanising influence on the adjacent farmland.

The flat open landscape has been used by the populations of York for its arable value and intensively farmed for cereal crops and market gardening.

This is almost certainly the case, and would also be true of much of the farmland both within the York Ring Road and beyond. This does not have any relevance to Green Belt.

Human Influences have damaged the historic context with the introduction of the ring road and building housing in large estates which have a tenuous link to the city and its history

As noted in the annex, the ring road and the large scale residential development in Acomb have severed any connection between this land parcel and the historic centre of York.

Flat low lying land make this a prominent edge to York's urban area

The existing urban edge, which comprises modern estate housing, does present a rather stark edge to this part of York, particularly when viewed from the A1237.

Structures can be seen against the skyline (which holds York Minster in its context) and changes can have an impact on local views from the ring road and key strategic views.

This statement is misleading. There are no views across the land west of this boundary to the historic core of York. In addition there are no Key Historic Core Views as identified in the York Central Historic Core Conservation Appraisal which contain the land to the west of this boundary.

Dense planting to screen changes would not be appropriate as it is not a traditional feature of the landscape.

The Site lies within the Flat Open arable Farmland Landscape Type as identified in the York Landscape Appraisal (1997). This is a largely, open, arable landscape, however one of the management guidelines set out in the Appraisal states:

'Plant deciduous woodland either as an extension to, or linking to existing woodland, or plant new small blocks of woodland within the open countryside.'

Woodland is not a common feature within the wider landscape, however it is not entirely alien and could be accommodated as part of the open space design alongside the A1237 road corridor to provide an appropriate setting for expansion on this edge of York.

Retains the physical separation between Knapton, Upper Poppleton and Nether Poppleton

The land to the south of this parcel does perform a function in maintaining separation and the separate identity of Knapton. Whilst Knapton is not a town, this area of farmland does contribute to the second Green Belt purpose, namely to prevent York merging with Knapton. The northern part of the parcel does not perform this function to the same extent.

The settlements at Upper Poppleton and Nether Poppleton lie beyond the A1237 and the land parcel does not play an important role in maintaining separation between these areas and York.

The eastern boundary forms the clearly identifiable built up extent of York urban area which is in stark contrast to the open land to the west which is in agricultural use. The farmland separates the edge of York and the ring road enabling a compact concentric farm to be created within the ring road.

The adjacent land parcel does have an open character, however the existing edge is poorly assimilated and the A1237 would provide a much more robust alternative boundary. Planned expansion could maintain a buffer to the ring road and provide a much better edge to York.

York has expanded significantly within the suburb of Acomb in the twentieth century, and this separates the ring road from the historic parts of York. There is little inter-visibility between the ring road and the historic core at this point and the perception of a concentric city is largely absent.

The Council's assessment of local openness concludes that the land at North Field contributes to checking the unrestricted sprawl of large built up areas, and to preserving the setting and special character of York. This conclusion however is not supported by a robust assessment of this parcel in Green Belt terms. The following points are relevant:

- It acknowledges that the land at North Field comprises an area of modern improved fields which is bordered by large housing estates which have a tenuous link to the city and its history. This area has lost much of its historic field structure;
- This land is influenced by the prominent urban edge to the east, which as the assessment states, lends this area a semi-rural character;
- The assessment does not consider the A1237 as a more robust alternative boundary to the edge of York. This would contain development and prevent sprawl. This would represent a strong boundary in line with guidance set out in the Council's own addendum;
- There are no Key Historic Core Views which cross this land parcel, and given the separation between this land parcel and the historic core by modern estate development, it plays a limited role in the setting and special character of the city; and
- Expansion in this direction can maintain a buffer to Knapton maintaining its separate identity and preventing coalescence with York.

Permanence

The assessment notes that the proposed boundary follows an historic field boundary which forms a distinct edge between the urban area and more open farmland. In fact, this boundary largely follows the rear gardens of housing at the edge of York. This does not meet the criteria of a robust man-made or natural feature. The A1237 would provide a much more logical and permanent edge to the Green Belt at this point, however this does not appear to have been considered.

Annex 5: Sites Proposed in the General Extent of the York Green Belt

CSA have previously undertaken a landscape overview of five Strategic Sites identified in the submitted City of York Local Plan. The follow section briefly considers the findings of Annex 5 of the Addendum which assesses the performance of each of the sites against the first four Green Belt purposes. The following sites were considered:

- *ST7 – East of Metcalfe Lane;*
- *ST8 – Land North of Monks Cross;*
- *ST9 – Land North of Haxby;*
- *ST14 – Land North of Clifton Moor; and*
- *ST15 – Land to the West of Elvington Road.*

ST7 – East of Metcalfe Lane

This area is identified for a standalone settlement of approximately 845 new homes located a short distance to the east of York. In terms of sustainability, it is located beyond the zone with access to a minimum of two existing services and will be reliant on provision of its own infrastructure to support a new community.

Given its close proximity to York, approximately 160m from the existing edge, development in this location will read as extension to the existing built area, and given the absence of robust man-made or natural boundaries it will result in a significant expansion into the countryside resulting in encroachment and sprawl.

In addition, the Heritage Impact Appraisal identifies that it is prominent in views from the A64 and development will also impact on a Key City Wide View towards the historic core of York. It will therefore impact on the setting and special character of York.

The Council's appraisal identifies that the proposals will result in minor harm to the purpose of checking unrestricted sprawl. However, given its location close

to the edge of York and its visibility from the A64, it will result in a significant extension to the built edge of York. The appraisal notes that there could be minor / significant harm as a result of encroachment on the countryside and the setting and special character of York. It adds that these effects can be reduced to minor through mitigation, however it does not qualify this. In our view, development in this location could have a significant impact on three of the four Green Belt purposes assessed.

ST8 – Land North of Monks Cross

The proposal will result in an urban extension to the east of York. The annex notes that development would result in minor harm to a number of Green Belt purposes. It is separated from the existing edge of the city by a number of small fields which restrict integration. The site does benefit from reasonably strong boundaries in the form of surrounding minor road infrastructure. The existing residential edge is well contained; however development will be more prominent in views from the surrounding highways, resulting in some impression of sprawl and encroachment into the countryside. The Heritage Impact Assessment identifies a view to the Minster from within the Site and the loss of farmland will have some impact on the setting of York.

ST9 – Land North of Haxby

The Council's appraisal identifies that development in this location will result in minor harm to purposes 1, 3 and 4 of the Green Belt. Our own assessment identified that expansion to the north of Haxby will extend development into open countryside on the edge of the village. Development will be visible from the surrounding lanes which border the draft allocation result in significant encroachment into the wider farmland. In addition, the existing edge of Haxby is well contained and there will be some sense of sprawl of the main built up area. Development would therefore impact on two of the Green Belt purposes.

ST14 – Land North of Clifton Moor

The Heritage Impact Assessment identifies that there are potentially significant negative impacts from urban sprawl as development would extend beyond the ring road. This would, it notes, be mitigated by landscape buffers and strategic green space to the west. It also notes the potential to create an urban corridor due to its location opposite Clifton Moor Retail Park and potential harm to the setting of Skelton.

The Council's appraisal identifies that development in this location would cause minor harm to purposes 1, 3 and 4 and no significant harm to purpose 2.

The proposed allocation is for a free standing settlement north of the A1237. In sustainability terms it will need to provide its own infrastructure and services to serve the new community. In our view, the Site is located some distance north of existing highway infrastructure and significant new road connections will be required to link it to the surrounding area.

The Site is located with open countryside beyond the ring road and in proximity to the northern edge of York and neighbouring Skelton. It is contained to the east by a tract of woodland but elsewhere the boundaries are less well defined. Given its proximity to other settlement, development will result in the cumulative urbanisation along the route of the A1237, and the perception of York expanding northwards beyond the ring road. It will also impact on the separation between York and Skelton. Development in this location will therefore result in countryside encroachment, sprawl and loss of separation between York and its outlying settlements and will be contrary to three Green Belt purposes.

ST15 – Land to the West of Elvington Road

The proposals are for a new large free standing settlement of around 3,339 new homes. The Site is remote from the edge of York and significant highway infrastructure and services. Access is proposed from a new junction off the A64, however this is some distance from the proposed allocation.

The scale of development will inevitably result in a significant encroachment into the countryside within the Green Belt. In addition, the provision of a new access off the A64 and the extent of the proposed development could give rise to some sense of York expanding into the rural hinterland beyond the ring road, although the proposals are some distance from the edge of York. Development will therefore result in significant harm to one Green Belt purpose, namely countryside encroachment, and less harm to the other Green Belt purposes. This assessment is broadly consistent with the Council's findings.

Conclusion

This document provides a review of Addendum to Topic Paper 1: Approach to Defining York's Green Belt prepared by York City Council. It considers the Council's approach, methodology and the relevant findings of the Council in respect of the York Green Belt. It has been undertaken on behalf of L and Q Estates who are promoting land at North Field, York, as a potential urban extension to the city.

This report provides an addendum to work originally undertaken by CSA in October 2017, '*Landscape Overview of the Land at North Field York and Five Strategic Sites identified in the emerging City of York Local Plan*'.

Topic Paper 1 ('TP1'): Approach to Defining York's Green Belt sets out the Council's approach to defining York's Green Belt for the first time. The Addendum has been informed by previous Evidence Base documents which have shaped the spatial strategy for the City of York as set out in the draft Local Plan, and identified on the draft Proposals Maps. Given the advanced stage of the Local Plan and the strategic allocations, the Addendum does not comprise a comprehensive review of the York Green Belt; rather its purpose is to provide further justification for the existing spatial strategy / Green Belt approach.

It is apparent that the previous York Green Belt evidence base has been heavily weighted towards character and setting criteria in respect of the historic City of York. The Addendum to TP1 seeks to undertake a retrospective review of Green Belt land against all the National Green Belt purposes in order to establish the boundaries to the Green Belt.

This review found that this approach is essentially flawed and the methodology is confused.

Annex 3 of the Addendum contains an assessment of the inner Green Belt boundary. The land at North Field lies alongside section 2 of this boundary. The Council's assessment of local openness concludes that the land at North Field contributes to checking the unrestricted sprawl of large built up areas, and to preserving the setting and special character of York. This is largely due to the work undertaken in the 2003 Green Belt Appraisal (and subsequent updates) which identified this land parcel as an 'Area Retaining Rural Setting', with the southern part an 'Area preventing Coalescence' between York and Knapton. However, a review of the local openness assessment undertaken by the Council finds a number of discrepancies between these conclusions and some of the commentary set out in the assessment, and in deed is not supported by our own findings. In our view, further work should be undertaken to provide a

robust assessment of of the Green Belt boundary in this location, and the potential to release land at North Field from the Green Belt.

Annex 5 of the Addendum contains an assessment of the Strategic sites which are identified in the submitted Local Plan. CSA previously commented on 5 strategic sites as part of previous representations to the Council.

Our analysis of the five Sites identified that development at ST7: East of Metcalfe Lane would result in significant harm to three of the four Green Belt purposes. Similarly, ST14 – Land North of Clifton Moor contributes to three Green Belt purposes. ST9: Land at Haxby performs strongly against 2 of the 4 Green Belt purposes. Given the scale of development proposed at ST15 – Land West of Elvington this will inevitably result in significant encroachment into the countryside. To a lesser extent, ST8 – Land north of Monks Cross plays some role in preventing urban sprawl and countryside encroachment.

On this basis, in our view the Council has not established that in a number of cases, release of these sites will not result in significant harm to the Green Belt purposes.



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**CITY OF YORK LOCAL PLAN
EXAMINATION –
STATEMENT OF CASE**

**MATTER 1: LEGAL
REQUIREMENTS**

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Appendix 1: 2005 City of York Local Plan proposals map extracts

Appendix 2: Brecks Lane appeal decision

1.0 INTRODUCTION

- 1.1 Carter Jonas LLP (CJ) welcomes the opportunity to participate in the City of York Local Plan Examination in Public (the EiP) on behalf of L&Q Estates (formerly Gallagher Estates) (L&QE). This statement of case is pursuant to and cross-references with previous representations by Carter Jonas and Turley in respect of the Pre-Publication Draft (Regulation 18) and Main Modifications (Regulation 19) consultations in July 2019.
- 1.2 This statement of case has been prepared for the exclusive benefit of the respondents as set out herewith. No other parties may use or duplicate the report contents without the written permission of Carter Jonas LLP.
- 1.3 L&QE has a controlling interest in the land at North Field, York, which Carter Jonas continues to promote for release from the General Extent of Green Belt and as an allocation for housing, with the proposed inner green belt boundary being drawn along the A1237 York Outer Ring Road. The land is Site Reference 871 (please see below) within the Strategic Housing Land Availability Assessment (SHLAA) (2018).



- 1.4 We have grave concerns over the plan and proposed modifications, including the overall soundness of the plan which will impact upon the timetable and prolong the continued failure adopt policy and proposals for the development needs of the City of York. Our specific concerns relate to the following matters to be considered under the Phase 1 Hearings and associated Matters, Issues and Questions (MIQS).

- Matter 1: Legal requirements and the duty to cooperate
- Matter 2.1 – 2.7: The Objectively Assessed Need (OAN), as revised and the housing strategy: housing requirement
- Matters 2.8 – 2.10: The housing strategy: spatial distribution and the associated ‘garden village’ strategy for delivery of sufficient land to meet the OAN
- Matter 3 – Green Belt: the approach to defining York’s Green Belt, exceptional circumstances and approach to land release for development

1.5 CJ will provide statements of case and participate in respect of Matters 1, 2.8 – 2.10 and 3. Turley will represent L&QE for Matters 2.8 – 2.10.

1.6 This statement of case covers legal requirements and the duty to cooperate.

2.0 NATIONAL POLICY AND LEGISLATION

Regulations

Planning and Compulsory Purchase Act 2004

- 2.1 Paragraph 33A of the Planning and Compulsory Purchase Act 2004 sets out a “duty to co-operate in relation to planning of sustainable development”. Under subsection (3) this includes “the preparation of development plan documents... so far as relating to a strategic matter.”

Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations)

- 2.2 Regulation 4 of the 2012 Regulations confirms that the duty to cooperate extends to a range of stakeholders “in addition to local planning authorities and county councils”.

The National Planning Policy Framework (NPPF)

- 2.2 As the Plan was submitted before 2018 NPPF was published, it will be examined in accordance with the 2012 NPPF. Paragraph 24 of the NPPF states:

Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.

- 2.3 Paragraph 135 states:

The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. If proposing a new Green Belt, local planning authorities should:

- a) demonstrate why normal planning and development management policies would not be adequate;*
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- c) show what the consequences of the proposal would be for sustainable development;*
- d) demonstrate the necessity for the Green Belt and its consistency with Local Plans for adjoining areas; and*
- e) show how the Green Belt would meet the other objectives of the Framework.*

- 2.4 Paragraph 85 states:

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;*
- *where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- *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.*

3.0 MATTER 1 MIQS – DUTY TO COOPERATE

MIQ 1.1 - What are the strategic cross-boundary issues and how does the strategy address them?

3.1 The General Extent of Green Belt around York (“the general extent”) was first established by the North Yorkshire County Structure Plan. This was then taken forward within the Yorkshire and Humber Plan, with the following saved requirement under Policy Y1C for the definition of the York Green Belt.

“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.”

3.2 Saved Policy YH9C: Green belts states:

“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. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period.”

3.3 Policy YH9E confirms:

“Green Belt reviews should also consider whether exceptional circumstances exist to include additional land as Green Belt.”

3.4 The Local Plan Publication Draft of February 2018 at Section 3 covers the spatial strategy for the plan. This follows paragraph 1.50 which affirms:

“...that 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 are to be defined in order 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.”

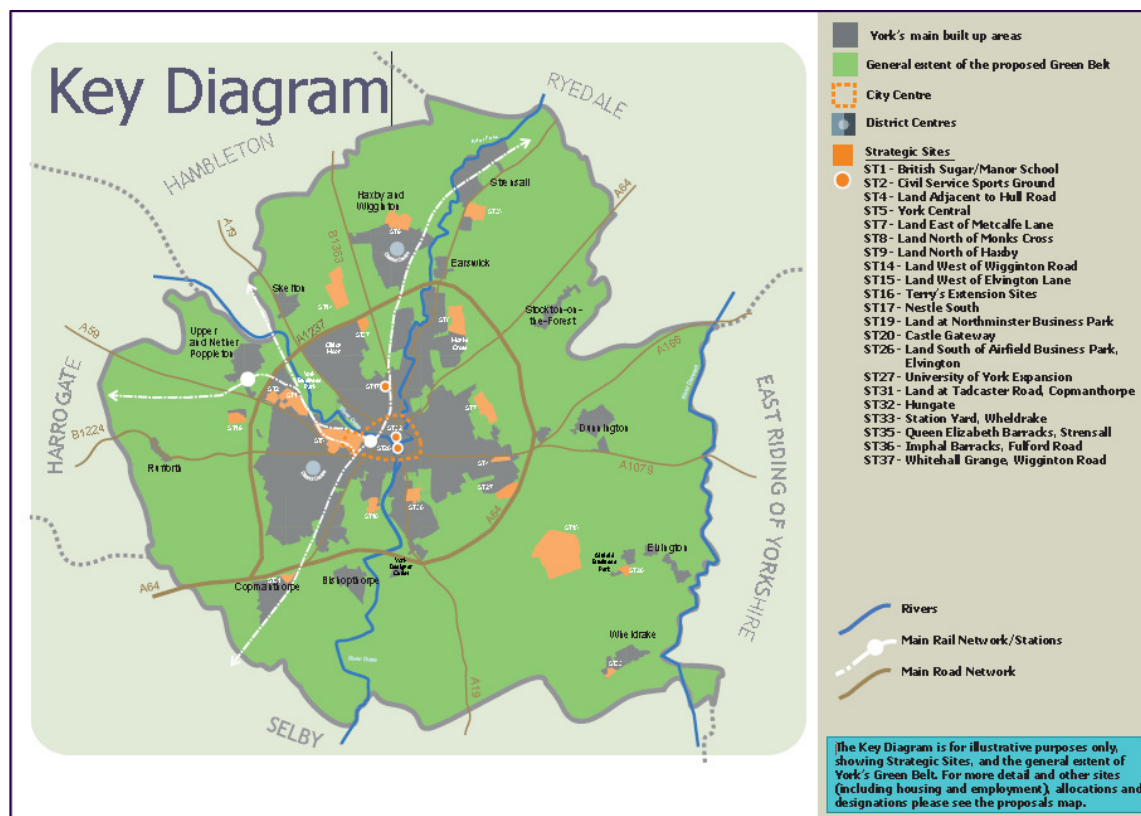
3.5 Previous local plan drafts including the 2005 and 2013 iterations proposed Green Belt boundaries within the district that almost, but not quite, placed all of the administrative area beyond the existing built area plus proposed development sites within the Green Belt.

3.6 The two main exceptions to this rule were land to the North of Strensall and Land at Wheldrake Ings. The proposals map extracts at Appendix 1 show these areas beyond the Outer Green Belt boundary under the 2005 plan.

3.7 However, from the 2014 plan onwards, and in particular the February 2018 Publication Draft (CD001), both areas have been shown to be within the General Extent of Green Belt and within the Outer Green Belt Boundary

as shown on the detailed proposals maps and Key Diagram. We refer to these proposed amendments as Green Belt Extension GBE1 and GBE2 below.

3.8 The February 2018 Publication Draft Key Diagram is copied for ease of reference below:



3.9 In effect, the proposed extension of the General Extent of Green Belt proposes new Green Belt land and this, therefore, is a strategic matter. Furthermore, GBE1 adjoins Hambleton and Ryedale Districts and GBE2, Selby and Ryedale. The proposed extensions represent cross-boundary issues. Furthermore, taking St Sampson’s Square as the central point for the measurement of “about 6 miles from York city centre” (please see paragraph 94 of the Brecks Lane appeal decision at Appendix 2), it is noted that the furthest extent of GBE 1 is 6.7 from the city centre and GBE2, 8.3 miles.

3.10 We also maintain that the proposed outer boundary at GBE1, from the Carr Lane corner to the River Foss (Section 1, Boundaries 5, 6 and 7 - document ref. EX/CYC/18e: TP1 Addendum Annex 2 – York Green Belt Outer Boundary Section Description and Justifications) represents a significantly weaker boundary than the outer boundary as proposed between 2005 and 2013.

3.11 Similarly, the proposed outer boundary at GBE1 makes no sense in comparison to the previous outer green belt boundary at this point. Section 2, Boundary 4 seeks to extend from the previously proposed line of the River Derwent out to a former course of the Derwent, now known as The Beck.

3.12 In particular, the plan contains no strategic policy to establish the need to expand the General Extent of Green Belt as proposed under GBE 1 & 2. This is especially of concern as these would significantly go beyond the 6 mile limit as dictated by the current and previous adopted strategic policies that define the general extent.

MIQS 1.2, 1.3 and 1.4 - What actions have been taken, what were the outcomes and how does the Plan address those outcomes?

3.12 Our concerns in respect of legal requirements and the duty to cooperate are that the adjoining local planning authorities should have had the opportunity to consider the implications of GBE1 & 2 and the proposed detailed outer boundaries.

3.13 Within the council's current and previous evidence base on the duty to cooperate (doc. refs. EX/CYC/18 - Green Belt TP1 Addendum and predecessor green belt review documents, duty to cooperate papers EX/CYC/7a, EX/CYC/23, CD020, and CD024 or the 2013 paper - Cross Boundary Working: Demonstrating the Duty to Cooperate - June 2013) there is nothing to evidence any discussions with interested parties on widening the General Extent of Green Belt.

3.14 In response to MIQs 1.2 and 1.3 we have found no evidence of any notification, discussions or cooperation with adjoining local planning authorities in respect of the proposals to extend the Green Belt. In response to 1.3 – 1.5 and on the strategic matter of proposed new Green Belt land we suggest the answers are:

- What actions have been taken? – None
- What were the outcomes? – None
- How does the Plan address those outcomes? No outcomes to address

4.0 CONCLUSION

MIQ 1.5 - Overall, has the Plan been prepared in accordance with the ‘duty to cooperate’ imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

- 4.1 In view of the above we maintain that in respect of the strategic issue of the proposed outer green belt boundary extending significantly beyond the previous 6 mile limit set by the saved policies of the Yorkshire and Humber Plan and a complete lack of published evidence of consultation with the adjoining local planning authorities it is reasonable to conclude that the Plan has not been prepared in accordance with the duty to cooperate.

**CITY OF YORK LOCAL
PLAN EXAMINATION
HEARING STATEMENT**

**MATTER 2 - HOUSING
STRATEGY: SPATIAL
DISTRIBUTION**

November 2019
On behalf of L&Q Estates (formerly Gallagher Estates)

Carter Jonas

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1.0 INTRODUCTION

- 1.01. The following hearing statement is made for and on behalf of L&Q Estates (L&QE). This statement responds to selected questions set out within Matter 2: The Housing Strategy: spatial distribution of housing of the Inspector's Matters, Issues and Questions and Matters 2.8 – 2.10 in particular.
- 1.02. The Inspector's Issues and Questions are included in bold for ease of reference. Where a specific Question is not covered L&QE has no comment as part of this hearing statement. Turley has covered Matters 2.1 – 2.7 in respect of the housing market area, OAN and the housing requirement.
- 1.03. This hearing statement is pursuant to and cross-references with previous representations by Carter Jonas and Turley in respect of the Pre-Publication Draft (Regulation 18) and Main Modifications (Regulation 19) consultations in July 2019.

2.0 MATTERS, ISSUES AND QUESTIONS RESPONSES

MIQ 2.8: The Housing Strategy: Spatial Distribution

- 2.01 In broad terms we consider the spatial strategy identified within Policy SS1 to be in line with the sustainability objectives of the NPPF (paragraphs 7 – 16) and consider that the five spatial principles set out within this policy will help to provide a focus for the location of development. However, more clarity on how housing growth should be distributed is required.
- 2.02 It is interesting to note that the wording of the five spatial principles remains unchanged from the 2014 draft plan but the focus of delivery and distribution has shifted toward freestanding new settlements (“garden villages”) and higher densities on previously developed land.
- 2.03 As it stands, we are concerned that due to heavy reliance on major regeneration sites and garden villages as a preference over the release of more green belt land from the inner boundary for sustainable urban housing allocations, the Plan as proposed will not deliver the most sustainable growth strategy that Policy SS1 seeks to achieve. A more detailed approach to the location of housing growth would form part of a more appropriate spatial strategy.

MIQ 2.9a

- 2.04 Policy SS1 does not articulate the overall spatial distribution strategy of new housing proposed through the Plan. This is a fundamental absence and which must be addressed. The Key Diagram identifies Strategic Sites only and excludes all of the other housing sites, as listed at Table 5.1 within the housing chapter. These Strategic Sites are comprised of sites for housing and employment or a mix of the two. The distribution of new housing across the City of York is therefore not clear from the Key Diagram.

MIQ 2.9b

- 2.05 The level of housing directed towards the City Centre and other parts of the Plan Area is not clearly identified within the plan. Policy SS3 which relates to York City Centre identifies sites ST32, ST20 and ST5 for allocation however there is no clearly identified figure for new housing in the city centre within this policy either. For example, the plan does not make clear how much of the estimated yield for ST5: York Central will be within the land falling within the designated city centre boundary or the larger part of the allocation, to the west. Furthermore, it does not identify how much of the 1,700 total would be delivered beyond the plan period.
- 2.06 The level of housing within other parts of the Plan Area is not clearly identified within Policy SS1 nor is it clearly identified within other policies within the Plan.

MIQ 2.9c

2.07 Paragraphs 3.4 – 3.12 of the Publication Draft cover Factors Which Shape Growth and refer to the technical information in relation to The Character and Setting of the City, Green Infrastructure, Nature Conservation, Green Corridors and Open Space, Nature Conservation and Flood Zones which the Council has relied upon to inform the distribution of growth. However there is no clear justification for the proposed distribution that has been arrived at (as represented by the Strategic Sites) within this evidence.

2.08 Once a robust OAN and housing land requirement have been arrived at and the amount of green belt release understood, the spatial distribution criteria and the previous growth options as considered at the Preferred Options stage should be revisited:

- *Option 1: Prioritise development within and/or as an extension to the urban area and through the provision of a single new settlement;*
- *Option 2: Prioritise development within and/or as an extension to the urban area and through provision in the villages subject to levels of services;*
- *Option 3: Prioritise development within and/or as an extension to the urban area and through the provision of new settlements;*
- *Option 4: Prioritise development within and/or as an extension to the urban area along key sustainable transport corridors.*

2.09 We consider that Option 2 represents one element of a more appropriate spatial strategy compared to the spatial distribution as reflected by the proposed Strategic Sites.

MIQ 2.9d

2.10 The distribution of development is not consistent with the overall approach set out in Policy SS1. As mentioned above the identification of garden villages as a preference over the release of potentially more sustainable urban extension sites within the York Outer Ring Road (such as our client's site at North Field) is not a sustainable option and demonstrates the flaws within the Council's retrospective approach to the location of development throughout the plan.

2.11 We cross-refer to the Turley report dated July 2019: Proposed Modifications to the York Local Plan: OAN Critique. Not only does the report challenge the unreasonably low OAN proposed by the Council, it also indicates that, based on the split of existing dwellings across the city, a split on 84% houses to 16% flats/apartments is necessary to deliver the type and size of homes "needed across all tenures in the 2016 SHMA".

2.12 We are concerned that the Strategic Sites and some of the higher densities that are necessary to help meet even the proposed OAN of 790dpa will not deliver sufficient family housing in sustainable locations. This will be

in breach of the Policy SS1 aims and objectives of “addressing the housing and community needs of York’s current and future population.

MIQ 2.9e

- 2.13 We consider that the Sustainability Appraisal does not support the proposed distribution of housing as there are a range of negative and significant negative effects that have been identified for a number of the ‘garden villages’ (or stand-alone settlements). For example ST15 scores poorly overall with 4 of the Objectives Scoring as significant negative effects (SA02, SA03, SA10, SA013), two as significant/negative effects (SA014 and SA015), one as negative effect (SA08), two as no significant effect/clear link to policy (SA04) and SA012), two as depends upon Policy implementation (SA05 and SA06), one as negative/positive effect (SA09), one as a positive effect (SA07) and once as significant positive effect (SA1).
- 2.14 The scoring therefore implied that the only clear significant positive effect from the development of ST15 as a stand-alone settlement would be that it would assist in meeting the housing needs of York in a sustainable way. How sustainable a development on greenfield land, detached from the main urban area with no services or facilities would actually be is debatable given the negative effect identified within the Sustainability Appraisal scoring.
- 2.15 It is also clear that there is flaws with the scoring of the Sustainability Appraisal as there are various scores which underplay the significance of the effect of a number of the ‘garden villages’ such as ST7, ST14 and ST15. For example the majority of ST15 (just over two thirds) is greenfield and there will be a significant negative effect from the loss of this land (SA09) whereas it has been scored as likely to have a positive effect and also a negative effect on SA objectives. We assume that this is due to the site including an element of the Elvington Airfield brownfield site. In relation to SA Objective 06 Access to Transport, the site scores “1 – depends upon Policy implementation”. This should be identified as a significant negative effect as at present there are no frequent bus services, or access to train services with walking/cycling distance.
- 2.16 Overall it is considered that the distribution of housing identified within the Plan will not lead to the most sustainable pattern of housing growth. As mentioned above, the allocation of ‘garden villages’ such as ST14 in preference to the release of more sustainable urban extensions adjacent to existing settlements (for example, land at North Field between the York Outer Ring Road at Poppleton and the edge of Acomb) is not the most sustainable approach to future development. This represents a reasonable alternative that has not evidently tested within the Sustainability Appraisal.

MIQ 2.9f

- 2.17 As set out in our Matter 3 statement, we consider that, whilst the Council has undertaken a Green Belt review (Topic Paper 1: Approach to Defining York’s Green Belt plus 2019 Addendum), the approach taken has been based on a collection of evidence which is largely out of date, going back as far as 2003 and lacking a common

and robust methodology. Given a city like York where almost all of the undeveloped land is within the General Extent of Green Belt we consider that a robust green belt review can only be undertaken when an accurate OAN and housing land requirement are in place. Only then can the amount of land needed to be released from the green belt for housing and as safeguarded land be fully understood.

- 2.18 We consider that the distribution of housing has been significantly influenced by the green belt review and the over-emphasis placed on the council on preserving the historic character of York, and does not fully appreciate or make the most of more sustainably located sites. In summary, green belt protection and restraint have been evidently prioritised over growth. This has led to the need to increase housing densities for allocations on previously developed land and a move away from urban extension allocations on the inner edge of the green belt to free-standing new settlements.
- 2.19 In respect of “other constraints” and as mentioned above, paragraphs 3.4 – 3.12 of the Publication Draft refer to technical information in relation to The Character and Setting of the City, Green Infrastructure, Nature Conservation, Green Corridors and Open Space, Nature Conservation and Flood Zones which the Council has relied upon to inform the distribution of growth.

MIQ 2.10

- 2.20 The testing and identification of a spatial distribution strategy and identification of suitable sites for allocation should be done through a robust iterative process, taking account of constraints, a Sustainability Appraisal testing various options and sites, and a comprehensive and clear Green Belt review, amongst other pieces of evidence. This process has not clearly been followed or it is unclear to unpick this from the evidence to demonstrate the proposed identification of sites is the most appropriate strategy.
- 2.21 Given the above comments, it is clear that there is no clearly articulated spatial distribution strategy for housing and the identification of sites to meet the spatial principles is not justified. The proposed distribution of housing and sites are not sustainable in line with the objectives of the NPPF and as a result the Plan is fundamentally unsound in this regard.

**CITY OF YORK LOCAL PLAN
EXAMINATION –
HEARING STATEMENT**

MATTER 3 - GREEN BELT

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1.0 INTRODUCTION

- 1.1 Carter Jonas LLP (CJ) welcomes the opportunity to participate in the City of York Local Plan Examination in Public (the EiP) on behalf of L&Q Estates (L&QE). This hearing statement responds to selected questions set out within the Matter 2: MIQs regarding the Housing Strategy the spatial distribution of housing and is pursuant to and cross-references with previous representations by Carter Jonas and Turley in respect of the Pre-Publication Draft (Regulation 18) and Main Modifications (Regulation 19) consultations in July 2019.
- 1.2 The Inspector's Issues and Questions are included in bold for ease of reference.

3.0 MATTER 3 MIQS – GREEN BELT

Principles

MIQ 3.1

- 3.1 Section 3 of the February 2018 Publication Draft covers the spatial strategy for the plan. This includes paragraph 1.50 which affirms:

“...that 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 are to be defined in order 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.”

- 3.2 This element of the plan’s strategy is pursuant to the relevant saved parts of the Yorkshire and Humber Plan (the YHP). Saved Policies Y1C1 and YH9C plus key diagram represent the only extant designation of the General Extent (GE) of Green Belt around York. Previous local plan drafts (including the 2005 and 2013 iterations) proposed Green Belt boundaries designating **almost all** of the unbuilt administrative area to be within the Green Belt. However, the February 2018 Publication Draft Key Diagram shows in green the “General extent of the **proposed** Green Belt” (CJ emphasis) and includes **all** non-built-up land within the York administrative area.
- 3.3 MIQ 3.1 asks if the Local Plan proposing to establish any new Green Belt. The answer is yes. Appendix 1 of this statement shows extracts from the 2005 Proposals Maps which depict land to the North of Strensall and at Wheldrake as being excluded from the Green Belt. However, the Publication Draft Proposals Maps show the proposed Green Belt boundaries at these locations to follow the administrative boundary for York.
- 3.4 The land to the North of Strensall and at Wheldrake extends well beyond the 6 mile general extent, with the latter being about 7.5 miles from St Sampson’s Square in York city centre (please see paragraph 94 of the Brecks Lane appeal decision at Appendix 2 at its closest point and 8.5m at its furthest. These extensions to the GE and outer green belt boundary therefore represent proposals to establish new Green Belt.

MIQs 3.1a & 3.2b

- 3.5 However, no strategic policies within the Plan seek to justify extending the GE. No exceptional circumstances are evidenced for the proposed new Green Belt in these locations. As such, the Plan is not in conformity with the General Extent of Green Belt established under the Yorkshire and Humber Plan. Furthermore, the Council has failed to evidence why the proposed new green belt is justified under the criteria attached to NPPF paragraph 82. In particular, the council has not explained the change in circumstances and/or exceptional circumstances to justify extending the GE.

MIQ 3.1b

- 3.6 At a strategic level the Plan proposes a number of 'garden villages' to be inset within the established GE and residential urban extensions proposed on a limited number of sites to be excluded from the Green Belt inner edge. As such, this land will be removed from the GE and detailed inset boundaries defined. This is a case of establishing new GB boundaries for the first time.
- 3.7 Based on even the unreasonably low OAN proposed by the Council we consider the release of land within the GE to be justified by exceptional circumstances as a result of the urgent need to deliver new housing land. However, as set out in our Matter 2 hearing statement, the exact locations and extent of the land released from the Green Belt is questioned and additional land is required to be removed from the GE and inner green belt boundary for an increased number of sustainable housing allocations

MIQ 3.2a

- 3.8 The inner Green Belt boundaries proposed within the plan have seemingly been drawn up with maximum development restraint in mind and little regard to sustainable, long-term development needs. Given the proposed Green Belt boundaries are in no small part based upon a highly flawed OAN approach under Policy SS1 (as noted by Turley and many others), it stands to reason that Policy SS2 as written cannot be considered sound as it is not effective and justified in meeting sustainable growth requirements, as required by NPPF paragraph 85.
- 3.9 Taking into account the need for a significantly increased OAN and housing land requirement, further land for housing will need to be identified and this will of necessity be within the Green Belt, given the proposed inner boundaries are tightly drawn around the urban extent of the City. This concern is compounded by the failure of the plan to designate any safeguarded land whatsoever. This is wholly against the requirements under YHP Policy YH9C.

MIQ 3.2b

- 3.10 As noted in our Matter 2 statement of case, iterations of the plan since 2013 have followed a shift away from housing allocations in sustainable locations on the urban fringe of the city toward significantly increasing yields on retained allocations, as evidenced by the significant differences between the 2014 and 2018 versions of Table 5.1: Housing Allocations and in new freestanding settlements in locations more remote from the main urban areas. This has not followed any alteration to strategy or the spatial principles for location of development under Policy SS1. Indeed, the five spatial principles under SS1 have been carried forward word-for-word from the 2014 plan to the Publication Draft.
- 3.11 The Green Belt evidence base provided by the council is comprised of a loose collection of documents that has emerging over a 16 year period and having no clear strategy or principles from the outset. We are concerned that the proposed detailed green belt boundaries are based upon evidence that is out-of-date, going back as far

as 2003 and preceding the 2012 NPPF. The March 2019 document Green Belt TP1 Addendum seeks to address the Local Plan Inspectors' comments of 24 July 2018 that:

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

- 3.12 As noted within the CSAE report enclosed at Appendix 3, the approach taken by the council and the associated methodology in preparing the TP1 Addendum do not constitute a comprehensive green belt review to, amongst other things, consider appropriate Green Belt boundaries. The CSAE report states:

"...rather its purpose is to provide further justification for the existing spatial strategy / Green Belt approach."

- 3.13 The TP1 Addendum does not provide substantive evidence and is a further attempt to retrofit an evidence base to justify unreasonably tight green belt boundaries, many elements of which were selected as early as 2005. Such an assessment should have begun with a clear assessment of current and future growth needs, resulting in a strong understanding of the amount of GE land required to be de-allocated to facilitate sustainable employment and housing growth as well as the identification of safeguarded land.

- 3.14 In summary, there has been no green belt review that firstly evaluates potentially developable sites on a qualitative and comparative basis for their green belt contribution and then secondly assesses those sites for release on the basis of (*inter alia*) least harm to green belt aims, characteristics and purposes plus appropriate detailed boundaries. Furthermore, parts of the proposed inner and outer boundaries are unsupportable. Finally, no safeguarded land is included. As a result the plan is wholly in breach of NPPF paragraph 84.

MIQ 3.2c

- 3.15 In respect of the inter-linkage between sustainable development needs and the question of where, spatially, these needs should be met we maintain that, in the absence of a robust assessment of OAN, it is impossible to answer MIQ 3.2c in any meaningful way. To illustrate this, we believe there to be significant urban fringe land between the York Outer Ring Road and the current built edge of York which, would help meet development needs for the plan period and beyond but is proposed as green belt within the plan as currently drafted.
- 3.16 We have seen no supporting evidence to confirm that a strategy of having a wider inner boundary (instead of tightly drawn) to facilitate development in sustainable locations adjacent to the built-part of the city has been considered. Such a strategy would have helped to minimise the need to inset development within the Green Belt and/or increase density of development on previously developed land and meet the requirements of NPPF paragraph 84 and a realistic OAN/housing land requirement.

MIQ 3.2d

3.17 In answer to 3.2d we maintain that, in failing to plan objectively for housing growth, the plan fails also to meet the NPPF paragraph 7 requirements relating to the economic and social roles of sustainable development. As such, it does not allocate sufficient land to support economic growth in general or to meet housing supply requirements for future generations. In this, the plan identifies targets for sustainable growth that are too low and as a result it misses the opportunity to consider the removal of land from the GE where it serves few Green Belt purposes and is unnecessary to be kept permanently open.

MIQ 3.3

3.18 In the absence of sufficient release from the GE to enable the necessary growth to meet the housing requirement **within** the plan period, there will be little option but to undertake a further Green Belt review and alter boundaries at the end of the plan period.

3.19 Turning to the identification of clearly defined boundaries we consider that the council has failed to undertake a contemporaneous and robust assessment. Its evidence base has been on-going since 2003 and comprises 5 main documents spanning 16 years and three national Green Belt policy regimes.

3.20 As noted at paragraph 3.10 of this statement of case, even as recently as July 2018 the Inspectors felt it necessary to identify "...no substantive evidence..." to support the proposed detailed boundaries and a general lack of clarity on methodology. The March 2019 addendum fails to set these concerns to right.

MIQ 3.4

3.21 We maintain that, even if the plan is amended to designate land for sufficient new homes to meet a robust OAN/housing land requirement, the identification of safeguarded land will also be required "...to meet long-term development needs...". Aside from helping to meet longer-term development needs, safeguarded sites would help provide a buffer of land to help enable flexibility in the event that allocated housing sites fail to deliver or under-deliver and limit the need for altering Green Belt boundaries beyond the plan period.

MIQ 3.5

3.22 In summary, neither the outer nor the inner boundaries are appropriately defined under the NPPF. Inner edge and settlement boundaries fail to allow for sufficient growth or safeguarded land. Outer boundaries extend significantly beyond the 6 mile general extent and fail to use the most appropriate physical boundaries. The proposed Green Belt is therefore unsound.

Exceptional Circumstances

MIQ 3.6 a) – e)

3.23 We await with interest the Council's responses to the Inspectors' questions as 3.6 (i) – (v). In the meantime we comment as follows on MIQs 3.6 a) – e).

- a) We are wholly confident that, based on the outcome of OAN and the housing land requirement under the Phase 1 Examination in Public, the acuteness of need and the history of under-delivery will provide the necessary exceptional circumstances to justify the removal of significant land from the GE.
- b) Once the extent of the need for green belt release from the GE for housing land is known, a new green belt review plus Sustainability Appraisal to assess the optimum spatial strategy should be undertaken to determine the balance of distribution between previously developed land, new settlements and sustainable urban extensions within the GE.
- c) The capacity of existing urban areas to meet development needs has become very limited. The failure of the council to allocate land for development combined with the tightly drawn GE and the (understandable) reluctance of adjoining local planning authorities to help meet the city's needs has led to an overheated housing market where development land is at a high premium and lack of affordability is similar to parts of the South-East. High levels of redevelopment of previously developed land in urban areas in recent years has led to fewer and fewer opportunities remaining. Such capacity is now very low, as market-worthy redevelopment opportunities have been 'picked-over' leaving the more difficult and unviable sites to lag behind.
- d) Given the proposed Green Belt extends from the existing built areas of York to the city-wide administrative boundary, there will be no non-Green Belt land to consider. This is compounded within the York Outer Ring Road (YORR) by the proposed inclusion all of the following areas within the green belt:
 - i. green wedges;
 - ii. strays;
 - iii. river corridors;
 - iv. areas protecting urban coalescence; and
 - v. areas retaining urban setting.

As such, we maintain that the proposed GE is tightly drawn to existing settlement boundaries on the one hand and extends to the York administrative boundary on the other resulting in no rural land that is not within the proposed green belt that might have helped meet “

- e) Under Matter 3 we have no specific comments in respect of removing the identified Strategic Sites from the GE. As noted under 3.6(b) above a comparative review between strategic housing options should be undertaken once a robust OAN and housing land requirement have been arrived at. In summary, it is evident that exceptional circumstances based on housing need do exist for the release of land from

the GE. However, the absence of a clearly identified and robust OAN and housing land requirement a new green belt review and Sustainability Appraisal would be premature.

The Approach to Releasing Green Belt land for Development

MIQ 3.7a & b

- 3.24 As noted within this hearing statement it seems evident that, rather than being selected following (a) a robust assessment of OAN and the housing land requirement, (b) a spatial housing strategy to allocate the right housing land in the right places and (c) a comprehensive assessment of potential development land within the General Extent of Green Belt, the first and over-riding principle has been to limit growth by placing maximum weight on retention of Green Belt land.
- 3.25 The May 2018 Approach to Defining York's Green Belt and subsequent May 2019 TP1 Addenda: Annex 2 – York Green Belt Outer Boundary Section Description and Justifications (EX/CYC/18e) and Annex 3 – York Green Belt Inner Boundary Section Descriptions and Justification (EX/CYC/18d) fail to provide a comparison of how land in the GE performs in respect of openness and contribution to green belt purposes. These documents also fail to assess potential boundary alternatives where new Green Belt is proposed or where land performs poorly against green belt characteristics.
- 3.26 In respect of the outer boundary, the proposed new Green Belt either does not follow the strongest possible boundary (as is the case from Carr Lane corner to Sheriff Hutton Road), or indeed any physical feature at all (i.e. where the proposed boundary crosses the open field north-west of Lock House to River Foss).
- 3.27 Turning to the inner boundary we consider that in general, the A1237 York Outer Ring Road to the west of the city would provide a strong inner edge to the Green Belt at this point whilst at the same time facilitating new housing development in a sustainable urban edge location to help meet development needs for this plan period and beyond.

MIQ 3.7c

- 3.28 Similarly, we note that the green belt review evidence does not assess land and/or compare potential development options in terms of potential spatial or visual intrusion and/or whether development would preserve or harm green belt openness.

MIQ 3.7d, e & f

- 3.29 We agree that the elements that constitute the green belt review and evidence base reflect the NPPF paragraph 80 five purposes, with particular emphasis on bullet point 4 "...to preserve the setting and special character of historic towns." This approach also follows YHP Policy which emphasises the need to safeguard the special character of the city. However, we consider that the Council has placed far too much emphasis on this aspect

and too little on defining “...long term development limits” that take into account the need for growth during and beyond the plan period.

- 3.30 In conclusion, the evidence offered by the council to justify land within the GE has been undertaken by many different people in a number of reports since 2003. The most recent evidence seeks to bring all this together but lacks any comparative assessment of different options for release. As such it is in no way “based on a robust assessment methodology”. Green Belt boundaries have been selected with maximum restraint in mind and little regard to development land for economic or housing growth.

MIQ 3.8

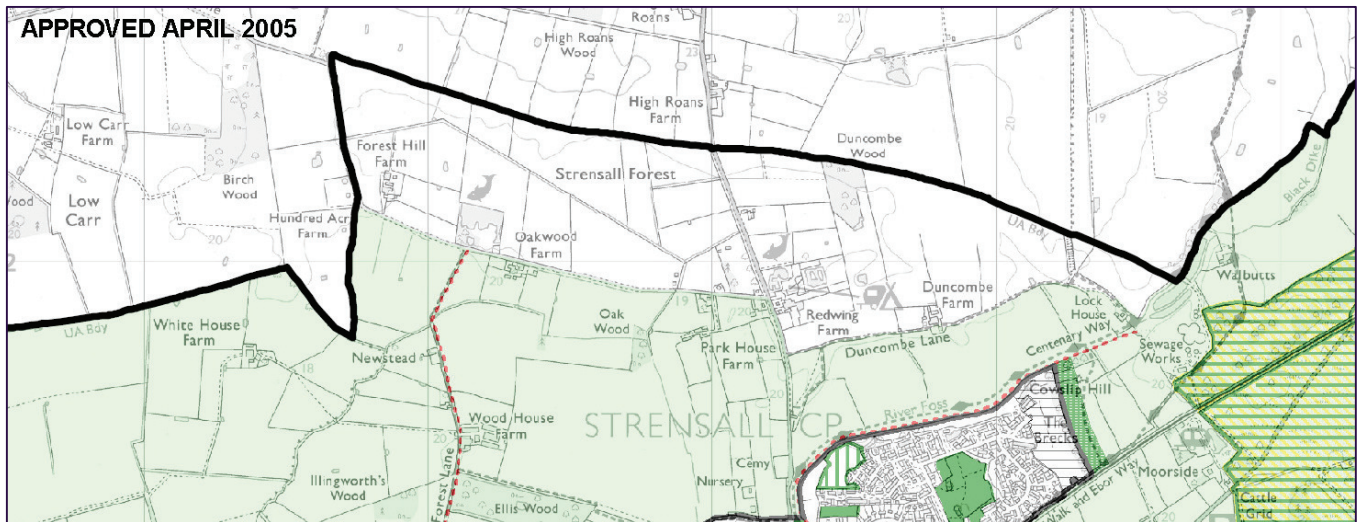
- 3.31 In view of our concerns over lack of sufficient housing land to meet an uplifted OAN and housing land requirement and the failure to identify safeguarded land we do not believe that the proposed inner Green Belt boundaries could endure for the plan period, let alone beyond.

MIQs 3.9 & 3.10

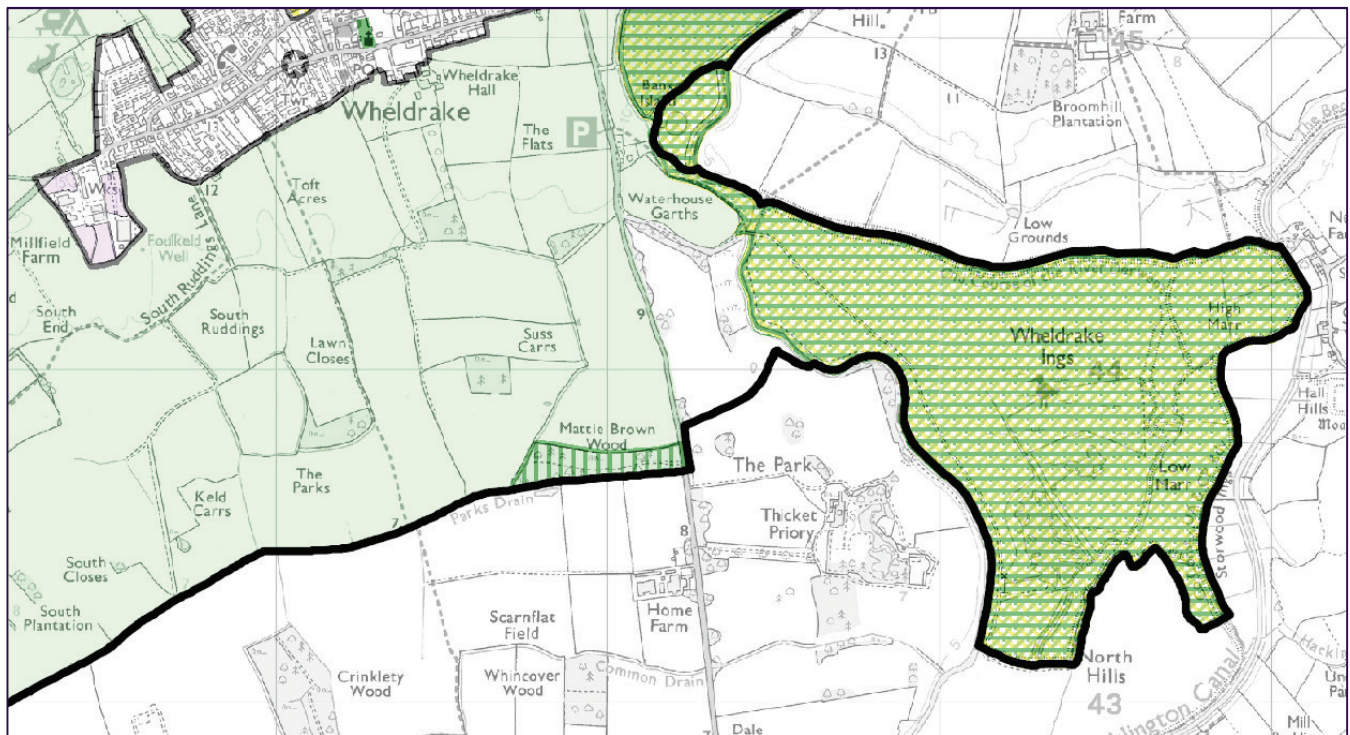
- 3.32 In view of the above, the proposed alterations to the Green Belt boundary, as set out in Annex 6 of the Topic Paper 1: Addendum [EX/CYC/18] represent extremely minor amendments, covering ‘cosmetic’ issues such as which side of a road a green belt boundary should follow rather than seeking to address the key fundamental concerns of the quantum of Green Belt development land required and where this should best be located.
- 3.33 We also oppose the proposed main modification at EX/CYC/18a to include Knapton village within the green belt. The core of the village is centred on Main Street, from which there are virtually no views to open fields beyond. A site visit will confirm that the character of Knapton is based on a densely-developed built-form and is not open in this respect. We maintain that the village itself makes no contribution to the openness green belt to justify its inclusion. To do so will be in breach of NPPF paragraph 86.
- 3.34 Given the issues we set out in this statement we conclude that the approach taken by the council to identify land within the GE for new development is flawed in many important areas and as a result the Plan is wholly unsound in this respect.

APPENDIX 1

2005 Proposals Map Extract - North of Strensall



2005 Proposals Map Extract - Land at Wheldrake Ings



APPENDIX 2



Department for
Communities and
Local Government

John MacKenzie
Nathaniel Lichfield and Partners
3rd Floor
One St James' Square
Manchester
M2 6DN

Our Ref: APP/C2741/V/14/2216946
Your Ref:

18 March 2015

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY LINDEN HOMES NORTH
AT BRECKS LANE, STRENSALL, YORK, YORKSHIRE
APPLICATION REFERENCE 13/03267/FULM**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Zoë Hill BA (Hons) DipBldgCons (RICS) MRTPI IHBC, who held a public local inquiry 14 October - 7 November 2014 into your client's application for the construction of 102 dwellings along with associated highways infrastructure, landscaping and public open space in accordance with application reference 13/03267/FULM dated 4 October 2013. On 9 April 2014 the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the relevant planning authority, the City of York Council.

Inspector's recommendation and summary of the decision

2. The Inspector recommended that planning permission be refused. The Secretary of State agrees with the Inspector's analysis and recommendation, except where stated, and he has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

3. The Secretary of State has had regard to the Inspector's statement at IR1 which explains that the application was originally submitted for 104 dwellings and was subsequently reduced to 102 dwellings. Like the Inspector (IR1), the Secretary of

State has considered the application on the basis of 102 dwellings and he is satisfied that no prejudice arises to any party by his doing so.

4. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Having had regard to the Inspector's comments at IR5 – 6, the Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

Matters arising after the close of the inquiry

5. The Secretary of State received a representation on behalf of the applicant dated 3 March 2015 which was submitted too late to be seen by the Inspector. The Secretary of State has given careful consideration to this representation and he considers that it does not raise matters which require him to refer back to parties prior to his determination of this case. A copy of this representation is not attached to this letter but will be provided on written request to either of the addresses shown at the foot of the first page of this letter.

Policy considerations

6. In deciding the planning application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case, the development plan consists of policies YH9(C) and Y1(C1&C2) and the relevant parts of the key diagram of Regional Spatial Strategy for Yorkshire and the Humber (RSS) as set out in its (Partial Revocation) Order 2013. The Secretary of State considers that the development plan policies most relevant are those identified by the Inspector at IR18-20.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework), the Planning Practice Guidance (the Guidance), and those documents listed at IR23-26.

Main issues

Is the Site within the Green Belt?

9. The Secretary of State has carefully considered the Inspector's comments at IR186-199. He has had regard to the Inspector's remark that the York Green Belt boundary has never been identified in an adopted plan (IR186), but that none of the parties seek to claim that the application site does not fall within the outer edge of the Green Belt and he concurs with the Inspector that the site should be considered as within the outer edge of the Green Belt (IR187).
10. Having taken account of the Inspector's analysis at IR188-192, the Secretary of State shares her view that, whilst located adjacent to the developed edge of Strensall, the site is a sizeable area which significantly projects into the open

countryside, with open land on much of the two boundaries and along the whole eastern side (IR191). Recognising that the essential characteristics of Green Belts are openness and permanence, he agrees with the Inspector that the proposal would have a significant and harmful effect on openness, and that in terms of permanence, changes to the openness of the site should not be undertaken lightly (IR193).

11. The Secretary of State agrees with the Inspector's remarks about the five purposes of Green Belt land (IR194-197). Like the Inspector, the Secretary of State considers that the Green Belt function of checking the unrestricted sprawl of large built-up areas is a valid purpose here and that the purpose of safeguarding the countryside from encroachment also applies (IR194). He also finds no reason to disagree with the Inspector that, whilst developing this site would not have a direct and significant bearing on York's historic character, extending close to the rail corridor into the City would have a visual impact upon the green corridor formed alongside the Foss and so the proposed development would contribute to sprawl (IR195).
12. In considering the purpose Green Belts have in protecting greenfield sites and therefore assisting in urban regeneration, the Secretary of State agrees with the Inspector (IR196) that preventing development here, and on other Green Belt sites, is likely to encourage development of brownfield land because there is likely to be a consequent impact upon viability of doing so. Like the Inspector, he considers that a managed approach to releasing land for housing needs to be taken (IR196).
13. The Secretary of State concludes with the Inspector that the site falls within the general extent of the Green Belt and serves a number of Green Belt purposes, and that it falls to be considered under paragraph 87 of the Framework, wherein, "inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances" (IR199).

The Effect of the Proposed Development on Openness and the Purposes of the Green Belt

14. The Secretary of State has considered the Inspector's comments at IR200-203. He agrees that the proposed development would impact on the openness of the Green Belt (IR200), and that the site has a role in four of the five Green Belt purposes (IR201). For the reasons given by the Inspector (IR200-203), he also agrees with her conclusion that whilst being of a lower value than some Green Belt areas surrounding the site, it is nonetheless a Green Belt site and, as such, it is afforded significant protection (IR203).

Highway Safety and the Free Flow of Traffic

15. The Secretary of State has carefully considered the Inspector's comments about local concerns regarding traffic flow (IR204). However, for the reasons given at IR205, the Secretary of State agrees with the Inspector's conclusion that the relatively modest change to traffic flows likely to arise as a result of this scheme would not be such that this should count against the scheme in the planning balance.

Accessibility

16. For the reasons given by the Inspector at IR206-7, in terms of providing a reasonably sustainable environment and directly contributing to local facilities, the Secretary of State agrees with the Inspector's conclusions, and he does not accord weight in favour or against the scheme in this regard.

Prematurity

17. The Secretary of State has had regard to the Inspector's remarks at IR26 and IR31-32 about the emerging Local Plan. In common with the parties (IR32), the Secretary of State considers that the LP Publication Draft carries very little weight at the current time. Like the Inspector at IR208, the Secretary of State has considered the Guidance in relation to prematurity, and he has also given careful consideration to the Inspector's analysis at IR209-212. For the reasons given by the Inspector (IR208-211), the Secretary of State shares her view that allowing this proposal would not materially undermine the historic form of settlement growth in York (IR211) and that the site is not so substantial or its cumulative effect so great that it would undermine the plan making process which, in any event, is not at an advanced stage (IR210). The Secretary of State, like the Inspector, does not attach weight to the issue of prematurity in this case (IR212).

Matters Advanced in Support of the Scheme

- The Planning History of the Site

18. The Secretary of State has given careful consideration to the Inspector's analysis in respect of the planning history of the site (IR213 – 216) and he shares her view that the history of the site means its suitability for housing use should be viewed positively and that must carry some weight in the planning balance (IR214). However, for the reasons given by the Inspector at IR215, the Secretary of State agrees that this site cannot be justified on the basis of the approach taken at Germany Beck (IR215). Like the Inspector (IR216), he concludes that, in this case, the site is not allocated for housing or safeguarded for such purpose in any adopted plan, and that the history here offers limited support in favour of the site's development.

- Housing

19. The Secretary of State agrees with the Inspector that, whilst the extent of the City's housing land supply is clearly a matter for debate, on the evidence before him, a five year housing land supply cannot be demonstrated (IR217). Like the Inspector (IR218), the Secretary of State has taken account of the advice in the Guidance that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. The Secretary of State has carefully considered the Inspector's remarks at IR219, including her view on the significance of housing need in the planning balance in the circumstances described by the Inspector. Whilst the Secretary of State has drawn no general conclusions on this matter, he does agree with the Inspector that, in the circumstances of this case, the unmet need for housing contributes to part of his overall planning balance. He has gone on to consider this further below.

- Affordable Housing

20. The Secretary of State has carefully considered the Inspector's comments at IR220-222. For the reasons given in those paragraphs he shares her view that whilst weight should be attached to providing affordable housing, particularly where there is a significant demonstrated need, such as here, he is not satisfied that this application offers anything other than that which would normally be sought in the Council area (IR222). He has gone on to attribute weight to this matter below.

- Economic Benefits

21. The Secretary of State has also carefully considered the Inspector's comments at IR223-225 on the economic benefits of the proposal. Whilst he shares the Inspector's view (IR223) that the scheme's economic benefits (outlined by the applicant at IR61) constitute a matter to be weighed in the planning balance, he nevertheless considers that those benefits carry some weight in the scheme's favour. He agrees with the Inspector that the New Homes Bonus payments and Council tax receipts would be significant, but do not attract weight in the planning balance (IR224). Turning to the developer's 106 contributions, for the reasons given by the Inspector (IR225), the Secretary of State agrees that no weight attaches to the additional education places and that a little weight attaches to the provision of public open space, sports provision and footpaths/bridges.

Planning Balance for a Site in the Green Belt

22. The Secretary of State has given very careful consideration to the Inspector's balancing exercise at IR226-227 and he has also had regard to the Guidance which states that "Unmet housing need ... is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt".

23. In terms of matters weighing in support of the application, the Secretary of State considers that the site's planning history is a matter which carries some limited weight; that the scheme's economic benefits carry some positive weight; and that the provision of public open space, sports provision and footpaths/bridges carries a little weight. The Secretary of State considers that, in the light of his conclusions on the need for housing and affordable housing at paragraphs **19 and 20** above, the 102 dwellings including 30% affordable dwellings offered by this proposal are benefits which carry greater weight than that attributed by the Inspector (at IR219, IR222 and IR227) and he affords significant weight overall to those particular benefits.

24. Turning to the harm which he has identified in this case, the Secretary of State has concluded (at paragraph 13 above) that the site should be considered as within the general extent of the Green Belt, that it serves a number of Green Belt purposes and that the proposed development falls to be considered under paragraph 87 of the Framework. This paragraph states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework goes on to say that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. The Secretary of State has concluded (at paragraph 10 above) that the proposal would have a significant and harmful

effect on openness and he has further concluded (at paragraph 14 above) that the site has a role on four of the five Green Belt purposes. The Secretary of State attaches substantial weight to the harm which the application proposal would cause to the Green Belt.

25. The Secretary of State has carefully weighed these matters and he does not consider that the harm which he has identified would be clearly outweighed by the considerations which he has weighed in the scheme's favour. He concludes that very special circumstances do not exist to justify the proposal.

Other Matters

26. The Secretary of State has taken account of the other matters addressed by the Inspector at IR228-234. He does not consider that these matters change the planning balance above.

Conditions and Obligations

27. The Secretary of State has considered the suggested conditions at Annex A to the IR, the Inspector's comments on conditions at IR184 and IR229 as well as national policy, set out in paragraphs 203 and 206 of the Framework, and the Guidance. The Secretary of State is satisfied that the proposed conditions are necessary and meet the other tests identified at paragraph 206 of the Framework. However, he does not consider that the conditions would overcome his reasons for refusing permission.
28. The Secretary of State has had regard to the s.106 planning obligation, the Inspector's comments at IR7-10 and IR185, national policy set out at paragraph 203-205 of the Framework and the Guidance. For the reasons given by the Inspector at IR185, the Secretary of State agrees that the obligation tests set out in the Framework would be met.

Overall Conclusion

29. The Secretary of State has found that the scheme would cause substantial harm to the Green Belt and that this harm would not be justified by very special circumstances. To that extent, the Secretary of State also concludes that the scheme conflicts with the aims of development plan policies YH9(C) and Y1(C1). He considers that this conflict is such that he concludes that the scheme conflicts with the development plan overall.
30. The Secretary of State has considered the scheme against paragraph 14 of the Framework which sets out the presumption in favour of sustainable development and which states that, in cases where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. In view of his conclusions on the harm to the Green Belt, the Secretary of State considers that the scheme does not amount to sustainable development and that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

31. Having concluded that the scheme conflicts with the development plan overall and that the scheme does not amount to sustainable development, the Secretary of State has found no material considerations of sufficient weight to determine the application other than in accordance with the development. Accordingly, he has decided to refuse planning permission.

Formal Decision

32. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby refuses your client's application for planning permission for the construction of 102 dwellings along with associated highways infrastructure, landscaping and public open space in accordance with application reference 13/03267/FULM dated 4 October 2013.

Right to challenge the decision

33. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

34. A copy of this letter has been sent to the City of York Council, Strensall with Towthorpe Parish Council, and Julian Sturdy MP. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Christine Symes

Christine Symes

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 19 January 2015

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPLICATION BY LINDEN HOMES NORTH

REGARDING CONSTRUCTION OF 102 DWELLINGS ALONG WITH ASSOCIATED
HIGHWAYS INFRASTRUCTURE, LANDSCAPING AND PUBLIC OPEN SPACE

AT

BRECKS LANE, STRENSALL, YORK

Inquiry opened on 14 October 2014

Brecks Lane, Strensall, York

File Ref: APP/C2741/V/14/2216946

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File Ref: APP/C2741/V/14/2216946
Brecks Lane, Strensall, York, Yorkshire

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 9 April 2014.
- The application is made by Linden Homes North to City of York Council.
- The application Ref: 13/03267/FULM is dated 4 October 2013.
- The development proposed is described as the construction of 102 dwellings along with associated highways infrastructure, landscaping and public open space.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: i) The extent to which the proposed development is consistent with Government policies on protecting Green Belt land (having regard to section 9 of the Framework); ii) The extent to which the proposed development is consistent with the development plan for the area; iii) Any other matters the Inspector considers relevant.

Summary of Recommendation: The application be refused.

Procedural and Preliminary Matters

Amended Plans

1. The application was originally submitted for 104 dwellings, although following discussions with Council Officers it was reduced to 102 dwellings. The description of the proposed development was amended to: "Residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space". The public have been made aware of that alteration and no prejudice would arise from consideration of the scheme on that basis. Thus this report is based upon the revised proposal. The full list of plans is set out at CD 01-01 & - 02.

Call-In Details

2. On the 9 April 2014, the Secretary of State called-in this application for his determination. He particularly wished to be informed about:
 - (a) The extent to which the proposed development is consistent with Government policies on Protecting Green Belt Land (Framework – Section 9);
 - (b) The extent to which the proposed development is consistent with the development plan for the area; and,
 - (c) Any other matters the Inspector considers relevant.

Inquiry Dates

3. The Inquiry sat on 14-17 October 2014 and 6 and 7 November 2014. The 6 November 2014 session was held as a Hearing style event.

Witnesses

4. Martin Grainger did not appear for the Council due to work pressures. Mrs Jane Healy-Brown was appointed to take his place and adopted Mr Grainger's evidence adding to it with a speaking note of her own¹.

Environmental Impact Assessment

5. The Applicant submitted a request for a Screening Opinion on 11 June 2012 which was responded to by the Council's formal opinion on the 4 July 2012². The Applicant then asked the Secretary of State on the 23 October 2012 for a screening direction which was issued on the 7 December 2012, confirming that the proposal represents development which requires Environmental Impact Assessment (EIA).
6. On the 23 August 2013 the Applicant submitted a Scoping Report culminating in the Council's formal scoping opinion on the 30 September 2013³. A comprehensive Environmental Statement (ES) was submitted with the application. Regulation 22(2) prescribes that where information is to be considered as part of an Inquiry or hearing further publicity is not required. This is on the basis that the Inquiry processes themselves are a sufficient means of notifying those affected. The definition of 'environmental information' in Regulation 2 confirms that all of the representations currently before this Inquiry comprise such information. For the avoidance of doubt, the Bat Survey and other information contained in the TEP Report⁴ now fall into this category. There has been no complaint about the adequacy of the ES or the EIA process raised during the course of the Inquiry.

S.106 Planning Obligation

7. The s.106 Planning Obligation requires a contribution of £70,247.00 for off-site sport provision and public open space and amenity land construction, management and maintenance.
8. An education contribution through the s.106 Planning Obligation would be made for 26 places in the Robert Wilkinson primary school equating to £306,930.00.
9. The s.106 Planning Obligation would require provision for 30% affordable housing split between affordable dwellings discounted at sale (11 units) and social rented dwellings (20 units).
10. To improve recreational access £10,000.00 within the s.106 Planning Obligation would provide for a footbridge over the River Foss (£8,000.00 of the total contribution) and improvement of footpaths in the area around the footbridge.

The Site and Surroundings

11. The site is located adjacent to the village of Strensall and is located approximately 4.5km from Haxby, 6.3km from Huntington on the outskirts of the

¹ INQ 5

² CD 02

³ CD 03

⁴ Mr Watts' Appendix 14

City and approximately 9km from the centre of York itself. These centres provide local shopping and employment.

12. The site is located on the east side of Strensall village. The site encompasses approximately 4.6 hectares of land made up mainly of overgrown grassland, including an area of ridge and furrow. There is a small concrete hard-standing area located on the site's southern boundary. It also includes 0.63 hectares occupied by a tree belt on its eastern side.
13. The site is accessed via Brecks Lane to the south. However, the site is adjacent to residential development on its western boundary from which there are three residential estate roads which terminate on the boundary of the site: those being Green Lane, Tudor Way and Heath Ride. Heath Ride terminates as an adopted turning head within the application site boundary.
14. The eastern site boundary is planted with trees, with an open field and waste water treatment works beyond. Within the easterly tree belt and just beyond there are 25 mature trees that are covered by a tree preservation order (Tree Preservation Order CYC 285 (TPO))⁵. There are also 12 trees within the central and western part of the site that are covered by the TPO.
15. To the north of the site, beyond an area of trees and riverside strip of more open land is the River Foss, after which lies open countryside. A rising water main crosses the site on the northern side.
16. The southern boundary adjoins Brecks Lane, a narrow lane which provides access to the waste water treatment works, and adjacent to the lane is the York to Scarborough railway line. Beyond this lies open countryside. On the southern side of the site there is a section of overhead cable crossing the site, an area of hard-standing accessed from Brecks Lane and a section of hedgerow that protrudes into the site.

Planning Policy

17. The development plan for this area consists of policies YH9(C) and Y1(C1&C2) and the relevant parts of the key diagram of Regional Spatial Strategy for Yorkshire and the Humber (RSS) as set out in its (Partial Revocation) Order 2013⁶.
18. YH9(C) says: *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. The boundaries must take account of the levels of growth set out in this RSS and must endure beyond the Plan period.*
19. Y1(C1) says: *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.*

⁵ CD 25

⁶ See CD 32 and CD 33 for more detail

20. Y1(C2) says: *Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.*
21. All other policies provided are material considerations which can be afforded weight in accordance with Annex 1 of the National Planning Policy Framework (the Framework).

Planning Policy History

22. There is no definitive adopted plan showing the extent of the Green Belt in this area. The Council and Applicant place weight on the history of the site in terms of policy documents which have been produced in the process of clarifying the status of the site but which have not been adopted.
23. The York Green Belt Local Plan 1991 Inspector's Report concluded that this site should be removed from the Green Belt, but suggested safeguarding the land might be appropriate. As a consequence, the site was not shown to be in the Green Belt in the York Green Belt Local Plan Post-Modifications (1995) although this plan was not adopted.
24. The site was not shown to be in the Green Belt in the Southern Ryedale Local Plan Modifications (1996) but was identified as safeguarded land.
25. The site was not shown to be in the Green Belt in the City of York Local Plan 4th Set of Proposed Changes (2005), but was shown as safeguarded land.
26. The site was not identified as being in the Green Belt in the City of York Local Plan Publication Draft 2014 and was shown as a housing site although that document has now been halted⁷. That 'halt' took place on 9 October 2014 and the full motion setting it out is contained in the Supplementary Statement of Common Ground⁸ and is referred to in more detail in the agreed facts section relating to housing land.

Site Planning History

27. There has been a previous planning application made for residential development on this site which was refused in 1998 because, firstly, it was considered that there was adequate housing land available so development of the then safeguarded site would be premature and therefore conflict with a policy of the draft Local Plan and, secondly, for highways reasons including the failure to provide a Traffic Impact Assessment⁹.
28. The current application site includes an area of highway, a turning head, which forms part of the Heath Ride development.

The Proposals

29. The planning application proposes a residential development served using the existing culs-de-sac, that is Green Lane, Heath Ride and Tudor Way. The

⁷ Extracts of these documents are set out at CD 10-15

⁸ INQ 10

⁹ The reasons for refusal can be found at page 4 of the Applicant's Statement of Case and in the Rule 6(6) Statement of Case

proposed dwellings would be a mixture of detached, semi-detached and short terraces of up to 4 dwellings. Each would have a garden and parking provision. The dwellings would be of a relatively traditional design and so would reflect the character of the adjoining housing estate. In addition to the 102 dwellings there would be areas of open space, largely focused around the TPO trees on the site. The road layout would essentially be of culs-de-sac form, with pedestrian links between the areas. There would also be a pedestrian walkway along the eastern boundary. This boundary, which adjoins open fields, would be faced by rear and side elevations of dwellings with roads terminating close to the boundary.

Agreed Facts

The Council's Consideration of the Application

30. The Council Officers recommended that planning permission be granted (subject to a s.106 agreement and conditions) in the report to the Planning Committee on 20 February 2014. The Committee resolved to grant planning permission for the proposed development. However, as set out above the decision was subsequently called-in.

Housing Land Supply – Agreement between the Council and Applicant

31. The City of York Local Plan Publication Draft 2014 (LP Publication Draft), as set out above has been halted. Part of the Council motion which resulted in that halt sets out that "*Council believes that the current draft plan approved by Cabinet on 25th September:*

- *does not accurately reflect the evidence base and is therefore not based on objectively assessed requirement.*
- *is not the most appropriate strategy and has ignored reasonable alternatives rather than test the approach against them.*
- *is not deliverable over the plan period and is contrary to the combined methodological approach to the Leeds City Region.*

Council believes that the current proposals also fail to adequately reflect the results of the citywide consultations undertaken in July 2013 and July 20214.

Council believes that the current proposals will result in the plan being found unsound by the planning inspector leaving the city vulnerable.

Council instructs that planned consultation on the current proposals is halted.

In order to accurately reflect objectively assessed requirements, Council instructs officers to produce a report on housing trajectory to be brought to the next meeting of the Local Plan Working Group (LPWG) along with the relevant background reports.¹⁰

32. The Council and Applicant agree that, as such, very little weight can be placed on the LP Publication Draft. Nonetheless, for the purposes of the Inquiry, the Council and Applicant agree in the first supplementary Statement of Common Ground that housing land supply is equivalent to some 4.2 years and that there is

¹⁰ INQ 10

no need to interrogate the precise shortfall against the agreed five year requirement.

33. The Council and Applicant set out the subsequent further Statement of Common Ground¹¹ that when actual housing supply falls below planned supply, the future supply should be increased to reflect the likelihood of undersupply, in line with the Practice Guidance¹². In assessing the full, objectively assessed need (FOAN) and establishing a new housing requirement it is appropriate to address the undersupply over the full plan period rather than dealing with it in the early years of the Plan (sometimes referred to as the Liverpool approach). This also reflects the Practice Guidance for development plan formulation¹³.
34. The Council and Applicant agree that the RSS contains the only development plan based housing requirement for York (even though this has been revoked) and it is appropriate to use this as the basis of any calculation of under delivery. Since 2004, evidence provided demonstrates that over a 5 and 10 year period there has been under-delivery against the RSS housing requirement. It is agreed by the Council and Applicant that this represents 'persistent under delivery' for the purposes of the Framework and Practice Guidance.
35. Whilst the Applicant considers that the Council's housing supply is optimistic it is agreed that there is a shortfall in the five year housing land supply requirement.
36. The Council and Applicant agree that there is no justification for including windfall sites in the five year housing land supply figures.

The Main Issues

37. The main issues in this case are:
 - (a) whether the site should be treated as falling within the general extent of the Green Belt;
 - (b) if so, the effect of the proposed development on the purposes and openness of the Green Belt;
 - (c) the effect of the proposed development on highway safety and the free flow of traffic;
 - (d) the implications of the proposed development in terms of accessibility;
 - (e) prematurity;
 - (f) the benefits of the scheme, having particular regard to housing, affordable housing and the contribution to the local economy; and,
 - (g) if the development is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

¹¹ INQ 39

¹² Practice Guidance ID: 2a-019-20140306

¹³ Practice Guidance ID: 3-035-21040306 & 3-036-20140306

The Case for Linden Homes

Whether or not the site is in the Green Belt

38. The Statutory Development Plan comprises saved policies of the RSS together with its key diagram. The unique partial saving of the RSS was explained in a written ministerial statement which commented:-
- "The City of York does not currently have a Local Plan in place with defined Green Belt boundaries. The Environmental Assessment process indicated that revocation of the York Green Belt policies before an Adopted Local Plan was in place could lead to a significant negative effect upon the special character and setting of York. Following careful consideration of the consultation responses received, we have concluded that the best solution would be to retain the York Green Belt policies"¹⁴.
39. In the context of this Inquiry it is worth noting that the sole purpose identified for saving the general extent of the Green Belt related to the potential significant negative effect upon the special character and setting of York. Mr Wright, an interested party in this Inquiry, emphasised this point in his proof, but in cross examination he confirmed that neither the village of Strensall, nor development of the application site in particular, has any bearing on the special character of York. The Parish Council confirmed that preserving the special character of the setting of York was not one of the five purposes of the Green Belt on which it sought to rely when identifying other Green Belt harms. This accords with the views of the Council and Applicant.
40. In terms of the approach to taking development management decisions the Applicant considers that because the 'general extent' of the Green Belt is only broadly defined and is only 'illustrated' on a 'diagram' it is necessary to judge whether the appeal site should be treated as falling within the general extent of the Green Belt. As a starting point the Applicant makes plain the point that not all the land within the existing urban areas automatically lies within the general extent of the Green Belt; indeed the key diagram does not actually show that to be the case and it would be contrary to the specific requirements of the RSS set out in policies YH9C and Y1C. The Parish Council did not disagree with that view.
41. The Applicant has analysed all relevant appeal decisions including the nearest site at Cowslip Hill¹⁵ and was able to describe a consistent theme to the approach from these decisions. A clear example is given in the Germany Beck decision¹⁶. This decision letter confirms that the Secretary of State accepted the Inspector's conclusions, except where expressly stated, and took account of the Inspector's analysis relating to Green Belt status, only disagreeing with the conclusion in that case. The critical point is that the Secretary of State agreed that in determining whether a site is within the York Green Belt it would be necessary to test whether, on the basis of appropriateness, prematurity or precedent, there is any reason not to apply Green Belt policy for the time being.

¹⁴ Mr Watts Proof of Evidence Appendix 6

¹⁵ APP/C2741/A/00/1048645 Appendix V of Mr Borrow's Proof of Evidence

¹⁶ APP/C2741/V/05/1189897 which can be found at CD 22

42. The Secretary of State was of the view that she did not consider "the lack of a defined boundary is sufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt". The reference to the 'arbitrary exclusion' of 'any' site precedes the finding that the sites fell "within the general extent of the Green Belt". Given that finding, it is not a tenable proposition to expand the Secretary of State's reasoning to cover every bit of unbuilt-on land within the 6 mile belt from the centre of York.
43. The Applicant identifies similarities between the application site and the Westview Close appeal site¹⁷. The Applicant provides six clear reasons which support a finding that the appeal site does not lie within the general extent of the Green Belt. These are: that the site does not serve any function appropriate to the Green Belt; the site is not seen as part of the open countryside rather it is seen as a vacant sliver of land opposite an adjacent residential estate; the site appears as part of the urban environment, divorced from the countryside and hemmed in by suburban residential development with enclosure behind a tree belt, river and railway line; whilst it could serve as a small piece of incidental open space in relation to the adjacent dwellings, this informal use is not a Green Belt function; the site has not been identified as contributing to any Green Belt function in the Green Belt Appraisal of 2003 or in the updated assessment provided in the York Historic Character and Setting Technical Paper of 2011 and hence, technically the site serves no obvious Green Belt function in relation to York; and finally, releasing this site for development would not serve as an undesirable precedent in relation to similar small plots of land on the periphery of York – on the contrary, it is exactly what the Framework advocates.
44. For the Council it was suggested that the status of the application site cannot be determined definitively by considering the key diagram, other than that it falls within the general extent of the Green Belt. An overlay of the key diagram on an Ordnance Survey map was provided to illustrate this point¹⁸. The colour copying of the plans provided, figures 1 and 2, had proved to be difficult; but that was simply a reflection of the difficulty in projecting the very large scale of the key diagram onto an Ordnance Survey base.
45. Neither the Applicant's witness, nor the Parish Council witness, nor Mr Wright were supporters of this approach; indeed the Parish Council's witness spurned the potential assistance to his case from such an approach with the wise circumspection that it was a "dangerous" path to follow. It is worth noting that the Regulations governing the production of Regional Strategies direct that key diagrams and inset diagrams must be prepared "otherwise than on a map base". This provision is to be contrasted with the equivalent provision for the production of local development documents which confirms that a proposals map must "be reproduced from, or based on, an Ordnance Survey map". The Regulations were drawn in this way precisely to prevent key diagrams being interpreted on an Ordnance Survey map. As Mr Wright acknowledged key diagrams were never intended to convey that degree of specificity.
46. Overall, the Applicant invites a finding that the site does not lie within the general extent of the Green Belt. In these circumstances all parties agree that planning

¹⁷ APP/C2741/A/13/2191767 which can be found at CD 23

¹⁸ Mrs Healey-Brown's Speaking Note – INQ 5

permission should be granted. Paragraph 4 of Council's opening statement confirms that a proper application of paragraph 14 of the Framework would be engaged and that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The Parish Council's witness confirmed in cross examination that he, too, would not make a case against the development in the event that it was found to be outside the general extent of the Green Belt.

47. The Applicant accepts that the site could be found to fall within the general extent of the Green Belt as a matter of judgement. If so, the Applicant maintains that there are very special circumstances which would justify the grant of permission. In arriving at this view the Applicant accepts that the enhanced presumption in paragraph 14 of the Framework would not be applicable. Rather, the matter would fall to be determined on the planning Green Belt balance requiring very special circumstances to be demonstrated.

Very Special Circumstances

48. The legal position on the approach to assessing harm to Green Belt and considering very special circumstances is set out in two cases. The first of these is the recently decided Redhill Aerodrome appeal¹⁹, which overturned Mrs Justice Patterson's judgment and returned matters to the position prior to the Administrative Court's decision. That is to say that when assessing harm to the Green Belt, in particular "other harm", account should be taken of all relevant matters.
49. The second case was helpfully submitted by the Council on the second day of the Inquiry²⁰. In this case Mr Justice Sullivan (as he then was) confirmed "there was no reason why a number of factors ordinary in themselves cannot combine to create something very special"²¹.
50. Both the Parish Council and Mr Wright accepted in cross-examination that, contrary to their earlier positions, an accumulation of circumstances could combine to be very special.
51. The Applicant's and the Council's cases are closely aligned setting out the same considerations which, taken together, amount to very special circumstances. Those points, albeit set out slightly differently, are that: the site has been excluded from draft Green Belt boundaries on numerous occasions and is designated in the two most recent local plans for development; the application site makes a very limited, or no, material contribution towards Green Belt purposes; the shortfall in housing land supply means there is the need to release land for development; and, the scheme represents a sustainable form of development meeting local needs.
52. All the parties agree that in this scenario there would be harm arising to the Green Belt by reason of inappropriateness. However, the Council and Applicant

¹⁹ [2014] EWCA Civ 1386. A copy of the judgment handed down on 24 October 2014 is at INQ 43.

²⁰ [2004] EWHC 2759 (Admin) – R. (on the application of Basildon DC) v First Secretary of State INQ22

²¹ INQ22 Paragraph 10 of the Judgement – see also paragraph 17

agree that because of the site's characteristics, scale and location there would be no "other harms" arising to the purposes of the Green Belt.

53. The Parish Council maintained that harm would occur to the Green Belt purposes listed in paragraph 80 of the Framework in respect of preventing 'unrestricted sprawl' and 'safeguarding the countryside'. It was also suggested that there could be some harm arising from the proposals to the purpose of assisting urban regeneration. However, in cross examination it was confirmed that concerns under this heading related to the potential precedent effect that a grant of permission on the appeal site might cause rather than the direct effects of the proposals themselves.
54. When asked to consider the potential precedent effects the Parish Council was unable to challenge any of the Applicant's findings that it would not prejudge the boundary of the York Green Belt because the site, in the Applicant's view, has not been in the Green Belt for a period of two decades. Moreover, there are special circumstances here which would not set a precedent. Furthermore to meet objectively assessed development needs of the City, including for housing, land like this which could be included in the Green Belt will need developing. The approach should reflect that of the Westview appeal wherein its use was deemed to neither be premature nor set a precedent. In terms of the Practice Guidance there are no reasons that would significantly or demonstrably outweigh the benefits of the proposal taking the policies in the Framework and other material considerations into account. The Applicant does not consider that the development is so substantial or its cumulative effect so significant that to grant planning permission would undermine the plan making process, notes that the emerging plan is not at an advanced stage and that the proposal, in any event, would accord with the emerging plan as most recently envisaged. Indeed, those findings were not challenged at all by either Mr Wright or the Parish Council and may be safely relied upon.
55. The Parish Council concerns about unrestricted sprawl and safeguarding the countryside seem to be opposite sides of the same coin. The judgement on these points will turn on the assessment of the site specific characteristics. The Applicant and Council agree that *"the site characteristics relate the site visually to the village settlement such that the land does not serve any of the stated purposes of Green Belt (Framework paragraph 80) in particular it does not assist in safeguarding the countryside from encroachment nor is it necessary to be kept open to safeguard the special character and setting of the historic city (Policies YH9 and Y1 of the RSS). This is because the north and western boundaries of the site border existing residential development. The western boundary has three access points that terminate at its boundary or just within the site. These physical features relate the site to the adjacent housing schemes. The eastern boundary is very well defined with significant trees and other vegetation so that views across to the open land beyond are restricted. The southern boundary is adjacent to Brecks Lane and adjacent to the railway line. The essential characteristics of the Green Belt (Paragraph 79) are their permanence and their openness. Given the site characteristics, it does not contribute to the openness and permanence of the Green Belt and in my view there is therefore no 'other harm' to the Green Belt arising from development. The accords with the*

treatment of the site in the past".²² Independent Inspectors have also concluded likewise.

56. It is this lack of harm to Green Belt purposes which, in the Applicant's view, comprises the first building block of the case for very special circumstances. Whilst absence of harm to Green Belt purposes would not, in itself, constitute very special circumstances, it is, in the Applicant's opinion, an important starting point in the balancing exercise. The lower the harms, the lesser the weight required to tip the balance against them.
57. The Council and Applicant agree that the policy history of the site is highly cogent and deserving of significant weight. The Council suggested that the planning history of the site could constitute very special circumstances in their own right. The Applicant was slightly more confident that they were very special circumstances. Even the Rule 6(6) Party conceded in cross examination that the issue though not pivotal was of "significant weight".
58. The planning history of the site is not disputed²³. On every occasion on which the site has been considered through the development plan process over the last 25 years, it has ended up being shown as lying outside the Green Belt. In both the York Green Belt Local Plan and the Southern Ryedale Local Plan, the Inspector's recommendations followed a full examination process. The present landowners have been seeking a determination of their civil rights and liberties²⁴ on this issue for over 25 years. Each occasion upon which they have put their case to Inspectors and the Planning Authority they have had it accepted. Given the importance of consistency in decision making, it is seminal to give this set of circumstances very considerable weight. The Applicant considers that the description 'very special' does seem entirely apposite in these circumstances. The recently published local plan, whilst it is to be given very limited weight of itself, nonetheless represents a further step in the continuum of judgements which have been made about this site. The evolution of policy over this lengthy period has not undermined this history. Indeed, as the new plan suggests it has simply served to confirm it.
59. The need for housing in general and affordable housing in particular are matters to be given very substantial weight. The first agreed supplementary statement of common ground confirms that the Council cannot demonstrate an adequate five year supply of housing land. Neither footnote 9 to paragraph 14 of the Framework nor paragraph ID 3-034 of the Planning Practice Guidance operate to undermine their weight. The Government's policy in paragraph 47 of the Framework is to boost significantly the supply of housing and this remains undiminished even in light of the recent amendments to the Planning Practice Guidance (paragraphs 044 and 045).
60. Paragraph 89 of the Framework confirms that affordable housing is an issue of sufficient weight for it potentially to be an exception to normal Green Belt policy. Whilst the advice is not directly applicable in this case, it is an illustration of the

²² Diane Cragg's Proof of Evidence para 4.12

²³ It is set out in the Planning Policy History section of this Report

²⁴ See Article 6 of the Human Rights Convention and the 1998 Human Rights Act (namely whether the land should be allocated in or out of the Green Belt)

weight Government attaches to the provision of affordable homes and supports the general contention that the provision of such housing can contribute towards very special circumstances. The fact that the contribution towards affordable housing is simply in line with policy at 30% does not diminish the weight attaching to its delivery particularly in the circumstances of this case wherein there is a severe shortage of affordable housing with the 2011 Strategic Housing Market Assessment (SHMA) identifying an annual need for new affordable properties of 790 dwellings. That same SHMA identified that a household income of £41,321 would be required to access lower quartile owner occupation yet median average gross income in the City of York is £22,100, only half of that required²⁵.

61. The economic benefits of the proposal include construction employment for the proposed development. The Applicant has estimated this based on a construction cost of approximately £12.4 million pounds. Over a three year period this would be equivalent to an average of 82 job opportunities directly created per year. In addition there would be spin-off benefits in terms of spend in the local area that together with indirect and induced employment opportunities would lead to economic benefits. The Applicant estimates that the economic benefits after completion of the development would be around £2 million net annual additional expenditure from new residents. It is anticipated that a significant proportion of this would be retained locally and could support 11.5 additional jobs in the local area.
62. The fiscal benefits are also set out in the evidence. The proposed development would generate New Homes Bonus payments of £901,815 over six years. The scheme would also generate some £135,909 per annum in Council tax receipts once the units were occupied. In the context of the spending cuts these sources of income are, in the Applicant's view, a significant benefit. They are also local finance considerations which need to be taken into account under the terms of section 70 of the principal Act.
63. The Applicant draws attention to two final points; firstly, the Council's evidence confirms that even if there was an adequate supply of 5 year housing land the remaining considerations would still outweigh harm to the Green Belt and amount to very special circumstances. Secondly, the Applicant wishes to draw attention to the Germany Beck decision because, in that case, the Inspector identifies the planning history of that site (similarly excluded from the Green Belt via development plan processes) and the pressing need to allocate more land as constituting very special circumstances sufficient to outweigh harm to the Green Belt. Although the scale and nature of the cases are very different, the need for more housing land remains pressing and the development plan history of this site is, in the Applicant's view, even more compelling.
64. Overall, the Applicant invites findings consistent with their evidence and that of the Council that very special circumstances exist sufficient to outweigh the harm to the Green Belt and all other harms.

²⁵ Mr Watts' Supplementary Note on Affordable Housing INQ 23

Prematurity

65. Both Mr Borrows for the Parish Council and Mr Wright put forward a case on prematurity²⁶. In cross examination, Mr Borrows readily acknowledged that the term 'prematurity' was a term of art in the planning context. The advice in paragraph 014 reference ID 21b of the Practice Guidance was put to him. This currently represents national policy on the topic and largely follows similar advice previously contained in the General Principles Statement. The advice places significant restrictions on when prematurity may be a justifiable reason to refuse planning permission. There are two limbs to these restrictions. Firstly, development must be so substantial that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of development; and secondly the emerging plan must be at an advanced stage. Mr Borrows readily acknowledged that neither restriction was satisfied in this case and that a prematurity argument, in the formal sense, could not be maintained.
66. Mr Wright acknowledges²⁷ part of the Practice Guide test by addressing the first limb of the restriction. He goes on to suggest that a decision to grant planning permission on "isolated areas" would be the "very antithesis"²⁸ of policy requirements. In essence, his argument relates to the nature of the spatial distribution of development in the overall area. He suggests that what he sees as a 'dispersal strategy' would be wrong. His case rests upon casuistic reasoning. Mr Wright suggests that policy YH9C of the RSS "requires development to be spatially distributed within the inner boundary provided that does not adversely impact on the setting and/or the special character"²⁹. This requirement cannot be deduced from the terms of the policy itself or the key diagram. Mr Wright acknowledged in cross examination that the specificity he projects onto the policy and the key diagram cannot be read in the wording of the policy itself.
67. At no point in his evidence does Mr Wright seek to suggest that the application site, by itself, would meet the first limb of the restriction contained in the Practice Guidance. When it was put to him that the proposed development was not so substantial as to meet the first limb, he agreed absolutely.
68. Mr Wright's argument therefore relies upon the 'precedent' effect that the grant of permission on the appeal site may have in order to meet the 'so substantial' test. Such criticism was anticipated and the Applicant had addressed it in the Planning Witness's Appendix 7³⁰ which was not challenged. Nor did Mr Wright produce evidence to demonstrate a harmful effect in this regard.
69. Mr Wright was asked by the Applicant to consider the second limb of the restriction in the Practice Guidance relating to the stage the emerging plan has reached. Mr Wright's view was that the emerging plan is more advanced than any predecessor, but he recognised that the Council's decision to suspend consultation on the recently published version of the local plan means very little weight can be ascribed to it.

²⁶ Mr Borrows' Proof of Evidence para 7.9

²⁷ Mr Wright's Proof of Evidence para 4.12

²⁸ Mr Wright's Proof of Evidence Paragraph 4

²⁹ Mr Wright's Proof of Evidence Paragraph 4.17

³⁰ Mr Watts' Proof of Evidence Appendix 7

70. The Applicant concludes on this matter that, overall, the scale of the proposal is small compared to the city wide need; there would be no material precedent effect by a grant of permission; and the local plan is not at an advanced stage. For these reasons the objectors' prematurity argument simply cannot succeed.

Sustainability/Accessibility

71. The sustainability/accessibility issues raised should be seen in the broader context of sustainability set out in the Framework.
72. The Applicant's Transportation Planning witness confirmed that "more or less the whole of Strensall including local shops in The Village are within an acceptable walking distance of the site"; that "all of Strensall, Haxby, Huntington, Earswick and New Earswick are accessible within the accepted cycling catchment area for the site"; and that "the site is well served by bus services which will encourage residents and visitors to travel to and from the development by bus".
73. The Parish Council criticises the accessibility of the site. In particular, it relies upon an extract from the Council's site selection technical paper and shows that a number of important services lie beyond the Council's target distances. However, it was accepted that Institute of Highways and Transportation Guidelines, upon which the Council's targets were based, were just that. They had not and have not been taken up as policy in the Framework or the Practice Guidance despite their long-standing availability. The Council's target distances are based upon the suggested acceptable walking distances rather than the preferred maximum distances set out in the guidelines. For the Applicant, it was confirmed that all of the facilities identified were within the preferred maximum distances set out in the guidelines of between 1 and 2 kilometres.
74. The Parish Council considers that the overall sustainability of the site would have to be judged against the wider range of factors considered by the Council in their assessment process. It was agreed that there was no intention to replicate that wider process, or consider the relative sustainability of the application site against other potential sites in Strensall or elsewhere. As a result this evidence is necessarily limited in its cogency.
75. Finally, the Applicant considers that it is worth recalling that issues of sustainability/accessibility have been around for a long time. It is true that national policy places greater emphasis on sustainability than was previously the case, but the concept has been around in planning policy since the 1980's. The IHT guidelines have been around for many years. The current version is dated 2000 but was preceded by earlier advice. The application site has been through a series of development plan processes and assessments over many years. On each occasion the site has been judged inappropriate to include within the Green Belt and to be suitable for housing development. On each such occasion the issues of its sustainability/accessibility have been relevant. That 25 year continuum of decision making affecting the application site has recently been added to by the 2014 local plan draft. Whilst the policy emphasis may have changed nothing is fundamentally different.
76. The Parish Council confirmed that the correct test to be applied to the consideration of this issue is that set out in paragraph 32 of the Framework. This confirms that "development should only be prevented or refused on transport

grounds where the residual cumulative impacts of development are severe". It was also acknowledged that 'transport grounds' do include accessibility issues.

77. Overall, the Applicant invites a finding that the site is sustainable and suitable having regard to its accessibility by a variety of modes of transport.

Highways

78. A full Transport Assessment³¹ was provided in support of the application. That report followed the Guidelines on Transport Assessments. This included agreeing a scoping exercise with the Highway Authority prior to its submission. This assessment assumed the traffic impact of a development of 125 dwellings (almost 20% higher than the scale of development proposed). This was in order to ensure that the assessment was robust. However, in fact, the assessment overstates the impacts.
79. The Transport Assessment demonstrated that the highway infrastructure in the vicinity of the site will be capable of accommodating the additional traffic generated by the proposed development. The Applicant also notes that the Officer's Report to Committee³² confirms that the Highway Network Management Team did not object to the proposal, subject to conditions.
80. The Parish Council submitted evidence³³ of the details of some traffic counts that had been undertaken. The tables in the evidence simply describe the figures in terms of the 5 minute average or the hourly average. However, it was explained that the figures related to a flow rate. For the Parish Council it was explained that the peak 5 minute flow rate demonstrates the potential difficulties of accommodating traffic at several points on the network including: Brecks Lane/The Village junction, The Village, West End, and the Six Bells roundabout.
81. A rebuttal statement was submitted by the Applicant on the first day of the Inquiry³⁴. There had been a misunderstanding by the Applicant of calculations provided for the Parish Council but it remains the Applicant's view that using a 5 minute flow rate measure was not an appropriate tool to assess the highway impacts of the proposed scheme. The Applicant's rebuttal statement demonstrates that there is actually a good correlation between its traffic counts and those of the Parish Council. It was confirmed that the peak hour assessments carried out in the work for the Applicant are the right tool to use. It was also confirmed that in the traffic modelling a 12.5% factor was added to assimilate the peak within a peak. In response to the Inspector's questions it was acknowledged that this may not always fully capture the busiest school drop off periods. Nonetheless, the evidence provided demonstrated that there was considerable capacity in the network to accommodate the proposed scheme. This is supported by the Highway Authority.
82. The Applicant maintains that there is no justifiable reason to refuse planning permission on highway grounds. The test against which this judgement must be made is, once again, set out at paragraph 32 of the Framework.

³¹ CD 01-07

³² CD 05 page 27

³³ Mr Burrows' Proof of Evidence Appendix 12

³⁴ INQ 13

Ecology

83. A number of objection letters have raised concerns over ecology and there was some doubt raised about whether the most recent Bat Survey information had been properly distributed. No serious case on this topic has, however, been maintained through the Inquiry process. As set out at paragraph 4 above the Bat Survey information contained in the TEP report has now been available throughout the Inquiry process for questioning. In the circumstances there is no tenable basis upon which planning permission could be refused on ecological grounds.

Overall Balance and Applicant's Conclusion

84. Overall the Applicant maintains that the site should be treated as falling outside the general extent of the Green Belt and therefore granted planning permission in accordance with paragraph 14 of the Framework. However, alternatively, if the site is to be treated as falling within the general extent of the Green Belt very special circumstances exist which justify the grant of permission.

The Case for the City of York Council

85. The main issues are agreed. If it is concluded that Green Belt policies should not apply to the site, it is accepted that a proper application of paragraph 14 of the Framework would mean that planning permission should be granted, there being limited (if any) harm to interests of acknowledged importance. Under this scenario, and given that the main parties (and the Parish Council) agree that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.

Green Belt

86. The question of whether the application site should be treated as falling within the general extent of the Green Belt is a matter of judgment. However, it is essential that this judgment be reached in the proper context.

87. The Government considered the retention of the general extent of the Green Belt around York to be of such importance that the Regional Strategy Green Belt policies were the only ones to survive revocation. The Council considers that this shows the weight that Government places on ensuring that the open land around this historic city remains protected.

88. The consistent line taken by decision takers (the Secretary of State particularly) has been that sites which fall within the general extent of the Green Belt should be subject to the strict controls of Green Belt policy. In this regard, the Council takes a different approach to the interpretation of the Germany Beck decision³⁵. The decision letter³⁶ reveals a precautionary approach to the York Green Belt rather than an endorsement of the Inspector's precedent approach. That is, until the precise boundaries of the Green Belt are fixed through a Local Plan, it is better to err on the side of caution rather than risk undermining the role that the Green Belt is intended to play.

³⁵ CD 20

³⁶ Paragraph 15 of the Decision Letter at CD 20

89. The consistent line taken by Government as to the importance it attaches to the protection of the Green Belt has, if anything, hardened in recent times. For example the revisions to Practice Guidance (6 October 2014) and the Written Ministerial Statements in July 2013 and January 2014. The recent reversal by the Court of Appeal of a rather more relaxed approach to Green Belt protection in the Redhill Aerodrome case only serves to underline this policy safeguard.
90. The Council acknowledges it is unfortunate that the identification of the precise Green Belt boundaries has never been completed. Nevertheless, we have to do the best we can with the evidence available, even if some question marks can be raised as to its robustness.
91. It is against this backdrop that a determination about the status of the application site should be made. As with most matters of planning judgment, a range of different factors must be taken into account, with no single element being necessarily determinative. More particularly, given the precautionary approach outlined above, any doubt about the status of the application site should be resolved in favour of Green Belt inclusion.
92. In the present case, an accumulation of factors lead to the conclusion that the site should be treated as if it were in the Green Belt.
93. Firstly, the map overlays produced for the Council show that the application site falls within the general extent of the Green Belt as shown on the key diagram of the York Structure Plan and taken forward into the Regional Strategy. The Applicant has criticised this approach, but has not come up with a better cartographic touchstone, nor was there any dispute regarding what the figures show. Key diagrams in the RSS may not be intended to be placed on an Ordnance Survey base. However, this is a unique situation: everyone accepts that there exists a general extent of Green Belt around York; the Development Plan says there is. In determining whether a particular site falls within that general extent, the key diagram must be a relevant (but not necessarily determinative) consideration. On this basis, the figures supplied by the Council³⁷ tend to support, rather than undermine, the presumption that the site lies within the general extent of the Green Belt.
94. Secondly, it is shown³⁸ that the site lies at about 6 miles from the centre of York measured from St Sampson's Square. This diagrammatic representation lends further support to the site's Green Belt status. Indeed, the Applicant does not take the point that the site's location slightly beyond 6 miles excludes it automatically from the general extent of the Green Belt. It is plainly a relevant consideration.
95. Thirdly, it is telling that the Cowslip Hill decision treated that appeal site as falling within the general extent of the Green Belt. That site lies further from the city centre than the application site, yet no one questioned its Green Belt status or the application of Green Belt policy to that proposal. This factor adds weight to the cumulative case in favour of the Green Belt status of this site.

³⁷ Appended to the Speaking Note of Mrs Healey-Brown - INQ 5

³⁸ Figure 3 appended to the speaking note of Mrs Healey-Brown also see INQ 44

96. Fourthly, the Germany Beck/Metcalf Lane and Elvington Aerodrome appeals³⁹ underline the importance that the Secretary of State has attached to maintaining the general extent of the York Green Belt. This strength of protection is highlighted in the latter appeal in which the Inspector noted that it would be “perverse” to adopt a different approach than that used by the SoS in the Germany Beck/Metcalf Lane appeals. Further still, the Applicant’s planning witness indicated his support for the conclusions reached in Elvington Aerodrome decision.
97. Taking all of these factors together, both the Inspector and Secretary of State can be entirely satisfied that this application site does fall within the general extent of the York Green Belt and should be afforded the commensurate protection of Green Belt policy.

Very Special Circumstances

98. It is critically important that the correct test is applied. Paragraph 87 of the Framework requires that substantial weight be given to inappropriate development (such as the application scheme). Thereafter, planning permission should only be granted if the harm caused to the Green Belt by reason of inappropriateness, together with any other harm, is clearly outweighed by other considerations. It is only if those “other considerations” are of sufficient weight that very special circumstances will exist. It is the cumulative weight of these other factors that matters; they do not need to be “very special” in their own right. Both the Parish Council and Mr Wright fell into the trap of believing that each factor needed to be “very special”. As such, their analysis of the Green Belt planning balance is wrong in law and should be given commensurately less weight.
99. This is not a matter of form, but is critically important to adopting the right approach to Green Belt policy. By way of example, the Practice Guidance now reflects a number of Written Ministerial Statements as follows: *“Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.”*⁴⁰
100. On the main objectors’ approach, unmet housing need must be discounted from the Green Belt planning balance because it cannot, in its own right, constitute “very special circumstances”. This is wrong. Unmet housing need can be given weight in the planning balance, but if that were the only factor in favour of a particular development it would be unlikely (but not impossible) to tip the balance in favour of granting planning balance. But that does not mean that an unmet housing need, which does exist in York at present, cannot attract substantial weight in the Green Belt balance.
101. In the present case, there is little – if any – additional harm to the Green Belt or to other interests of acknowledged importance. Whilst it must be conceded that the presence of built development where there is currently none will reduce openness, this must be seen in the context of the characteristics of the application site itself. In the Council’s opinion, the site is visually and physically

³⁹ CD 20

⁴⁰Planning Practice Guide ID:3-034-20141006

contained by mature vegetation and existing residential development. It is certainly not in the most open part of the Green Belt. In the Council's view the site-specific characteristics in the present case reduce the harm caused to the openness of the Green Belt.

102. On the other hand, there are a number of considerations that go to make up very special circumstances.
103. Firstly, there is currently an unmet need for housing. It is common ground that the Council will need to allocate sites currently in the general extent of the Green Belt (which it may do through the Local Plan) in order to bring forward a sufficiently deliverable supply of housing land that accords with paragraph 47 of the Framework. This is common ground and the Applicant does not renege on its acceptance, for the purposes of this Inquiry, that there is a deliverable supply of 4,880 dwellings. Even though there are differences between the Applicant and Council as to the deliverability of certain sites, these differences are not material for the purposes of this application given that both main parties reach the same end point: that there is not currently a deliverable five year housing land supply.
104. Equally, there is common ground on the following matters: the requirement figure of 996 dwellings per annum; that there should be 126 dwellings per annum to make up for past shortfalls against the Regional Strategy housing targets; and, the fact that a 20% buffer should be applied to the five year housing requirement.
105. The Council accordingly invites the Inspector to report the housing land supply position to the Secretary of State on the basis set out in the Supplementary and further Statement's of Common Ground⁴¹.
106. It is freely conceded that the absence of a five year supply of housing land may not be sufficient to clearly outweigh Green Belt and other harm, but it is a factor counting substantially in favour of the proposal.
107. Secondly, the proposed scheme would deliver affordable housing, which is a key objective of both central and local government. Both the Parish Council and Mr Wright sought to elide the delivery of market and affordable housing in order to argue that affordable housing should not be given any additional weight in the planning balance. Such an approach fails to appreciate that national policy treats affordable housing differently from general market housing, especially in Green Belt locations. This prioritisation of affordable housing is illustrated quite clearly in paragraph 89 of the Framework. Whilst the construction of new buildings in the Green Belt is, by definition, inappropriate development, "*limited affordable housing for local community needs*" is not. In other words, the provision of affordable housing is such a priority that the Government is prepared to accept the loss of Green Belt in order to deliver it. This is a matter that should attract significant weight in the planning balance, especially given the fact that the affordable units would simply not be delivered without the cross subsidy provided by the market housing.
108. Thirdly, the planning history of the application site through the various attempts to define the York Green Belt has indicated that it is suitable for

⁴¹ INQ 10 and INQ 39

development. Indeed, since 1996 the site has consistently been shown as within the settlement limits for Strensall through the 1998 deposit draft City of York Local Plan and the subsequent four sets of changes. The City of York Draft Local Plan incorporating the 4th set of changes was approved by Planning Committee for development control purposes in April 2005.

109. The views of the Inspector in the report on the inquiry into the York Green Belt Local Plan and the Southern Ryedale Local Plan about the characteristics of the site and the reasons for excluding the land from the Green Belt are still relevant and have informed the boundaries within subsequent planning policy documents. The Inspector's report considered that the eastern boundary of the application site formed a robust boundary for the settlement limits and was satisfied that the site did not serve any Green Belt purpose when considered against the purposes of Green Belt in the former Planning Policy Guidance 2 'Green Belts'. The Inspector acknowledged the benefits of safeguarding the land to allow for longer-term growth of the city and to minimise the impact of overly fast growth to Strensall village.
110. Overall, although the application site clearly falls within the general extent of the Green Belt identified in the Regional Strategy, the planning history is such that there was a reasonable prospect that it would not have been included within any formally identified boundary of the Green Belt. If only one of the many attempts to define that boundary had come to fruition. The planning history of the application site should carry substantial weight in the overall Green Belt balance.
111. Penultimately, the application site had been identified as a housing allocation in the publication draft of the York Local Plan. Given the fact that the consultation on the Local Plan has now been paused, we must accept that slightly less weight is attached to this factor. However, the planning history coupled with the lack of any site specific constraints of material weight, should mean that there is at least a reasonable prospect of the site being allocated in a future Local Plan, especially given the obvious need to release land within the general extent of the Green Belt so as to ensure a rolling supply of housing land.
112. Finally, the application site does not perform particularly well as a Green Belt site. Indeed, its poor performance against the key objectives of the Green Belt was probably one of the reasons why the application site was recommended in previous development plan attempts as a safeguarded site for future development.
113. As the Basildon decision⁴² makes abundantly clear, the accumulation of weight attributed to different factors is perfectly capable of outweighing Green Belt (and any other harm). In the present case, there is limited harm to the Green Belt and precious little harm to any other interests of acknowledged importance. On the other hand, there are a number of considerations which, when taken together, clearly outweigh this harm.

⁴² [2004] EWHC 2759 (Admin) - R. (on the application of Basildon DC) v First Secretary of State - INQ 22

Prematurity

114. The Parish Council surmised the grant of planning permission would be premature, in the sense meant formerly by the General Principles document and now in the Practice Guide. However, that argument was given up without much prompting. That was an entirely sensible concession. Mr Wright, on the other hand, clutched onto this particular straw despite the following obvious points: Prematurity represents a high hurdle, since "refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination". The emerging Local Plan is not at an advanced stage. On the contrary, the fact that Members have resolved to halt the consultation on the publication draft reduces the weight that can be attached to it: as noted in the see Supplementary Statement of Common Ground between the Applicant and the Council.
115. It cannot rationally be concluded that the development is so substantial in its own right that it would prejudice the outcome of the Local Plan process and Mr Wright conceded as much. It is similarly untenable to argue that the grant of planning permission for this scheme would cumulatively have a significant impact. Mr Wright did seek to refer to a number of other sites which may be located within the general extent of the Green Belt, but did not see fit to mention them in his written evidence. In any event, if one adopts the Council's approach then there is no question of the formal identification of a Green Belt boundary being prejudiced. That is the development would have to be judged against the strict tests in the Framework. Prematurity really is an after thought in the present case. It simply cannot rationally form a basis for refusing planning permission.

Overall Balance and Council's Conclusion

116. For the reasons set out the Council invites the Inspector to recommend that planning permission is granted and asks that the Secretary of State accepts this recommendation.

The Case for Strensall with Towthorpe Parish Council

117. The Council and its consultant have confirmed that the site is within the general extent of the Green Belt, and we are also in no doubt that this is the case. The general extent of the Green Belt is defined in the statutory development plan for York, which the Yorkshire and Humber Plan of which Policy YH9(C) is the key policy. The permanence and longevity of the Green Belt is not at issue given that the general extent predates the Regional Strategy, having first appeared in the North Yorkshire County Council Structure Plan.
118. The Statement of Common Ground produced by the Council and Applicant states that the Local Plan is only in draft form. The Council's Consultant witness set out that the Local Plan intends to establish the detailed Green Belt boundaries, including around Strensall itself. The Local Plan will also determine whether this site is to be allocated for development following completion of a sustainability assessment and final appraisal against the evidence base.
119. The evidence base currently shows the site to have value as part of an identified 'Regional Green Corridor' (Green Corridor Technical Paper, 2011), and to be 'natural and semi natural greenspace' (Open Space Study, 2008 and 2014).

The 2014 Open Space Study overlays the various designation, which is confirmed by the fact that the Green Corridor Technical Paper has not been updated.

120. The Green Belt designation means it is necessary to establish whether there are very special circumstances that would outweigh the harm to the Green Belt of developing open land outside of the built up extent of Strensall. The Council has suggested that there are a number of material considerations that individually are not special circumstances, but cumulatively add up to being a very special circumstance.
121. Paragraph 87 of the Framework makes it clear that very special circumstances need to be demonstrated where an application is found to be inappropriate development in the Green Belt, such as in this instance. This paragraph does not suggest a number of matters can cumulatively add up to being a very special circumstance, just as it does not mention that one very special circumstance is sufficient to be of sufficient weight to outweigh the Green Belt status given that 'circumstances' appears in the plural. The Parish Council are therefore of the opinion that very special circumstances have not been demonstrated because the Council has made it clear that the officer recommendation in the committee report to support the proposal was on a cumulative basis and that no one reason carries sufficient weight to be a very special circumstance in its own right.
122. The Council's advocate suggested that it is proper to consider all the matters together as cumulatively they add up to very special circumstances, and the Applicant's planning witness agrees with this approach, but they also agree that very limited weight can be given to the current draft Local Plan and the historic Local Plans. This means that the housing need, affordable housing target, and the history of the site should all be given very limited weight because these matters are only in draft form and currently only form part of the evidence base to the Local Plan.
123. Looking at each of the material considerations which have been purported to add up to one very special circumstance, the Council explained that the annual target that forms the basis of the five year land supply is the draft Local Plan, which we know is currently being questioned by Members. That questioning is to such an extent that during proceedings we have been presented with an update of the housing requirement which appears in the Publication version of the Local Plan. This update should be treated with extreme caution as it has yet to be subjected to public consultation or endorsement by Members. As is known, Members have asked Officers to review the objective assessment which the target may inform, if Members agree to use that figure in the future. It should therefore be given even less weight than the very limited weight the Council has said should be given to the original draft target that was presented at the start of this process, and has been relied upon by the Applicant and Council as the basis for determining the housing target. In light of this, housing need cannot be considered to be anything more than a material consideration at best, but the Parish Council query its relevance at all given it is currently being questioned.
124. The affordable housing requirement has been based on an interim policy that has been ratified by Members but it has not been subjected to consultation or the planning process. There is, therefore, no clear policy basis on which to establish whether the number of general and affordable houses is appropriate, and if the need is such that it is necessary to deviate from the adopted statutory

development plan which is the RSS. Furthermore, the interim policy is 5% less than the draft Local Plan policy, which has been subjected to public consultation. Our concern is that if this site is granted planning permission now it would not fully contribute to the level of affordable housing envisaged by the Local Plan. We heard from the Council and Applicant that the Council had a shortage of affordable homes, so surely providing less than the draft Local Plan would secure is not going to help the situation?

125. In any event, paragraph 34 of the Practice Guidance is clear that housing need is not likely to outweigh the harm to the Green Belt and other harm to constitute very special circumstances in decision making. This point should be given full material weight because it is set out in the update to the Practice Guidance that was only published in recent weeks.

126. In terms of the history of the site, we have heard how the basis on which the site has previously been suggested to be removed from the Green Belt relies upon draft development plan policies or out of date policies. These have now all been superseded by more up to date policy at regional and national level. This is on the basis that Policy E8 of the Structure Plan has been replaced by Policy YH9(c) of the Regional Strategy and the Framework. Both the Applicant and the Council consider that the intention to do something in historic draft plans prepared years in advance of current statutory guidance is material to the consideration of the application, but we have to disagree. The draft York Green Belt Local Plan and the 4th Set of Proposed Changes Local Plan were never adopted and the processes were aborted for reasons which bring into question their credibility.

127. In relation to the appearance of the site, we have heard that there are no buildings on the site. The Parish Council take the view that this means the site is open in character due to the lack of buildings. The lack of buildings therefore determines that this is open land, and as we know, preserving openness is the principal purpose of the Green Belt. The fact that it has never been built upon suggests it also has some permanence. Only through the Local Plan should this situation be altered as the Local Plan process is the appropriate means for determining Green Belt boundaries. Furthermore, it is the role of the Council to set the Green Belt boundaries rather than the decision making process, which is made clear in the Framework.

128. The Parish Council does not consider that even cumulatively the matters add up to one very special circumstance, never mind a number of very special circumstances. The Parish Council do not see how a number of considerations of very limited weight can collectively be considered to be of such benefit that they outweigh the harm to the Green Belt. This seems particularly difficult to justify, especially when Green Belts are expected to be given the highest level of protection to undeveloped open land.

129. In summary, whilst there is a housing need in York, the level of housing need has not been confirmed and is subject to review following the Council's recent decision. It would therefore be premature to suggest that this site should be released to meet a yet undefined housing need in a draft document. Especially through development of a greenfield site within the general extent of the Green Belt. Nick Boles has made quite clear that the Local Plan process is the means by which to release sites from the Green Belt, whilst paragraphs 84 and 85 of the

Framework also make clear that it is the responsibility of local planning authorities to review and set boundaries.

130. The five purposes of the Green Belt are set out at paragraph 80 of the Framework. Whilst the Parish Council would not contend that all five are met in the case of this site, and the Applicant accepts there is no need to, the Parish Council believe the following are relevant in this instance:

To check the unrestrictive sprawl of large built up areas: The Inquiry has heard a number of submissions notably from local residents concerned about the character of the settlement of Strensall: about the level of expansion, its elongated shape and that the appeal site is on the very periphery of the village. These submissions go to the character of the settlement and the desirability of managing the pattern of future development.

To assist in safeguarding the countryside from encroachment: The Parish Council considers that this is an open site of rough grassland which is undeveloped. Except for the fact that it is uncultivated and somewhat neglected it is otherwise characteristically agricultural land. If the site is lost to residential development it is difficult to see how the local planning authority could resist similar loss of surrounding agricultural land.

To assist in urban regeneration: Whilst it may be argued that of itself the protection of this site would only make a limited contribution to urban regeneration taken together with the protection of other open sites adjoining settlements such as Strensall its role becomes significant.

131. In terms of sustainability considerations the Council's Local Plan Site Assessment Methodology measured the distance of the site to local facilities 'as the crow flies'. This has acted to artificially mask the true impact of the proposal and the accessibility credentials of the site, because in some cases facilities are an additional 200m away due to the nature of the actual walking and cycling routes. Furthermore, the site scores badly in the Council's site assessment methodology which was confirmed by the Applicant. It should be noted that the site assessment methodology is the Council's preferred method for assessing the relative sustainability and accessibility of sites.

132. It is the view of the Parish Council that this site has very limited accessibility. Not only does the local community argue this but the Council themselves, the Strategic Housing Land Availability Appraisal (SHLAA)⁴³ appraisal states there is currently poor access to local services and facilities for this site. It is a fact that the appendix flags up 'the significant distance to services and a primary school, medical facilities and convenience stores'. The Parish Council and local residents have made submissions to the same effect and point to the fact that the site sits at the periphery of the settlement and hence its limited accessibility.

133. Irrespective of the sustainability criteria of the site, development within Green Belt is inherently unsustainable because the presumption in favour of sustainable development does not apply to Green Belts as is made clear by footnote 9 to paragraph 14 of the Framework.

⁴³ Mrs Cragg's Proof of Evidence Appendix 6

134. In conclusion, and if we turn back to the original reason for the Call In Inquiry, it has been demonstrated through the Inquiry that the proposal is not consistent with the statutory development plan policies for York, because the site is within the general extent of the Green Belt where development is to be considered inappropriate unless very special circumstances can be demonstrated. In this instance the Parish Council is of the opinion that very special circumstances have not been demonstrated. The Parish Council is also of the opinion that the proposed development is not consistent with Government policy for protecting Green Belt land given that development of the land would impact on the openness of the site. The Parish Council therefore seek that permission be refused.

Others Speaking in Support of the Parish Council's Position

135. **Cllr Doughty**⁴⁴ explained the strength of local opposition and that the scheme did not respect the aspirations of the Village Design Statement. He noted the rapid increase of the settlement to the size of a small town but without a commensurate increase in facilities. Cllr Doughty pointed out that he was not against development, indeed he had supported 53 dwellings on a brownfield site in the village. That said, the effect of that scheme on facilities has yet to be felt. Cllr Doughty's main objection relates to encroachment into the Green Belt, and his main concerns are those of access, congestion, unsustainability of the site and draining, including flooding of the land.

136. Cllr Doughty maintains his view that the proposal is premature because there is brownfield land across the City which should be developed first. The draft Local Plan is likely to be subject to amendment following the loss of majority in the Council's leading group. As a result of this the draft has not progressed to consultation and is a long way from adoption. In his view no development should take place on the application site and its inclusion as safeguarded land is questioned. In this regard he quotes from the comment of an officer within the Local Plans options team who indicates her view that the site should be treated as Green Belt. He is not satisfied by the arguments put forward to provide very special circumstances and reiterates the Framework advice that substantial weight should be given to green belt harm.

137. Traffic concerns were cited when this site was last considered for development yet no improvements have been made. The congestion caused at the level crossing and through The Village remains of concern. Requests for a crossing attendant at the Sheriff Hutton Road in the village were, he sets out, refused because it would be too dangerous due to lack of safe refuge. This would be the route for children within the proposed estate. There are also congestion issues at the primary school. Problems here are reflected in the wider road network particularly on the A1237.

138. In terms of access, the proposed site is 0.5km from the nearest bus stop, 1.6km (a mile) to the shops, 2.4 km (1.5 miles) to the primary school and 11.3km (7miles) to the city centre. This would result in a car-dominated environment and add to congestion, and that would adversely impact on bus routes.

⁴⁴ Cllr Doughty's Statement is at INQ 18

139. Children attending the secondary school are deterred from cycling because of dangerous road links. It is unreasonable to consider that this site won't generate many children needing secondary education.
140. The extension of the existing culs-de-sac mean that existing residents will have to put up with traffic flows during construction and afterwards.
141. Strensall does not have large employers so to seek work people would have to travel. Housing need in Strensall is therefore questionable.
142. Cllr Doughty explained that the site is on marshy land with drainage issues.
143. Cllr Doughty concludes by stating development at the peripheries of the settlement should be resisted and new development should not be approved until there are improvements to infrastructure and amenities. The scheme is, in his view, premature, harmful to the Green Belt and unsustainable.
144. **Mr Fisher**⁴⁵ provided the written evidence for the Parish Council on traffic impact and ecological concerns. In addressing the Inquiry he sought to respond to matters raised by the Applicant's Transport Witness, particularly those raised in his rebuttal. Mr Fisher explained how he had undertaken his assessment, based for practical reasons, on 5 minute surveys and then converted to an hourly equivalent. He clarified that he did not seek to suggest that peak level would take place over an hour. Mr Fisher agreed that the figures provided by each side for traffic projection in 2018 are broadly similar. He also clarified that he made no assessment of the capacity of the junction at Brecks Lane/The Village, accepting that it can cope with traffic; rather, his concerns relate to safety. Similar sampling/flow rates based on differing approaches (each being correct) were clarified by Mr Fisher in respect of traffic on The Village. He pointed to congestion being high in this area due to road configuration and parking. The same issue is identified in respect of recording traffic on West End near to the primary school. He clarifies that no intention of suggesting high flow rates are sustained over whole hours rather he sought to identify how significant traffic issues are at peak times. Mr Fisher recorded that the Applicant's transport witness acknowledges that there is congestion at peak periods. Mr Fisher also reports his experience over the last 20 years that traffic flows are greater during periods of inclement weather but notes that timing of the Inquiry prevents analysis of winter weather impacts on traffic flow. Mr Fisher reiterated the validity of his assessment in his conclusion.
145. **Cllr Marquis**⁴⁶ is the current Chairman of Strensall with Towthorpe Parish Council. He sought to draw attention to some 120 letters of objection which were made to this scheme and contrasts it with the 2 letters of support. The summary of those objections is as follows: congestion in the village, access to the development, pressure on education for primary school children, pressure on access to medical facilities, drainage problems, and the effect on ecology.
146. Access through the village is restricted because of parked vehicles, some as residents do not have off-street parking and some as a consequence of the

⁴⁵ Mr Fisher's Rebuttal Statement is INQ 13

⁴⁶ Cllr Marquis Statements are at INQ 29 and INQ 46

- popularity of local stores. There have been confrontations but few injuries. Adding additional traffic would make matters worse.
147. The drainage implications of another site are awaited, but even accepting that this site is connected to the system this is not satisfactory because the waste water treatment works at Walbutts, to which this site will be linked, only dewater that waste and then the sludge is removed by tanker to the main sewage treatment works.
148. Since the primary school was built in the 1970's, 1350+ dwellings have been constructed with associated educational needs. As it stands the school lacks space and current development scheme will see three new classrooms with two portable buildings being removed. These works are needed and do not provide for further children from this site.
149. The only retail facility provided during this ongoing increase in housing took place in the 1980's when 6 outlets were provided (hairdressers, security store, dentists, butcher, tanning salon and convenience store).
150. The on-site play space will not provide for the needs of older children and it is acknowledged that there is an existing deficiency in play space in Strensall.
151. Finally, the local plan change on 9 October 2014 seeks review of several aspects of the plan before it goes for consultation. The Parish Council consider allowing this development in these circumstances would be premature.
152. **Mr Parish**⁴⁷ set out the history of the Village Design Statement (VDS). Linden Homes objected to the VDS in respect of the appropriateness of its content. The Council's Solicitor suggested the difficult areas be moved to an annex. However, this goes against the community's wishes in terms of identifying inappropriate development. The VDS is an advisory document but it reflects the views of local residents, whom have concerns about the Green Belt and village infrastructure. Mr Parish concluded noting that the Council has no plan, the site is Green Belt and the Council is not taking on board the concerns of its citizens.
153. **Mr Chapman**⁴⁸ explained his concerns regarding the lack of consultation with the Parish Council and the local community. A public meeting was held after pressure from the Parish Council on 22 October 2013 and after further pressure from Julian Sturdy MP and Cllr Doughty on 16 November 2013. It is felt by the Parish Council that this does not reflect the City of York Council's adopted Statement of Community Involvement which seeks to encourage discussion early in the development process. Moreover, it does not reflect the extensive community engagement undertaken by the same developer elsewhere⁴⁹. There has also been concern about the availability of access to the Environmental Impact Assessment.

⁴⁷ Mr Parish's Statement is INQ 17

⁴⁸ Mr Chapman's Statement is INQ 28

⁴⁹ Mr Chapman provides a list in his Statement

The Cases advanced by Others Attending the Inquiry

154. **Julian Sturdy MP**⁵⁰ explained that he had sought the call-in of this proposal for which he is grateful. Constituents were disappointed by the way in which the application had been dealt with and the Council's resolution remains controversial. In terms of that resolution it is considered premature. The City Council's Draft Local Plan was in its infancy when the decision was reached by the Council. Whilst some weight should be given to emerging Local Plans, in this case the plan had only been subject to one consultation (it has now been held back for further consideration). Furthermore that application proposed 25% more housing than had been allocated in the initial draft of the Local Plan.
155. Mr Sturdy reiterated that York has never had an adopted Local Plan. He pointed out that, the committee report suggested that the land in question had been 'reserved' for future development in previous local plans, but as none of these previous plans was ever formally adopted by the Council this 'allocation', in his view, cannot be given serious weight. Moreover, while the current draft plan, until very recently, had the land allocated for the 102 homes proposed, a crucial vote at Full Council forced a return to the drawing board over the housing trajectory and allocations. As such little weight should be given to the emerging plan.
156. As local MP, Mr Sturdy drew attention to the Framework as an attempt to introduce localism into the planning system so as to help empower local people and help them shape their surroundings. He acknowledges that a group of dedicated local residents produced an excellent Village Design Statement. As part of that process it was found that an overwhelming majority of residents believe the village has seen too much development in the last 40 years. The views of residents must be considered before a decision is reached here which would further add to development.
157. Council officers accept that the site's Green Belt location means the exceptional circumstances test must be met. In doing so the issue of 'reserved land' has been raised but this is not a matter which is accepted, as already explained. In terms of other matters, the lack of a five year housing land supply has been raised. However, such a point was made in Thundersley⁵¹ in Essex and the Secretary of State rejected approval in those circumstances on a Green Belt site despite a housing shortfall of 0.7 years. Mr Pickle's decision said that a decision to allow that appeal for housing in the Green Belt risked setting an undesirable precedent for similar developments which would seriously undermine national Green Belt policy. Mr Sturdy considers that this applies to this site.
158. Whilst the Council considers that the site's characteristics mean it does not serve any of the Green Belt purposes set out in the Framework, Mr Sturdy disagrees. Strensall is unusual, in his view, because it retains its linear form with the built up area remaining close to the main road. Adding 102 dwellings at the northern tip of the village would detrimentally impact on the special character and setting of the village and would exacerbate the existing problems that arise as a result of the community being spread over a long distance.

⁵⁰ Mr Sturdy MP provided a Statement which is INQ 21

⁵¹ APP/M1520/A/12/2177157 (appended to INQ 4)

159. The application site also adjoins Strensall Common. A large part of that area is used by the Ministry of Defence but it is also important for wildlife. It is a Site of Importance to Nature Conservation and a Nationally Significant Nature Conservation Site, as set out in the draft local plan. As such, the application site, located between housing and this nature conservation area, fulfils the Green Belt role of 'safeguarding the countryside from encroachment'.
160. Turning to infrastructure, it is the local residents' view that it just will not cope with the demands from a development of this size. The Framework has a presumption in favour of sustainable development but the proposal is not considered sustainable by local residents. The site is known for drainage problems, both from standing water and from issues relating to foul sewage backing up particularly in Coulson Close. An attempt to get a pumping station adopted at Terrington, which affects this site, has to date not been successful. Adding a further 100 houses is inevitably going to cause concern.
161. Residents remain concerned about highway safety at the junction of the Village and Brecks Lane despite the Transport Impact Assessment claims that additional traffic can be accommodated without harm to road safety.
162. The developers accept that the development would result in greater demand for services and facilities but do not explain how this would be catered for. It is acknowledged that the primary school requires additional capacity, but it is not clear how that can be met, given that outdoor space is already limited.
163. The majority of facilities and amenities are approximately 1km from the site which would encourage car use and therefore add to parking and highway problems.
164. In all, for the reasons explained, Mr Sturdy seeks that the Secretary of State refuses the application.
165. **Mr Thorpe**⁵² spoke on behalf of the CPRE. He expressed concern that Strensall was now the size of a market town but with nothing like a similar level of facilities. The infrastructure for additional residents does not exist. Strensall has, in his view, taken more than its fair share of development. Housing requirements are likely to be reduced and this site should not be developed particularly given it is Green Belt. It is an attractive site near to Strensall Common Site of Special Scientific Interest. The settlement is also congested.
166. **Mr Wright**⁵³ provided a statement in advance of the Inquiry. He explained his position, based upon that statement and supplementary statement. Mr Wright considered that the development should be refused on the basis that it is contrary to policy (RSS YH9C), the Framework paragraph 84 and potentially premature (at a point when the emerging plan was anticipated to progress).
167. Paragraph 84 of the Framework steers development to sustainable locations, channelling development towards urban areas inside the Green Belt, inset villages or areas outside the Green Belt. Saved RSS policy YH9 requires the

⁵² Mr Thorpe's Statement is INQ 15

⁵³ Mr Wright's Supplementary Statement is INQ 4 and his original Statement is contained in the Inquiries Letters folder

detailed inner boundaries of the Green Belt to be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. Thus, it is necessary for the Local Plan to resolve the issue of inner development limits and urban capacity and what the historic pattern of development is such that it could safeguard the special character and setting of the city. Once that is determined then it would, in Mr Wright's view, be possible to see whether there is a need to allocate housing (or safeguarded land) outside the inner boundary and identify the spatial distribution of housing appropriate to protect what is special.

168. The Local Plan has been put on hold but, in any event, Mr Wright considers that it did not provide adequate evidence on the urban capacity of the inner core, what constitutes the historic city, what is special about the character setting of the city, the historic pattern of development and the appropriateness of the evidence base in respect of those issues.
169. In Mr Wright's view, the Committee Report for this application fails to address paragraph 84 of the Framework and doesn't pay adequate regard to the only development Plan policies (the RSS ones) and places too much weight on the emerging plan, which is now on hold. In terms of the Framework, the development plan is not out of date in relation to housing – there simply is no development plan. Mr Wright contends that inappropriate development which conflicts with Green Belt policy cannot be sustainable.
170. In terms of the planned approach circumstances have changed. For instance before local government reorganisation in 1996, the City Council did not have jurisdiction over much of the Green Belt so plans before that will not have fully considered housing locations that might be available to the Council now. The 2005 Development Control Plan should not be afforded weight as it was subject to 17,000 outstanding objections and no public scrutiny.
171. Mr Wright considers that Strensall, and thus the site, falls within the general extent of the Green Belt, and that the Council has misapplied Green Belt policy. There is no Green Belt plan which excludes any land from the Green Belt within the general extent shown on the RS plan, the Council has consistently approached the outlying villages as if there were no Green Belt and the Council is wrong to take that approach. The objectively assessed housing need is not a very special circumstance. This has been confirmed in cases such as *Thundersley*⁵⁴, *Fox Land & Property v SoS CLG* and *Castle Point BC, Copas v SoS CLG* and *Royal Borough of Windsor and Maidenhead*⁵⁵. Mr Wright therefore concludes that permission should be refused.
172. **Dennis Little** expressed concern about the suitability of the site with particular regard to traffic impacts. He expressed his concerns that local residents' views are not being taken into account and that the majority of all letters regarding this site expressed concern regarding highway safety. He also explained that the full effects of the Tannery conversion site, on another road out from the village core, remain to be seen.

⁵⁴ APP/M1520/A/12/2177157 (appended to INQ 4)

⁵⁵ Both appended to INQ 4

173. **Professor Gordon Leff** explained that he has been a resident of Strensall for 50 years, a time during which the settlement has changed from being a small integrated village to a commuter area. There has been significant pressure from car use which has become a significant hazard during rush hour. The medical centre which was an enlightened addition to the village is now under strain. The functioning of the village is at breaking point and its character has changed; it has simply become too big. There is significant protest against this proposal. The Green Belt issues are acknowledged but Professor Leff considers that the village character issue is significant too and has not been given adequate thought.
174. **Jane Widgery**⁵⁶ made submissions in support of the scheme. In particular she noted that the site is at the periphery of the settlement, with access roads deliberately providing access to the site and development has been anticipated for many years. Traffic from the development would exit via Brecks Lane and then go to The Village or Lords Moor Lane. The Village route is often congested, whilst Lords Moor Lane is not yet that second route gives access to York and beyond. Thus, those exiting the site would have a choice about the direction they chose to take. No other development site in Strensall provides that choice. Ms Widgery pointed out that 3-5 bedroom homes would not be sustainable since there are no jobs providing salaries that would support mortgages on such properties. Recognising the need for workers to travel by car makes this site a preferable one in Strensall because of its access to main roads without having to pass through the congested village core. Finally she notes that at least a site of this size can offer some benefits by way of s.106 Agreement.
175. **Julie Thompson**⁵⁷ had a statement read explaining that she has concerns about traffic and parking both through the Village and around the school. This is particularly an issue for potential future occupiers of the application site, because of its distance from the school and as parents often work so need to travel via the school. Despite wishing her child to be able to walk alone to school (as a developmental milestone), the dangers are such that she is reluctant to let this happen. The particular dangers arise from crossing between parked cars, the configuration of the road bends, that delivery vehicles tend to park on pavements blocking them, that large agricultural machinery often overhangs the pavement as it is manoeuvred through the Village, and, narrow and sloping pavements. Ms Thompson had sought that crossing facilities be provided but was told the visibility made it too dangerous.
176. The local primary school is, in her view, at capacity and is the largest in York despite it being a village school. Building work is currently being carried out to replace portable buildings. The dining hall is not big enough, making meal-times rushed, given the number of children who have to be fed. Whole school assemblies are uncomfortable because of the number of children and staff, with parents having to stand for performances as space, combined with fire regulations, would not allow for enough chairs in the hall. Class sizes are at 26-28 and having more children, as would happen if there is more development in the village, would only exacerbate problems.

⁵⁶ Ms Widgery's Statement is INQ 16

⁵⁷ Ms Thompson's Statement is INQ 34

Written Representations

177. In addition to correspondence from those who spoke at the Inquiry which is dealt with separately, eight letters were received in response to the Inquiry notification. These expressed the following points in addition to covering some of the matters raised by the Parish Council (i.e. its main witness and others speaking alongside the Parish Council witness). The transport/access points include concern that cycling is unlikely to be an alternative form of transport for residents of the appeal site as there are few safe /cycle lane routes. It is also pointed out that people walking to the school some 1.6km away may well have prams for younger children making the trip on foot more difficult and increasing the likelihood of car use. Concern is raised about speeding through the village and that there is no traffic management in The Village. It was also suggested that an access could be made from Flaxton Road with a new level crossing.
178. In terms of other issues raised in written correspondence it is considered that the distance to medical facilities is unreasonable and that those facilities are oversubscribed. Concern is raised that financial contributions for sports provision are unlikely to benefit local residents as there is nowhere for additional facilities. Moreover, provision for teenagers is particularly poor and this situation is likely to lead to greater car usage. The emerging local plan indicated 84 dwellings on this site but now 102 are proposed. It is suggested that other sites to the north of the settlement appear more sensible. It is considered that the site is chosen for financial reasons rather than being the best site. Local residents raise concerns that vibration and dust during construction will cause problems locally and that in the longer term pollution would arise from the future occupiers in terms of car fumes. It is also considered that the Council's decision was political with voting split on political lines.
179. One letter was received supporting the scheme on the basis that its development was always anticipated, the access to the site is better than elsewhere as it can use a route other than through the Village and, the school is considering adding additional floors which could accommodate more pupils.
180. This letter also included concerns regarding the representative of the Parish Council and their conduct, having regard to their involvement in the scheme and proximity of their dwellings to the site.
181. When the Council considered the proposal 122 letters of objection had been received by the Council to the original scheme. The details are set out in the Council's Committee Report⁵⁸. In addition to issues already set out, the main concerns are the impact of light pollution on the Green Belt, the potential for the congregation of youths on public open spaces, that there are no details of sustainable building codes, that there is no provision for allotments and, that there are safety concerns associated with the sewerage works access. Concerns are raised about the impact on privacy of existing occupiers and that a sunlight assessment should be undertaken for plot 1. In terms of the scheme's design it is considered that the details are not in keeping with the current estate, it is noted that the scheme shows culs-de-sac up to the boundary so development could be extended into the adjacent open fields and that this should be designed

⁵⁸ CD 05 internal pages 34-41 and details are provided in full at CD 04 and the associated file www.planningportal.gov.uk/planninginspectorate Page 34

out and, more generally, that design could be better. The adequacy of the emergency access is also questioned.

182. Following consultation on revised details 33 further letters were received mainly reiterating concerns but adding concerns about boundary treatments.

183. Two letters of support were received setting out that the scheme would be good for local business, bring money to the school and would give choice of housing for growing families. Those letters also sought a train station for Strensall and saying the road into Strensall is too fast and there should be a cycle lane.

Conditions and Obligations

184. The conditions in the amended format discussed at the Inquiry, with additional minor alterations that were discussed or otherwise required to achieve a more ready compliance with advice in the Practice Guidance which has replaced, in part, Circular 11/95, would be necessary in order to achieve an acceptable development, were the Secretary of State to consider the principle of the development to be acceptable. Those conditions are set out in the Schedule attached at Annex A. Where necessary, specific conditions have been addressed in the Conclusions above. The conditions set out would be relevant, necessary to make the development acceptable and otherwise comply with the necessary tests.

185. The s.106 planning obligation provides for affordable housing, education provision, public open space, a footbridge and footpaths, as set out in the details at paragraph 5 above. I have had regard to this planning agreement in the light of the tests set out in the Framework at paragraph 204. These state that a planning obligation may only be sought if it is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. I am satisfied that there is a rationale behind the sums sought and that the sums are fairly and reasonably related in scale and kind. I am also satisfied that the affordable housing provision would be in line with current practice at this Council, albeit that there is obviously no development plan basis for them, and that it is appropriate in seeking a variety of house type and affordable tenure. Thus, from the information and evidence provided, I am satisfied that the obligation tests set out in the Framework would be met. It is therefore appropriate to take the obligation into account in the determination of this scheme. A compliance note regarding the s.106 Planning Obligation was submitted with the draft s.106⁵⁹ and I am satisfied that this confirms a reasoned basis for each of the obligation matters.

⁵⁹ This was submitted to the Planning Inspectorate on 22 September 2014 and forms part of the Inspectorate file

Inspector's Conclusions

[References to earlier paragraphs are in square brackets]

Is the Site within the Green Belt?

186. The York Green Belt boundary has never been identified in an adopted plan, although parts of boundaries have been identified. Because of this situation the Regional Spatial Strategy for Yorkshire and the Humber was only partially revoked so as to retain policies establishing the general extent of the Green Belt. [17-26, 38, 117, 136, 155]
187. I share the views of the Applicant, and some of the interested parties, that the idea of using the broad principle plan from the Regional Strategy to identify the Green Belt by overlaying it onto an Ordnance Survey base is not what that plan was intended for. It is evident that it is difficult to achieve this satisfactorily in printing terms and the result provides such a lack of detail that endorsing such an approach would be likely to lead to difficulties if repeated elsewhere within this Green Belt. However, in terms of general principles, despite being slightly beyond the '6 mile' extent, when measured from St Sampson's Square, none of the parties seek to claim that the application site does not fall within the outer edge of the Green Belt. Given the distances involved, the fact that the extent of the Green Belt is to have an outer edge 'about six miles from York city centre⁶⁰' and the unchallenged appeal decision at Cowslip Hill which is seen from the application site and is further from the City centre, the site should be considered as within the outer edge of the Green Belt. [40-42, 44, 88-96]
188. There is a lack of clarity about how land and buildings should be considered in terms of the Green Belt, particularly within larger settlements. In general terms, it is not appropriate to assume every un-built on piece of land within the general extent of the Green Belt should necessarily be considered as Green Belt, rather each case should be considered on its own merits. [90-91]
189. The site was not identified as specifically contributing to any Green Belt function in the *City of York Local Plan - The Approach to the Green Belt Appraisal of 2003* which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose. [43]
190. *The York Historic Character and Setting Technical Paper of 2011* addresses a number of areas where specific requests had been made to reassess areas set out in the above 2003 paper, both to include and exclude sites. Again whilst areas are re-evaluated, I do not agree with the conclusion that the application site, or indeed other sites without specific designation, serve no Green Belt function in relation to York albeit they are less critical, for instance in preserving green wedges, preventing coalescence or protecting views of The Minster. [39]

⁶⁰ Emphasis added to text

191. In this case the site is located adjacent to the developed edge of Strensall. However, whilst the Applicant suggests it is an enclosed site that could be seen as similar to the Westview Close appeal site, this is not a good match in site characteristics. Unlike that case, which related to 8 dwellings, the site is not a small sliver of land. Rather it is a sizeable area on which significant in-depth development, for 102 dwellings, is proposed. Moreover, despite being close to defensible boundaries, of the sort that might be chosen as settlement boundaries, the site significantly projects into the open countryside, with open land on much of the two boundaries and along the whole eastern side. The presence of the river, rail-line and road do not in my view form urban enclosure; rather they are features that can often be seen within the countryside. [43]
192. Although the site has been left to become somewhat scrubby with regenerative unmanaged plant growth, this does not justify removal from the Green Belt. If such an approach were supported it could encourage deliberate degeneration of urban edges in other Green Belt locations which would be wholly undesirable. The fact that the area is used for informal recreation has little bearing upon its status as recognised by the Applicant.
193. The essential characteristics of Green Belts are openness and permanence. I have no doubt that developing a greenfield site by constructing 102 dwellings would have a significant and harmful effect on openness. In terms of permanence there is nothing to suggest this site has ever been anything but open: openness has therefore been the characteristic physical state of the land to date and, as such, changes to it should not be undertaken lightly.
194. Having regard to the five purposes of Green Belt land, I heard and saw that Strensall is a settlement of considerable size which expanded dramatically in the latter part of the last century, resulting in substantial housing estates which appear disproportionate to the modest village core and facilities. Whilst that is something that has happened with the principle of a Green Belt in place, I consider that the Green Belt function of checking unrestricted sprawl of large built-up areas is a valid Green Belt purpose here. Similarly, the Green Belt purpose of safeguarding the countryside from encroachment also applies, given that that is currently an undeveloped field area, with exception of modest hard-surfaced areas, would become housing under this scheme. [53-56]
195. In terms of preserving the historic character of the City of York, Mr Wright identifies that the historic pattern of settlement is being controlled by the approach to development management. That plainly is the case, as the City is not simply expanding as it would have done without planning. However, to let the City expand without planning control would negate the purposes of the Green Belt in terms of preventing sprawl so, despite the likely truth in this observation, I do not attach weight to Mr Wright's assertion that the historic pattern of development is being constrained. Developing this site would not have a direct and significant bearing on the historic character of the City. Nonetheless, extending close to the rail corridor into the City would have a visual impact upon that transport route and there would also be an impact upon the Green corridor formed alongside the Foss and so the proposed development would contribute to sprawl.
196. The Framework also identifies the purpose Green Belts have in protecting greenfield sites and therefore assisting in urban regeneration, by encouraging the

recycling of derelict and urban land. Whilst this may be a relatively modest site and whilst the City Council appears likely to need to release greenfield land for housing, which may include Green Belt land, this does not mean this purpose fails to have value. Rather, preventing development here, and on other Green Belt sites, is likely to encourage development of brownfield land because there is likely to be a consequent impact upon viability of doing so. A managed approach to releasing land for housing needs to be taken and I am mindful that recent advice in the Practice Guide makes it clear that *"Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt"*.

197. The only one of the five Green Belt purposes which this site offers nothing to is that of preventing neighbouring towns merging into one another. Strensall is a large settlement that has expanded into open countryside, but it is a significant distance (at the appeal site location) from the next settlement.
198. Whilst much is made of the fact that the site has a history of 'almost' being a future development site shown on an adopted plan as outwith the Green Belt none of those plans has been adopted. As such, whether or not weight is attached to that matter elsewhere, given my finding above as to the interpretation of the RS saved policies concerning the Green Belt, I am not satisfied that I should accord weight to the abandoned draft policies when concluding on the matter of whether or not the site is within the Green Belt.
199. In summary, on this first matter, I conclude that the site falls within the general extent of the Green Belt, and indeed serves a number of Green Belt purposes. Whilst the Green Belt has not been fully defined, the parties do not disagree that, should the Secretary of State find the site to be within the general extent of the Green Belt, it would fall to be considered under paragraph 87 of the Framework, wherein, *"inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances"*.

The effect of the Proposed Development on Openness and the Purposes of the Green Belt

200. As set out above, the proposed development would impact on the openness of the Green Belt and openness is one of the essential characteristics of the Green Belt. [101, 128, 158]
201. Also, as set out above, the site serves two clear Green Belt purposes even if they are inter-related, and has a modest role in two other purposes; only one purpose is not served by this site. [130]
202. In terms of a qualitative assessment of the extent to which the site fulfils the purposes of Green Belt, it clearly has a lower level of importance than those sites specifically identified as being important to the historic character and setting of the City, as set out in the *City of York Local Plan - The Approach to the Green Belt Appraisal of 2003* and *The York Historic Character and Setting Technical Paper of 2011*. Moreover, I am mindful that, when assessing the site for local plan allocation purposes, it is clear that the site was not considered highly. For instance, the Southern Ryedale Local Plan 1996 Inspector concluded that 'because of its lack of significant Green Belt functions and much stronger boundaries...the..site should be excluded from the Green Belt' and went on to

recommend the site be safeguarded for essential development in the longer term. However, that Inspector nearly 20 years ago was assessing sites for development plan purposes and, furthermore they were doing so in Southern Ryedale rather than assessing comparative benefits of sites for the post local government reorganisation significantly expanded York area. I have assessed the site on the basis of its impact on openness and the purposes of the Green Belt as set out in the Framework and in light of current policy and relevant considerations.

203. Thus, whilst being a Green Belt site providing openness and fulfilling Green Belt purposes, it is of a lower value than some Green Belt areas surrounding the site. Nonetheless, I have concluded that it is a Green Belt site and as such it is afforded significant protection.

Highway Safety and the Free Flow of Traffic

204. It is clear that there are local concerns regarding traffic flow. This is a particular concern when traffic is stopped because of railway level crossings being used to let trains pass, traffic has difficulties passing through The Village which is the core of the historic part of the settlement and, where traffic congestion occurs around the school during peak periods of school-run drop off and collection. [81]

205. The traffic generated by the proposed development would have some impact on each of those situations. However, the highways data supplied by the Applicant, and supported by the Council as local Highway Authority, indicates that the roads have capacity to deal with the traffic generated. Moreover, it is important to acknowledge that motorists can use the Lords Moor Lane route to access other main employment and retail areas and so avoid the Village. Despite those facts, it is clear the peak periods, which may be relatively short-lived, already have traffic flow issues. I saw this at the school where the traffic congestion clearly reflected what I heard in evidence. The Applicant's witness accepted that hourly traffic rates do not reflect such peak time issues. However, that is an existing situation to which the proposed scheme would not be likely to add materially. It seems to me that other solutions to manage the situation might exist but they are not before me. More significantly it is the case that the traffic flow issues relate to specific events and the adverse impacts of those events dissipate quickly. As such, I do not consider that the relatively modest change to traffic flows likely to arise as a result of this scheme would be such that this should count against the scheme in the planning balance. [78-82, 137, 140, 144, 146, 161, 163, 172, 174-175, 177-179]

Accessibility

206. The site is located at the periphery of a linear settlement. That being the case the distances to walk to facilities particularly the primary school are considerable. It also seems unlikely that many future residents of the site would find employment in the immediate area given that it is largely residential. Those findings reflect the assessments made by the Council in its initial assessment of the site. As such, it is likely that many journeys would not be on foot or bicycle. There is, however, access to bus routes which would provide an alternative to use of the private car, but use of such services would require a reasonable walk limiting its benefits for some and making the car a more likely option.

Nonetheless, the relative proximity to facilities means that trips by car are, at least, likely to be relatively short. [71-77, 131-133, 138-139, 141, 148-150, 152, 162, 165, 177-179]

207. Balancing those factors out, I do not consider that the site would function so poorly that it would fail to provide a reasonably sustainable environment where occupiers would not feel part of a community. However, the proposal would not directly contribute to local facilities (s.106 contributions will be considered later in this report) and would not be particularly well located. On balance, therefore, I do not accord weight in favour or against the scheme in this regard.

Prematurity

208. The Practice Guidance sets out that the most likely circumstances which might lead to a refusal of planning permission on prematurity grounds are where the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan or neighbourhood plan and that the emerging plan is at an advanced stage but not yet formally part of the development plan for the area. [65-70, 114-115, 136, 151]

209. Guidance explains that refusal on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination; that is the case here. Thus it seems that circumstances would have to be of distinct and specific nature to consider prematurity to be of material weight in this case.

210. To allow dwellings on the appeal site might have implications in terms of the approach to releasing Green Belt land for housing. However, provided it is only done because there are clearly identified very special circumstances it seems, on the evidence before me, that this site is not particularly substantial or its cumulative effect so great that it would undermine the plan making process which, in any event, is not at an advanced stage.

211. The Practice Guidance allows for other circumstances which might render a scheme 'premature'. Mr Wright suggested that allowing development here would have implications in terms of historic patterns of settlement, which would have spread out from the City core. However, planning intervention through having a Green Belt means settlement growth has been managed in a particular way. Similarly planning protection of strays (open land) has influenced development. Thus, whilst a debate is to be had about where housing is to be sited, I do not consider that the historic form of settlement growth would be materially undermined by allowing this proposal. Nor, as set out above, do I consider it would necessarily have implications for Green Belt land, provided that very special circumstances are clearly set out; rather doing so would reinforce the established approach to Green Belt land. [54-167]

212. Thus, I do not attach weight to the issue of prematurity in this case.

Matters Advanced in Support of the Scheme

- The Planning History of the Site

213. The Council and Applicant attach significant weight to the planning history of this site. The planning history of the site establishes that there has been both

developer and Council (within two authorities) intention that this site is not protected as Green Belt but should be made available for development at some future point. The Green Belt Local Plan post modifications of 1995, some 20 years ago was essentially the turning point on this matter. Following that document the land has been identified as being safeguarded for future development in subsequent draft plans which have not come to adoption until the most recent emerging Local Plan which identified it for development, but that is now on hold. [102, 108-111, 126]

214. Clearly there has been significant consideration of this site in the past and it remains a site which the Council is seeking to promote. The history of the site means its suitability for housing use should be viewed positively and that must carry some weight in the planning balance. [57-58, 111]
215. The Germany Beck decision is cited as being of significance by the Applicant on the basis of similarities. The site has a similar background insofar as the policy position was leading towards development. Nonetheless, that site was determined by the Secretary of State to be Green Belt. The Inspector's recommendation placed weight on various factors, including the site history. The determination by the Secretary of State was based on the Green Belt status of the site being outweighed by very special circumstances relating to housing land supply. Unlike that case, in this case less weight is attached to the site history in this case as the site has mainly been identified as being safeguarded, rather than specifically identified for development with associated development briefs⁶¹. More significantly, since the determination of that decision there has been a material change in the Practice Guidance advice regarding the weight to be attached to housing land and Green Belt. Housing land supply is the next matter to be considered, but it should be clear that, in my judgement, this site cannot be justified on the basis of the approach taken at Germany Beck.
216. Whilst the Applicant may feel frustrated by this situation, planning policy designations do change or may not come to fruition and, in this case, the site is not allocated for housing or safeguarded for such purpose in any adopted plan. The history here offers limited support in favour of the site's development.

- Housing

217. The site would provide 102 dwellings for a City where the Council advises, repeatedly, that there is no five year housing land supply. The extent of that supply, identified as some 4.2 years for the purposes of this appeal, is clearly a matter for debate. In this case, the undersupply is less than a year but the requirement includes a 20% (i.e. a year's worth of supply) buffer. It is only fair to restate that the Applicant considers the margin is much greater, but equally the Council has halted progress on the Local Plan, it seems, because the supply housing requirement figures are considered to be too great. This is a matter which cannot be dealt with in this appeal. Nonetheless, and despite the indications that there has been a political power change that is likely to seek a tightening of housing requirement figures, on the evidence before me, a five year housing land supply cannot be demonstrated. [31-36, 59, 85, 100, 103-106, 123, 125, 129, 157, 171]

⁶¹Germany Beck Report Paragraph 24.7 Annex 20 to the Proof of Evidence of Mr Watts

218. That said, clear advice has been issued in an update to the Practice Guidance which explains that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. [99-100]

219. I have concluded that this site should be treated as being within the Green Belt. Thus, on the basis of the material advice in the Practice Guide and in the absence of any adopted plan that indicates how, when, or if this site should be developed, it seems that the need for housing, by whatever margin, does not, alone, justify open market housing. Affordable housing is a separate matter addressed below. Having regard to the Green Belt balance exercise, it is reasonable to take the view that the unmet need for housing might contribute to part of an overall balance. In view of the Practice Guide advice, significant weight should not be given to this matter but it seems, modest weight could be attributed to provision of open market housing where there is unmet housing need.

- Affordable Housing

220. The Applicant places weight on the provision of 30% affordable housing on this site and there is no dispute between the parties that affordable housing is needed in the Council's area. Affordable housing can be considered on exceptions sites and may be acceptable in the Green Belt; the Framework sets out one of the exceptions that may be considered as not inappropriate development in the Green Belt as being 'limited affordable housing for local community needs under policies set out in the Local Plan'. However, this is not a scheme for affordable housing; rather it is an open market housing scheme which would provide for an element of affordable housing. [59-60, 107, 124]

221. There is no Local Plan that sets out policies for affordable housing although it is common ground that this offer reflects what the Council would normally seek. Whilst objectors have noted that the most recent plan suggested a 35% affordable housing requirement to be used as the norm, which would not be achieved here, given the status of the emerging plan at this time little weight can be attached to that potential requirement. Nonetheless, this reinforces my view that the affordable housing being offered is not exceptional.

222. Whilst weight should be attached to providing affordable housing, particularly where there is a significant demonstrated need, such as here, I am not satisfied that this site offers anything other than that which would normally be sought in the Council area. Thus, the provision of affordable housing which would arise on this site forms part of the modest weight that can be attributed to providing for unmet open market housing as it would be expected as part of that form of development scheme.

- Economic Benefits

223. The Applicant has estimated this based on a construction cost of approximately £12.4 million pounds which would be equivalent to an average of 82 job opportunities directly created per year. There would be spin off benefits in terms of spend in the local area and subsequent economic benefits from the new residents. However, such benefits are of limited significance when balanced against the more significant weight of policy considerations. [61]

224. New Homes Bonus payments and Council tax receipts would be significant, but this does not attract weight in the planning balance, rather these matters are incentives for Councils to provide much needed housing on appropriate sites. [62]
225. The Applicant points to benefits arising as a result of the development and developer s.106 contributions. In terms of the latter benefits, they relate to the needs of the site (as indeed they should) and are not an advantage particular to this scheme. As such, the sum towards additional education places only exists because this site would result in need for such spaces. Thus, this is not a matter to which additional weight, in terms of benefits, should be attached. The provision of public open space, sports provision and footpaths/bridges again relates to needs generated by development of the site but also has some benefits which would extend beyond that for occupiers of the site. This attracts a little weight in favour of the scheme. [7-10]

Planning Balance for a Site in the Green Belt

226. There is clear guidance from the courts, for instance through the Basildon case, that small matters may cumulatively amount to very special circumstances sufficient to outweigh the presumption against inappropriate development in the Green Belt. [49-50, 98, 113, 120-122, 128, 134]
227. In this case some weight is to be attached to the planning history of the site, modest weight is attached to the provision of housing, including affordable housing as part of that scheme, and a little weight is attached to access, public open space and potential sports provision that would be secured through the s.106 planning obligation. Taken together, those matters do not, in my view, clearly outweigh the substantial weight to be attached to protection of this site which is in the extent of the Green Belt. Even were lesser weight attached to the site because it does not fulfil all the purposes of including land in the Green Belt and because its protection has no bearing on the key historic features of the City, I do not find the outcome of that balance would be altered. Therefore I do not find very special circumstances exist. [56]

Other Matters

228. The scheme would result in new neighbours and some degree of overlooking for the occupiers of existing dwellings along the western boundary. However, the orientation and siting, from what I could see (I was not asked to view from any dwelling) and the plans before me, indicate to me that an acceptable residential environment for existing residents would be retained. [181]
229. Concerns have been raised about drainage of the site but there is no objection from the statutory undertakers in this regard and conditions are proposed which should deal with adequate drainage of the site. It is not for this scheme to resolve difficulties elsewhere. [147, 160]
230. Adequacy of local facilities is raised alongside concerns about accessibility. The s.106 Planning obligation would provide facilities directly related to the proposed development. It is not for this proposal to remedy concerns for other parts of the community. Medical provisions would be considered on the basis of other regimes. [175]

231. Some concerns were set out in written representations regarding the design of the scheme and the proposed dwellings. However, in general terms, the housing reflects the adjacent site. One issue is worthy of more specific comment and that relates to the proposed highway layout. The Applicant explained that the current scheme should gain support from the road layout of the adjoining housing estate which gives clear access routes into the appeal site. However, I do not agree in that those arrangements were simply looking forward. Much the same could be said of the highway layout which exists for this scheme despite the applicant's clear view that the tree screen on the site boundary should be seen as a defensible one. I note that any further development would have to be judged on its own merits. [172, 181]
232. Whilst concern was expressed about access to the Environmental Impact Assessment, I was advised that it was available for inspection at the Council's offices but not available to view on-line. In these circumstances I am satisfied that no party's interests were compromised.
233. There was a more general concern about lack of public consultation in respect of the scheme. Nevertheless, whilst pre-application discussion may not have been of the type the local community desired, it is clear that there was some public involvement with the local community and the adequacy of statutory consultation requirements have not been disputed. [153]
234. The procedural conduct of the Parish Council is not a matter for this appeal; rather there are other ways in which that concern could be addressed. [180]

Inspector's Recommendation

235. I recommend that planning permission be refused. In the event that the Secretary of State disagrees with this recommendation and approves the application I recommend that the conditions in Annex A are attached to the permission. Moreover, should the Secretary of State disagree with my conclusion that the site is within the Green Belt, I agree with the main parties that there are no other grounds which would justify refusal of planning permission for the development proposed.

Zoë Hill

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of Counsel

He called

Diane Cragg

Jane Healey-Brown BA

MA MRTPI

Rachel Macefield

City of York Council

Associate Director Ove Arup and Partners

Forward Planning Team Leader, City of York Council

FOR THE APPLICANT:

Andrew Williamson BA DipTP
MRTPI

Partner

Walker Morris Solicitors

He called

Michael Watts DipURP

(Dist) MRTPI

David Bell MEng CEng

MCIHT

Nathaniel Lichfield & Partners

Bryan G Hall

FOR THE RULE 6(6) PARTY (STRENSALL WITH TOWTHORPE PARISH COUNCIL):

Kathryn Jukes BA(Hons) DipTP
MRTPI

She called

Richard Borrows BSc

DipTP MRTPI

Planning Consultant

Also Representing the Parish Council were:

Cllr Paul Doughty

Cllr Keith Marquis

Ward Councillor

Chairman of Strensall with Towthorpe Parish Council

Michael Parish

Anthony Fisher BSc

John Chapman

Regarding the Village Design Statement

Regarding Highways and Ecology

Chairman of Strensall with Towthorpe Parish Council Planning Committee

INTERESTED PERSONS:

Julian Sturdy MP

George E Wright MA MRTPI

Jane Widgery

Phillip Thorpe

York (Outer) MP

Interested Party

Local Resident

Council for the Protection of Rural England (CPRE)

Professor Gordon Leff

Dennis Little

Local Resident

Local Resident

INQUIRY DOCUMENTS (handed in at the Inquiry excluding Core Documents)

- INQ 1 Appearances on behalf of Linden Homes
- INQ 2 Appearances on behalf of Strensall with Towthorpe Parish Council
- INQ 3 Notification of Event Letters and Press Notice
- INQ 4 Further Evidence of George Wright with appendices
- INQ 5 Speaking Note of Jane Healey –Brown (for the Council)
- INQ 6 Statement of Common Ground
- INQ 7 Opening on behalf of the Local Planning Authority
- INQ 8 Opening on behalf of the Applicant
- INQ 9 Opening on behalf of Strensall with Towthorpe Parish Council
- INQ 10 Supplementary Statement of Common Ground
- INQ 11 Annex A City of York Local Plan
- INQ 12 LDF Technical Paper - Green Corridors
- INQ 13 Rebuttal Statement by David Bell in relation to the evidence of Tony Fisher
- INQ 14 SHLAA site suitability for the application site
- INQ 15 Statement of Phillip Thorpe CPRE
- INQ 16 Oral Submission by Jane Widgery
- INQ 17 Statement of Mr Michael Parish
- INQ 18 Statement of Cllr Paul Doughty
- INQ 19 Draft s.106 Obligation
- INQ 20 Two Plans – Green Spaces Plan and s.106 Plan
- INQ 21 Statement of Julian Sturdy MP
- INQ 22 Journal of Planning Law Case Comment on R. (on the application of Basildon DC) v First Secretary of State [2014] EWHC 2759 (Admin) [2005] JPL 942 (QBD (Admin))
- INQ 23 Affordable Housing Note
- INQ 24 Response to Davis Bell’s Rebuttal Statement of the evidence of Anthony Fisher BSc
- INQ 25 Proof of Evidence Summary of Richard Borrows for Strensall with Towthorpe Parish Council
- INQ 26 Extract of the National Planning Practice Guidance Paragraph 014 Ref ID: 21b-014-20140306 regarding prematurity
- INQ 27 Note on Calculation of Housing Requirement – Rachel Macefield
- INQ 28 Statement of John Chapman
- INQ 29 Statement of Cllr Keith Marquis with comments of Mr Richard Moore
- INQ 30 Suggested Planning Conditions
- INQ 31 Signed Planning Obligation
- INQ 32 Judgement Case No CO/2334/2013 – [2014] EWHC 754 (Admin) Bloor Homes
- INQ 33 Great York showing adjoining Authorities at 1991
- INQ 34 Statement of Julie Thompson
- INQ 35 CPRE – Response to the City of York Local Plan Preferred Options
- INQ 36 Further Draft of Conditions
- INQ 37 Additional Information on Housing Land Supply from the Council (submitted electronically during adjournment)
- INQ 38 Additional Information on Housing Land Supply from the Applicant (submitted electronically during adjournment)
- INQ 39 Further Supplementary Statement of Common Ground (submitted electronically during adjournment)

- INQ 40 Flaxton Town Map – submitted by George Wright
- INQ 42 Notification Letters
- INQ 43 Redhill -Case No: C1/2014/2773, 2756 and 2874 [2014] EWCA Civ 1386
- INQ 44 Better copies of Plans to go with Statement of Jane Healy-Brown
- INQ 45 Two Plans – Green Spaces Plan and s.106 Plan
- INQ 46 Closing Statement of Cllr Keith Marquis
- INQ 47 Closing Statement of Strensall with Towthorpe Parish Council
- INQ 48 Closing Statement of the City of York Council
- INQ 49 Closing Statement of the Applicant

CORE DOCUMENTS (adopting Council’s numbering system)

- CD 01 Copy of the approved Application Documents and Plans
- CD 01-01 Application form and Location plan
- CD 01-02 Plans 1 to 48, Drawings - all at A4
- CD 01-03 Planning Statement
- CD 01-04 Design and Access Statement
- CD 01-05 Environmental Statement - As indexed - 1 to 16
- CD 01-06 Tree Survey
- CD 01-07 Transport Assessment
- CD 01-08 Residential Travel Plan
- CD 01-09 Flood Risk Assessment
- CD 01-10 Geotechnical – Desk Study Report
- CD 01-11 Noise Assessment
- CD 01-12 Odour Assessment
- CD 01-13 Archaeological Desk-based
- CD 02 EIA Screening Direction from the DCLG and Screening Opinion from City of York Council; CLG letter to M Watts at NLP dated 07.12.12; CYC letter to NLP dated 04.07.12; T&CP (EIA) Regs 2011 – Rights of Appeal
- CD 03 LPA’s scoping opinion and NLP scoping report; CYC letter to NLP dated 30 Sept 2013; NLP Scoping report – front cover to p33 Appendix – cover pages 1 to 9 – no contents
- CD 04 Consultation Responses on the application
- CD 04 -01 Internal Responses - As indexed 1 to 10
- CD 04 -02 External responses – As indexed 1 to 10
- CD 04 -03 Contributor responses – As indexed A to Z
- CD 05 Case Officer p25-75 Committee Report; update report; and minute (paras 51 to 59) of the City of York Council’s Planning Committee dated 20th February 2014
- CD 06 Yorkshire & Humber Plan – Regional Spatial Strategy to 2026 (*cover to cover*)
- CD 07 York Green Belt Local Plan (*NYCC Sept 91 1-39 plus 4 plans*)
- CD 08 York Local Plan – *Preferred Options (June 2013 plus Annex A Glossary and Annex B Bibliography)*
- CD 09 North Yorkshire Structure Plan 1995 (*Appendix A – Structure Plan Policies*)
- CD 10 York Local Plan Inspectors Report 1994 *p 1 to 349*
- CD 11 York Green Belt Local Plan – Modifications 1995 (*p1 – 44 + 4 maps*)
- CD 12 Deposit Draft York Local Plan, 1998, including Draft Local Plan incorporating the 4th set of changes Development Control Local Plan

- CD 13 adopted April 2005 (*from front to back cover – no maps*)
York Green Belt Appraisal 2003; and,
Green Belt Map North
- CD 14 Historic Character and Setting Technical Paper (2011) *4 pages plus annexes A to D*
- CD 15 South Ryedale Plan, Inspectors Report and Proposed modifications
Extract: - page no number – amendments to Inset E (Strensall);
Extract page 23 – paras 4.26 to 4.29 and policy H8; Whole of
Southern Ryedale Local Plan; Report on Objections to the South
Ryedale Local Plan
- CD 16 The Plan for Growth (*HM Treasury Dept for Business Innovation & Skills, - March 2011*) *beginning to end*
- CD 17 The Ministerial Statement issued by Greg Clark (Minister of State for Planning) entitled 'Planning for Growth' (*1 page small print*)
- CD 18 Laying the Foundations: A Housing Strategy for England (November 2011) *Front to back*
- CD 19 DCLG letter of 3 March 2014 on Green Belt issues *signed by Nick Boles*
- CD 20 Appeal Decision APP/C2741/V/05/1189897 – Land at Germany Beck York (2007) and Appeal Decision C/2741/V/05/1189885 – Land at Metcalfe Lane, York (2007); *Joint report to Secretary of State; Secretary of State decision*
- CD 21 Appeal Decision APP/C2741/A/08/2069665 – Land at Elvington Aerodrome
- CD 22 Appeal Decision APP/C2741/V/05/118972 – Land at Field Lane, Heslington; *Report to Secretary of State; Secretary of State decision*
- CD 23 Appeal Decision APP/C2741/A/13/2191767 – Land at Westview Close, York (2013)
- CD 24 Public Rights of Way Map and Details
- CD 25 Tree Preservation Order CYC 285
- CD 26 Agreed Section 106 Agreement (see INQ Doc 31)
- CD 27 Affordable housing planning guidance – interim targets 2013
- CD 28 CYC Commuted sum payments for open space in new developments – A guide for developers approved in April 2007 and updated in July 2011
- CD 29 CYC Developer contributions to education facilities – July 2007
- CD 30 CYC Sustainable Design and Construction Interim Planning Statement approved November 2007
- CD 31 Village Design Statement - (not re-printed)
(Appendix 11 to Proof of Evidence of Mr Watts)
- CD 32 The Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy Environment Report (AMEC 2012)
- CD 33 The Strategic Environmental Assessment of the Revocation of the Yorkshire and Humber Regional Strategy Post Adoption Statement (January 2013)
- CD 34 Site Selection Paper Main Report (June 2013)
Main Report and Appendix 22
- CD 35 Community Infrastructure compliance Note
- CD 36 Emerging Local Plan and selected Appendices (see CD sub sections set out below)

- CD 36-00 Report of the Cabinet Member for Environmental Services, Planning and Sustainability (to City of York Councillors 25 Sept 2014) (*Digital Title is Cabinet Report FINAL*)
- CD 36-01 Glossary of Abbreviations
- CD 36-02 Annex A: Local Plan Publication Draft and Proposals Map (*Digital Title is Annex A (1) Local Plan Publication Draft*)
- CD 36-03 Annex A: Local Plan Publication Draft and Proposals Map (*Digital Title is Annex A Proposals Map (North)*)
- CD 36-04 Annex B - Summary of the Previous Stages of Consultation (*Digital Title is Annex B combined[1]*)
- CD 36-05 Annex C: Draft Sustainability Appraisal (Main) Report (*Digital Title is ANNEX C SA of Local Plan (Publication Draft) Draft Report*)
- CD 36-06 Appendix F Appraisal of Spatial Strategy Policies (Amec 2014) (*Digital Title 12 Annex C Appendix F[1]*)
- CD 36-07 Appendix G Summary of Site Selection Methodology (Amec 2014)(*Digital Title is Annex C Appendix G [1]*)
- CD 36-08 Appendix H Appraisal of Allocations and Alternatives (Amec 2014) (*Digital title is Annex C Appendix H [1]*)
- CD 36-09 Annex D: Heritage Impact Appraisal (Amec 2014) (*Digital Title is Annex D Heritage Impact Appraisal [1]*)
- CD 36-10 HIA Appendix 2: Strategic Site and Allocations Rapid Appraisal (*Digital title is Annex_D_- Appendix_2_Strategic_site_and_allocations_rapids[1]*)
- CD 36-11 HIA Appendix 4.1: Housing Allocations Appraisal (*Digital title is Annex D - Appendix 4.1 Housing Allocations[1]*)
- CD 36-12 Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup) (*Digital title is City_of_York_Council_Housing_Requirements_in_York_2014_[1]*)
- CD 36-13 Local Plan Evidence Base: Open Space and Green Infrastructure (Amec 2014) (*Digital title is Open_Space_Study_Main_Report__o_[1]*)
- CD 36-14 CD36_14 Habitats Regulations Assessment of the Local Plan (Amec 2014 draft) (*Digital title is Open_Space_Study_Main_Report__o_[1]*)
- CD 36-15 Site Selection Paper Addendum (2014) City of York Council
- CD 37 Consultation draft 2013 – Changes up to withdrawal, p1-18 (submitted by Diane Cragg for the Council)

Please note digital references have been provided by the Council and are retained for information but have not been checked

Appendix A – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3585-10G Site Layout
 - 3585- 12 Site location plan
 - 2334-7D Landscape Proposals
 - 2334-8D Landscape Proposals
 - 3585/15c Greenspaces Plan
 - 3585-13a Boundary Details
 - 860-ENG-01C Street Lighting Plan
 - 860-ENG-02B Proposed Drainage Strategy Layout
 - 860-S106/01E S106 Plan
 - 860-ENG-03B Proposed Site Levels Layout
 - 3585/PD/01B Welton Country with solar panels
 - 3585/PD/02B Welton Contemporary with solar panels
 - 3585-PD-03A Marston Cottage
 - 3585-PD-04B Marston Country with solar panels
 - 3585-PD-05A Marston Wide Special Cottage
 - 3585-PD-06B Marston Wide Special Contemporary with solar panels
 - 3585-PD-07B Everingham Cottage with solar panels
 - 3585-PD-08B Conisholme Cottage with solar panels
 - 3585-PD-09B Conisholme Country with solar panels
 - 3585-PD-10B Russet Cottage with solar panels
 - 3585-PD-11A Russet Contemporary
 - 3585-PD-12A Sutton Cottage
 - 3585-PD-13A Ht6 Cottage
 - 3585-PD-14B Ht6 Contemporary with solar panels
 - 3585-PD-15B Bentley Cottage with solar panels
 - 3585-PD-16A Bentley Contemporary
 - 3585-PD-17B Burnby Cottage with solar panels
 - 3585-PD-18B Burnby Country with solar panels
 - 3585-PD-19A Allerthorpe Cottage

- 3585-PD-20A Allerthorpe Country
- 3585-PD-21B Hunsley Cottage with solar panels
- 3585-PD-22B Hunsley Country with solar panels
- 3585-PD-23B Riplingham Cottage with solar panels
- 3585-PD-24 Linton 2 Plans
- 3585-PD-25B Linton 2 Cottage with solar panels
- 3585-PD-26B Hayton Cottage with solar panels
- 3585-PD-27B Hayton Country with solar panels
- 3585-PD-28 Poppleton Plans
- 3585-PD-29B Poppleton Cottage with solar panels
- 3585-PD-30B Poppleton Country with solar panels
- 3585-PD-31 Cotswold 1 Plans
- 3585-PD-32B Cotswold 1 Country with solar panels
- 3585-PD-33A Cotswold 2 Country
- 3585-PD-34A Cotswold 2 Cottage
- 3585-PD-35A Cotswold 3 Plans
- 3585-PD-36B Cotswold 3 Country with solar panels
- 3585-PD-37A Arram Contemporary
- 3585-PD-38A Garages

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved.

- 3) Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the proposed dwellings, roads and footpaths shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved materials.

Reason: To ensure the external appearance of the development is satisfactory and that it contributes to the character and appearance of the area.

- 4) No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme the principles of which shall accord with the landscape proposals shown on drawing numbers 2334-7D and 2334-8D. The scheme shall illustrate the number, species, height and position of trees and shrubs and shall be implemented within a period of six months of the completion of the development except in the case of the details along the eastern boundary with the new houses. Here the scheme shall be implemented in the first planting season following commencement of the development.

Any trees or plants which die, are removed or become seriously damaged

or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and to ensure that the boundary adjacent to the eastern amenity area develops a degree of maturity prior to the occupation of any dwelling on the eastern boundary. This is in the interests of the protection of biodiversity, in the interests of residential and visual amenity and to accord with the requirements of the National Planning Policy Framework Sections 7 and 11.

- 5) No development shall take place, including the importing of materials and any excavations, until a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any development is commenced on site. The scheme shall include:
- (a) Sufficient information to ensure the safe retention and sound protection of the trees;
 - (b) Details and locations of protective fencing, phasing of works, type of construction machinery / vehicles to be used, arrangements for loading / off-loading, parking arrangements for site vehicles and visitors, locations for stored materials and the location of the marketing cabin.
 - (c) Construction details and methodology for paved areas that may encroach into the root protection area of the trees.
 - (d) Contact details for the arboriculture consultant or other suitably qualified person whom shall be overseeing protection of the trees for the duration of the development process.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the area and the development in accordance with the National Planning Policy Framework section 11.

- 6) No development shall take place until, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development (including routing of deliveries, provision of car parking within the site and working hours for the construction site) shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the site in accordance with paragraph 17 of the National Planning Policy Framework.

- 7) No development shall take place until a detailed habitat management plan and enhancement scheme has been submitted to and approved in writing

by the Local Planning Authority. This shall include a method statement for the protection of habitat during construction and the post development management of the area. The development shall be carried out and managed in complete accordance with the approved details. The plan should include:

- (a) Details of what assessments, protective measures and sensitive work practices are to be employed, prior to and during construction, including timing of work and list of persons responsible.
- (b) Details of what measures are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the site.
- (c) Provision and protection of an area of buffer habitat alongside the eastern boundary hedgerow.
- (d) Details of a wildlife interpretation board to be placed at the eastern footpath entrance to the site from Brecks Lane and information leaflet to be provided for new residents explaining the bio-diversity value of the tree cover within the site and its habitat value in relation to Strensall Common.
- (e) Details of the inspection of any trees which may need to be felled, pruned or disturbed in the future, as close to the date of work as possible and no earlier than one month prior to any work to confirm the absence or otherwise of roosting or hibernating bats.
- (f) Details of what contingency procedures are to be in place in the event that bats are found following commencement of development.

Reason: To take account of and enhance the habitat and biodiversity of the locality in accordance with advice in the National Planning Policy Framework

- 8) No development shall take place until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the principles set out in drawing no 860-ENG-02B 'Proposed Drainage Strategy Layout' and shall include a timetable for implementation. The development shall be carried out in accordance with the approved details. The details shall include:
- (a) Peak surface water run-off from the development attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha).
 - (b) Storage volume calculations, using computer modelling to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm.
 - (c) Proposed areas within the model to also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the

worst-case volume required. Therefore, maximum surface water discharge = 6.0 l/sec

- (d) Details of flow control device manhole to be submitted limiting the maximum surface water discharge to maximum 6.0 l/sec.
- (e) Details of attenuation pond to be provided.
- (f) Details of the future maintenance/management of the drainage system.

Reason: So that the Local Planning Authority may be satisfied that the site will be properly drained and that provision has been made to maintain it in accordance with the City of York Council Strategic Flood Risk Assessment (2013).

- 9) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- (a) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
 - (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10) Prior to the development commencing, or within such longer period as may be agreed in writing, details of the cycle parking areas, including means of

enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Each dwelling shall not be occupied until the cycle parking area and means of enclosure has been provided in accordance with the approved scheme. The approved cycle parking shall not be used for any other purpose.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and to accord with section 4 of the National Planning Policy Framework

- 11) Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period. The scheme shall be carried out in accordance with the levels shown on drawing no. 860-ENG-O3 rev B. The existing ground levels are shown and shall be maintained adjacent to the site boundary with existing residential properties.

Reason: To ensure that the approved development does not have an adverse impact on the character of the surrounding area and existing residential properties

- 12) Prior to the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority, a large scale detail of the each piece of equipment, any associated fencing and pathways on the equipped play area (as illustrated on drawing numbers 2334-7D and 2334-8D), together with a timetable for the implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To accordance with policy L1c of the Development Control Local Plan 2005 which requires adequate provision of play space and amenity provision within the site and to accord with paragraph 73 of the National Planning Policy Framework.

- 13) Prior to the commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority, large scale details of boundary treatment along the following boundaries shall be submitted to and approved in writing by the Local Planning authority:
- (a) The southern boundary of dwellings adjacent to Brecks Lane,
 - (b) The eastern boundary of dwellings adjacent to the tree line and footpath,
 - (c) The western boundary between Tudor way and Heath Ride (rear plots of 96 to 99, side boundaries of plots 93 and 102 and adjacent to the Heath Green),
 - (d) The northern boundary (forming the rear boundary to plots 4 to 7)

Each boundary treatment shall be installed in accordance with the approved details before that dwelling is occupied.

Reason: To protect the visual amenity of the site and the surrounding

area.

- 14) No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

- 15) Each dwelling shall not be occupied until the area shown on the approved plans for parking and manoeuvring of vehicles has been constructed and laid out in accordance with the approved plans. Thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 16) For each dwelling, a three pin 13 amp external electrical socket shall be installed on an external wall adjacent to the driveway of the property, or within the garage space. The socket shall comply with the requirements of BS1363 or an equivalent standard. Where mounted on an external wall, it must have a locking and weatherproof cover. The electrical socket shall be provided before each dwelling is occupied.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles / bikes / scooters in accordance with paragraph 35 of the National Planning Policy Framework

- 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18) The site shall be occupied in accordance with the aims, measures and outcomes of the submitted residential travel plan dated October 2013. Within 12 months of first occupation of the development approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national transportation and planning policies to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms

of transport to and from the site, together with parking on site for these users.

- 19) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan 2005 and Paragraphs 4.1 to 4.6 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

- 20) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), once the boundary treatment identified in condition 13 is constructed the approved boundary treatment shall not be replacement or additional fences, gates, walls or other means of enclosure erected or constructed.

Reason: To protect the visual amenity of the site and the surrounding area.



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

APPENDIX 3



Land at North Field, York

**Addendum to Landscape
Overview of the Land at North
Field York and Five Strategic Sites
identified in the emerging City of
York Local Plan:**

**Review of City of York
Council Topic Paper 1:
Approach to Defining the
York Green Belt –
Addendum (March, 2019)**

Prepared by
CSA Environmental
on behalf of
L&Q Estates

Report No: CSA/2995/05

Report Reference	Revision	Date	Prepared by	Approved by	Comments
CSA/2995/05	-	12.07.19	CA	JJ	First Issue
	A	22.07.19	JB	CA	Minor amendments to formatting



Review of City of York Council Topic Paper 1: Approach to Defining the York Green Belt – Addendum (March, 2019)

Introduction

CSA Environmental has been appointed by L&Q Estates to undertake a review of the Addendum to Topic Paper 1 prepared by York City Council. The purpose of the review is to consider the Council's approach, methodology and the relevant findings of the Council in respect of the York Green Belt.

L and Q Estates have an interest in land at North Field, York (the 'Site') which is being promoted as a potential housing allocation through the City of York Local Plan. CSA have previously prepared representations in respect of this site on landscape and Green Belt matters. This report is submitted as an addendum to the Landscape Overview of the Land at North Field York and Five Strategic Sites identified in the emerging City of York Local Plan, and should be read alongside this document.

The City of York Local Plan – Publication Draft (Regulation 19 Consultation) is currently in the process of independent examination by the Planning Inspectorate.

Background and Purpose

The general extent of the York Green Belt was established in the 'saved' policies of The Yorkshire and Humber Regional Spatial Strategy. Saved Policy YH9: Green Belts states that, *'The detailed inner boundaries of the Green Belt around York will be defined in order to establish long term development limits that safeguard the special character and setting of the historic city'*. Saved Policy Y1: York sub area policy identifies that the outer boundary of the York Green Belt is *'about 6 miles from York City Centre'*. It is therefore a function of the emerging York City Local Plan to identify the inner, and the remaining outer Green Belt Boundaries within the administrative area of the Council.

Topic Paper 1 ('TP1'): Approach to Defining York's Green Belt sets out the Council's approach to defining York's Green Belt for the first time. The Addendum to TP1 provides further information, including the methodology for defining the inner and outer Green Belt Boundaries; the exceptional circumstances which justify removal of land from the Green Belt; and the allocation of strategic sites within the general extent of the Green Belt. The purpose of the Addendum, as stated in TP1, is to establish the permanent boundaries to the York Green Belt which are capable of accommodating the planned growth and can endure for a minimum of 20 years.

The Addendum has been informed by previous Evidence Base documents which have shaped the spatial strategy for the City of York as set out in the draft Local Plan, and identified on the draft Proposals Maps. Given the advanced stage of the Local Plan and the strategic allocations, the Addendum does not comprise a comprehensive review of the York Green Belt; rather its purpose is to provide further justification for the existing spatial strategy / Green Belt approach.

Approach

Section 4 of the Addendum sets out the Council's strategic approach to defining land which needs to be kept permanently open, in terms of the five National Green Belt purposes. It notes that saved local and regional policy establishes the principal that the primary purpose of the York Green Belt is preserving the setting and special character of the historic City of York (National Green Belt Purpose 4). However it also notes that, whilst prioritising this purpose, both the Preferred Options Local Plan and the Sustainability Appraisal concluded that some weight should be attributed to the other Green Belt Purposes. In fact, it states that land which serves more than one Green Belt purpose will be held to have additional weight.

To date, whilst the Council have produced a number of evidence base documents concerned with the historic setting and character of York, no comprehensive Green Belt Review has been undertaken against each of the National Green Belt purposes. Section 4 of the Addendum to TP1 therefore seeks to clarify how the approach and evidence documents relate to the five Green Belt purposes. The Addendum provides mapping which demonstrate how the Green Belt performs against each of the Green Belt purposes (with the exception of purpose 5). Purpose 5 is discounted from this assessment as it is generally accepted that all Green Belt parcels perform this function equally. Each of the Green Belt purposes covered in the Addendum are described below.

Purpose 4: To preserve the setting and special character of historic towns

The Addendum highlights the previous work undertaken in the Approach to the Green Belt Assessment (2003) and subsequent historic character and setting updates (2011 and 2013). This identifies the land which is considered most important to the character and setting of the City of York.

Purpose 1: To check the unrestricted sprawl of large built up areas

This section sets out the Council's approach to assessing the contribution the Green Belt plays in preventing urban sprawl from the City of York. The

Addendum states that the NPPF identifies that Local Authorities when reviewing Green Belt Boundaries should seek to promote sustainable patterns of development. The Addendum notes that planned development in this manner would not constitute sprawl.

The Addendum states that the Local Plan spatial strategy has sought to ensure new development is well related to the main built up areas, so that it is located in the most sustainable locations, and thus preventing sprawl. The mapping at Figure 4: Access to Services identifies all land within the Green Belt which is outside 800metres of at least two services.

Sustainability criteria are undoubtedly an important consideration which should be factored into a comprehensive Green Belt review, and these factors should inform the spatial strategy for the City of York. Despite this, the degree to which a land parcel prevents urban sprawl can not be judged on sustainability criteria alone. Factors such as relationship to the existing urban edge, visual containment from the wider countryside and the presence of logical, alternative Green Belt boundaries should all be factors which form part of a robust assessment of this purpose. In the absence of a comprehensive Green Belt Review these factors have clearly not been considered.

In addition, the criteria used to establish the sustainability of land are crude. This approach inevitably directs growth to the edge of urban / built up areas, but it does not provide any indication to the degree which a parcel is sustainable. It would be a reasonable assumption that land on the urban edge of York is more sustainable than land adjacent to one of the smaller settlements which has a minimum of two services.

Purpose 2: To prevent neighbouring towns merging into one another

The approach recognises that there are no towns in the vicinity of York which the current extent of the Green Belt prevents from merging with the City. To this end the York Green Belt plays no role in meeting this purpose specifically. However, the Addendum acknowledges that the Planning Advisory Service ('PAS') in its guidance entitled The Big Issues – Green Belt (2015), recognises the role that Green Belt plays in maintaining the setting and settlement pattern within it. To this end, the Addendum recognises the relationship between York and the surrounding smaller settlements. However, in strict Green Belt terms this should be afforded less weight as the purpose is specific to the merging of towns, as opposed to the merging of the city with smaller settlements.

Purpose 3: To assist in safeguarding the countryside from encroachment

The approach set out in the Addendum states that the Local Plan evidence base recognises the role that York's natural assets play in informing the character and setting of York; and that the spatial strategy uses these factors to shape how development is accommodated. To that end, it identifies those uses considered acceptable within the Green Belt and which are therefore the most important to keep permanently open. These include nature conservation sites, existing open space, green infrastructure corridors and Ancient Woodland.

Whilst these factors are all important contributory factors to the spatial strategy for the City of York, they are not specifically considerations which should in their own right determine the functioning of a specific Green Belt parcel against this purpose. Figure 6 illustrates that much of the land which falls with one of these areas lies some distance from the edge of York. By following this approach, this would suggest that the majority of land at the edge of York plays no role in meeting this purpose. This is clearly not the case.

More relevant would be the approach set out in the PAS guidance (and referenced in the Addendum), which considers *'the difference between urban fringe land – land under the influence of the urban area – and open countryside, and to favour the latter in determining which land to try and keep open, taking into account the types of edges and boundaries that can be achieved'*. In considering the degree to which a land parcel performs this purpose, an assessment should consider its existing land-use, its relationship to the wider landscape and the degree to which it is influenced by the adjoining urban area. The presence of existing boundary features or the scope to provide mitigation as part of a planned extension should also be considered.

The Addendum, and the existing evidence base therefore lack any robust assessment of the function of the land parcels at the edge of the City of York and their performance against this Green Belt Purpose.

Overall Strategic Areas to Keep Permanently Open

Figure 7 of the Addendum combines the mapping from the previous assessment against the first four Green Belt purposes, to identify strategic areas to keep permanently open.

This approach is clearly limited and has not been informed by a robust review of the York Green Belt against the NPPF Green Belt purposes. The existing evidence base is weighted towards character and setting criteria in respect of the historic City of York. Whilst this is identified as the primary purpose of the

York Green Belt, no proper assessment of the other Green Belt purposes has been undertaken. In addition, the use of limited sustainability criteria to discount large tracts of land particularly beyond 800 metres from the edge of York is misleading and does not provide a comprehensive assessment of the degree to which land parcels meet sustainability criteria.

Methodology

Section 5 of the Addendum sets out the methodology for determining the York Green Belt boundaries. This review is only concerned with the methodology adopted for determining the Inner Green Belt Boundary.

A review of Green Belt boundaries would normally accompany a comprehensive Green Belt Review. In this case, the purpose is to establish the existing Green Belt boundary in the first instance, without taking into account the exceptional circumstances and the requirement for strategic growth within the City of York. This approach is counter intuitive, a review of Green Belt boundaries should form part of the spatial strategy and should be undertaken in light of the exceptional circumstances required to justify release of land from the Green Belt. As the Addendum states; *'The key role of the inner Green Belt boundary is to establish long term development limits to the built up area, and to distinguish land which needs to be kept permanently open to meet the Green Belt purposes, including safeguarding the special character of the historic city.'* On this basis, any review of the Green Belt boundaries must form part of a wider Green Belt Review which clearly identifies land parcels and assesses their performance against the Green Belt purposes, and other sustainability factors.

The Addendum divides the periphery of York into eight sections as illustrated on Figure 15. These sections are further sub-divided into shorter stretches in order to consider the inner boundary in more detail.

Two criteria are used to define the inner Green Belt boundaries: openness (strategic and local); and permanence.

In terms of strategic openness, the assessment relies on the tracts of land identified as strategic areas to be kept permanently open. As set out above, this approach is flawed and is not based on a robust assessment of the functioning of the Green Belt against NPPF Purposes.

In terms of assessing local openness the Addendum identifies a number of localised factors which should be considered, including local historic assets and protecting land which is open and serves a countryside function. These factors are relevant when assessing the performance of individual land parcels

against the Green Belt purposes. Setting aside the fact that the spatial strategy is already established, it is unclear from the methodology how these openness criteria have been used to establish which land parcels need to remain permanently open in Green Belt terms.

All Green Belt is essentially open land and therefore already performs this function. It is the degree to which this openness contributes to the performance of the Green Belt purposes which is the fundamental issue. The methodology does identify a number of strategic and local considerations which should form part of a review of the performance of Green Belt, however it is unclear how each of these factors have been used to assess the performance of the Green Belt against each of the purposes. For instance there is no clear method to determine which aspects contribute to which Green Belt purpose and what weight should be attributed to each of these factors. For instance, the presence of Listed Buildings, a Conservation Area, or a historic field pattern are not in themselves Green Belt matters, although they may contribute in some way to the historic setting of York. There is no analysis of how these factors have been used to inform judgements.

Criteria 2b (land serving a countryside function or the boundary between urban and rural environments) alludes to Purposes 1 and 3 of the Green Belt. Again, as all land within the Green Belt is essentially open, it will all perform this criteria to varying degrees. The purpose of a Green Belt review is to establish which land plays less of a role in preventing encroachment on the countryside or sprawl, and could therefore be released from the Green Belt for sustainable development. Factors such as the relationship to the existing urban edge, the condition / permanence of existing boundaries, and the presence of alternative boundaries are all considerations which would normally be included in a review.

Furthermore, there is no clear definition of what constitutes a high performing Green Belt parcel in respect of each purpose. Or, for that matter, how judgements about the performance of each purpose have been combined to inform an overall judgement about an area of land. As set out in paragraph 5.41:

'..the land which needs to be kept permanently open is firstly that which contributes to the special character and setting of the historic city and its clock face of settlements (including by preventing the coalescence of settlements or areas), as well as those which act to prevent sprawl, and those areas which we can identify as performing a countryside function and therefore requiring defence from encroachment.'

This would suggest that the boundary assessment relies largely on the strategic analysis to inform any judgements and there is no indication how the assessment of local openness criteria has informed judgements.

The Addendum considers the permanence of the Green Belt boundary. The NPPF is explicit that Green Belt boundaries need to be defined clearly '*...using physical features that are readily recognisable and likely to be permanent*'. At a strategic level the Addendum states that the submitted Local Plan identifies sufficient housing land to ensure that the Green Belt boundary can endure beyond the Plan period.

In terms of local permanence, the Addendum sets out the aim to establish clear, recognisable boundaries which are likely to be permanent. At paragraph 5.69 it notes that hard landscaping and major infrastructure can be argued to provide more permanent features, however it states that natural features which have been long established, also offer a type of permanence. The Addendum therefore confirms that the strongest (i.e. most permanent) boundaries are those defined by infrastructure or long established natural features (assumed to be woodland, watercourses etc.). At paragraph 5.70 the methodology states that where possible, boundaries should follow a continuous 'regular' or consistent line, as irregular or 'softer' boundaries are more vulnerable to misinterpretation and erosion. At paragraph 5.71 the methodology notes the role Green Belt boundaries play in providing a distinction between the urban and rural environment, and that a clearly identifiable urban edge can also form an acceptable Green Belt boundary. It does not define what a clearly identifiable urban edge is, however it should be assumed that rear garden boundaries would provide a weaker edge than a highway or an established tree line, for example.

Annex 3: York Green belt Inner Boundary Section Descriptions and Justifications

The following section considers the inner boundary definition in respect of the land at North Field, York. The land at North Field (the 'Site') lies west of Section 2 of the Inner Green Belt boundary.

The Annex contains a plan which shows the extent of section 2 of the Inner Boundary. The land at North Field lies adjacent to sub-sections 4 – 10. This plan shows that the Site lies within an area which protects special character and setting (including coalescence) and, based on the Council's strategic approach, outside areas preventing sprawl and protecting the countryside.

Annex 3 contains an assessment of the openness of this part of the Green Belt and the permanence of the proposed inner boundary. As the characteristics of this boundary are fairly consistent much of the commentary is duplicated

with the assessment of each sub-section. The following section considers the Council's assessment of openness and permanence in respect of the land at North Field and the proposed Green Belt boundary.

Openess

At a strategic level, North Field lies within an Area identified in the 2003 Green Belt Appraisal (and subsequent updates) as an 'Area Retaining Rural Setting', with the southern part being an 'Area preventing Coalescence' between York and Knapton.

In terms of Local Openess the assessment identifies a number of characteristics which are relevant to the Site at North Field. These are set out below and considered individually :

The southern fields adjacent to section 4 of the boundary are probable strip fields dating from the medieval period.

This area lies to the south of Knapton and along the route of Ten Thorn Lane. It has a more intact landscape structure than the land further north and plays a role in maintaining separation between Knapton and York. Should development come forward at North Field it is the intention that this area would be retained as open land.

The land at North Field is described as one large, modern, improved field defined externally by regular hedges, and has lost its internal field boundaries.

As noted in the annex, North Field comprises a large, area of relatively featureless farmland. Former, historic field patterns are absent as a result of field amalgamation and the historic character / associations have been eroded. To the east, the adjacent housing area is conspicuous and largely uncontained by any robust boundary features, such that it exerts an urbanising influence on the adjacent farmland.

The flat open landscape has been used by the populations of York for its arable value and intensively farmed for cereal crops and market gardening.

This is almost certainly the case, and would also be true of much of the farmland both within the York Ring Road and beyond. This does not have any relevance to Green Belt.

Human Influences have damaged the historic context with the introduction of the ring road and building housing in large estates which have a tenuous link to the city and its history

As noted in the annex, the ring road and the large scale residential development in Acomb have severed any connection between this land parcel and the historic centre of York.

Flat low lying land make this a prominent edge to York's urban area

The existing urban edge, which comprises modern estate housing, does present a rather stark edge to this part of York, particularly when viewed from the A1237.

Structures can be seen against the skyline (which holds York Minster in its context) and changes can have an impact on local views from the ring road and key strategic views.

This statement is misleading. There are no views across the land west of this boundary to the historic core of York. In addition there are no Key Historic Core Views as identified in the York Central Historic Core Conservation Appraisal which contain the land to the west of this boundary.

Dense planting to screen changes would not be appropriate as it is not a traditional feature of the landscape.

The Site lies within the Flat Open arable Farmland Landscape Type as identified in the York Landscape Appraisal (1997). This is a largely, open, arable landscape, however one of the management guidelines set out in the Appraisal states:

'Plant deciduous woodland either as an extension to, or linking to existing woodland, or plant new small blocks of woodland within the open countryside.'

Woodland is not a common feature within the wider landscape, however it is not entirely alien and could be accommodated as part of the open space design alongside the A1237 road corridor to provide an appropriate setting for expansion on this edge of York.

Retains the physical separation between Knapton, Upper Poppleton and Nether Poppleton

The land to the south of this parcel does perform a function in maintaining separation and the separate identity of Knapton. Whilst Knapton is not a town, this area of farmland does contribute to the second Green Belt purpose, namely to prevent York merging with Knapton. The northern part of the parcel does not perform this function to the same extent.

The settlements at Upper Poppleton and Nether Poppleton lie beyond the A1237 and the land parcel does not play an important role in maintaining separation between these areas and York.

The eastern boundary forms the clearly identifiable built up extent of York urban area which is in stark contrast to the open land to the west which is in agricultural use. The farmland separates the edge of York and the ring road enabling a compact concentric farm to be created within the ring road.

The adjacent land parcel does have an open character, however the existing edge is poorly assimilated and the A1237 would provide a much more robust alternative boundary. Planned expansion could maintain a buffer to the ring road and provide a much better edge to York.

York has expanded significantly within the suburb of Acomb in the twentieth century, and this separates the ring road from the historic parts of York. There is little inter-visibility between the ring road and the historic core at this point and the perception of a concentric city is largely absent.

The Council's assessment of local openness concludes that the land at North Field contributes to checking the unrestricted sprawl of large built up areas, and to preserving the setting and special character of York. This conclusion however is not supported by a robust assessment of this parcel in Green Belt terms. The following points are relevant:

- It acknowledges that the land at North Field comprises an area of modern improved fields which is bordered by large housing estates which have a tenuous link to the city and its history. This area has lost much of its historic field structure;
- This land is influenced by the prominent urban edge to the east, which as the assessment states, lends this area a semi-rural character;
- The assessment does not consider the A1237 as a more robust alternative boundary to the edge of York. This would contain development and prevent sprawl. This would represent a strong boundary in line with guidance set out in the Council's own addendum;
- There are no Key Historic Core Views which cross this land parcel, and given the separation between this land parcel and the historic core by modern estate development, it plays a limited role in the setting and special character of the city; and
- Expansion in this direction can maintain a buffer to Knapton maintaining its separate identity and preventing coalescence with York.

Permanence

The assessment notes that the proposed boundary follows an historic field boundary which forms a distinct edge between the urban area and more open farmland. In fact, this boundary largely follows the rear gardens of housing at the edge of York. This does not meet the criteria of a robust man-made or natural feature. The A1237 would provide a much more logical and permanent edge to the Green Belt at this point, however this does not appear to have been considered.

Annex 5: Sites Proposed in the General Extent of the York Green Belt

CSA have previously undertaken a landscape overview of five Strategic Sites identified in the submitted City of York Local Plan. The follow section briefly considers the findings of Annex 5 of the Addendum which assesses the performance of each of the sites against the first four Green Belt purposes. The following sites were considered:

- *ST7 – East of Metcalfe Lane;*
- *ST8 – Land North of Monks Cross;*
- *ST9 – Land North of Haxby;*
- *ST14 – Land North of Clifton Moor; and*
- *ST15 – Land to the West of Elvington Road.*

ST7 – East of Metcalfe Lane

This area is identified for a standalone settlement of approximately 845 new homes located a short distance to the east of York. In terms of sustainability, it is located beyond the zone with access to a minimum of two existing services and will be reliant on provision of its own infrastructure to support a new community.

Given its close proximity to York, approximately 160m from the existing edge, development in this location will read as extension to the existing built area, and given the absence of robust man-made or natural boundaries it will result in a significant expansion into the countryside resulting in encroachment and sprawl.

In addition, the Heritage Impact Appraisal identifies that it is prominent in views from the A64 and development will also impact on a Key City Wide View towards the historic core of York. It will therefore impact on the setting and special character of York.

The Council's appraisal identifies that the proposals will result in minor harm to the purpose of checking unrestricted sprawl. However, given its location close

to the edge of York and its visibility from the A64, it will result in a significant extension to the built edge of York. The appraisal notes that there could be minor / significant harm as a result of encroachment on the countryside and the setting and special character of York. It adds that these effects can be reduced to minor through mitigation, however it does not qualify this. In our view, development in this location could have a significant impact on three of the four Green Belt purposes assessed.

ST8 – Land North of Monks Cross

The proposal will result in an urban extension to the east of York. The annex notes that development would result in minor harm to a number of Green Belt purposes. It is separated from the existing edge of the city by a number of small fields which restrict integration. The site does benefit from reasonably strong boundaries in the form of surrounding minor road infrastructure. The existing residential edge is well contained; however development will be more prominent in views from the surrounding highways, resulting in some impression of sprawl and encroachment into the countryside. The Heritage Impact Assessment identifies a view to the Minster from within the Site and the loss of farmland will have some impact on the setting of York.

ST9 – Land North of Haxby

The Council's appraisal identifies that development in this location will result in minor harm to purposes 1, 3 and 4 of the Green Belt. Our own assessment identified that expansion to the north of Haxby will extend development into open countryside on the edge of the village. Development will be visible from the surrounding lanes which border the draft allocation result in significant encroachment into the wider farmland. In addition, the existing edge of Haxby is well contained and there will be some sense of sprawl of the main built up area. Development would therefore impact on two of the Green Belt purposes.

ST14 – Land North of Clifton Moor

The Heritage Impact Assessment identifies that there are potentially significant negative impacts from urban sprawl as development would extend beyond the ring road. This would, it notes, be mitigated by landscape buffers and strategic green space to the west. It also notes the potential to create an urban corridor due to its location opposite Clifton Moor Retail Park and potential harm to the setting of Skelton.

The Council's appraisal identifies that development in this location would cause minor harm to purposes 1, 3 and 4 and no significant harm to purpose 2.

The proposed allocation is for a free standing settlement north of the A1237. In sustainability terms it will need to provide its own infrastructure and services to serve the new community. In our view, the Site is located some distance north of existing highway infrastructure and significant new road connections will be required to link it to the surrounding area.

The Site is located with open countryside beyond the ring road and in proximity to the northern edge of York and neighbouring Skelton. It is contained to the east by a tract of woodland but elsewhere the boundaries are less well defined. Given its proximity to other settlement, development will result in the cumulative urbanisation along the route of the A1237, and the perception of York expanding northwards beyond the ring road. It will also impact on the separation between York and Skelton. Development in this location will therefore result in countryside encroachment, sprawl and loss of separation between York and its outlying settlements and will be contrary to three Green Belt purposes.

ST15 – Land to the West of Elvington Road

The proposals are for a new large free standing settlement of around 3,339 new homes. The Site is remote from the edge of York and significant highway infrastructure and services. Access is proposed from a new junction off the A64, however this is some distance from the proposed allocation.

The scale of development will inevitably result in a significant encroachment into the countryside within the Green Belt. In addition, the provision of a new access off the A64 and the extent of the proposed development could give rise to some sense of York expanding into the rural hinterland beyond the ring road, although the proposals are some distance from the edge of York. Development will therefore result in significant harm to one Green Belt purpose, namely countryside encroachment, and less harm to the other Green Belt purposes. This assessment is broadly consistent with the Council's findings.

Conclusion

This document provides a review of Addendum to Topic Paper 1: Approach to Defining York's Green Belt prepared by York City Council. It considers the Council's approach, methodology and the relevant findings of the Council in respect of the York Green Belt. It has been undertaken on behalf of L and Q Estates who are promoting land at North Field, York, as a potential urban extension to the city.

This report provides an addendum to work originally undertaken by CSA in October 2017, '*Landscape Overview of the Land at North Field York and Five Strategic Sites identified in the emerging City of York Local Plan*'.

Topic Paper 1 ('TP1'): Approach to Defining York's Green Belt sets out the Council's approach to defining York's Green Belt for the first time. The Addendum has been informed by previous Evidence Base documents which have shaped the spatial strategy for the City of York as set out in the draft Local Plan, and identified on the draft Proposals Maps. Given the advanced stage of the Local Plan and the strategic allocations, the Addendum does not comprise a comprehensive review of the York Green Belt; rather its purpose is to provide further justification for the existing spatial strategy / Green Belt approach.

It is apparent that the previous York Green Belt evidence base has been heavily weighted towards character and setting criteria in respect of the historic City of York. The Addendum to TP1 seeks to undertake a retrospective review of Green Belt land against all the National Green Belt purposes in order to establish the boundaries to the Green Belt.

This review found that this approach is essentially flawed and the methodology is confused.

Annex 3 of the Addendum contains an assessment of the inner Green Belt boundary. The land at North Field lies alongside section 2 of this boundary. The Council's assessment of local openness concludes that the land at North Field contributes to checking the unrestricted sprawl of large built up areas, and to preserving the setting and special character of York. This is largely due to the work undertaken in the 2003 Green Belt Appraisal (and subsequent updates) which identified this land parcel as an 'Area Retaining Rural Setting', with the southern part an 'Area preventing Coalescence' between York and Knapton. However, a review of the local openness assessment undertaken by the Council finds a number of discrepancies between these conclusions and some of the commentary set out in the assessment, and in deed is not supported by our own findings. In our view, further work should be undertaken to provide a

robust assessment of of the Green Belt boundary in this location, and the potential to release land at North Field from the Green Belt.

Annex 5 of the Addendum contains an assessment of the Strategic sites which are identified in the submitted Local Plan. CSA previously commented on 5 strategic sites as part of previous representations to the Council.

Our analysis of the five Sites identified that development at ST7: East of Metcalfe Lane would result in significant harm to three of the four Green Belt purposes. Similarly, ST14 – Land North of Clifton Moor contributes to three Green Belt purposes. ST9: Land at Haxby performs strongly against 2 of the 4 Green Belt purposes. Given the scale of development proposed at ST15 – Land West of Elvington this will inevitably result in significant encroachment into the countryside. To a lesser extent, ST8 – Land north of Monks Cross plays some role in preventing urban sprawl and countryside encroachment.

On this basis, in our view the Council has not established that in a number of cases, release of these sites will not result in significant harm to the Green Belt purposes.



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York Local Plan: Proposed Modifications and Evidence Base Consultation

Technical Comments on Housing Need

June 2021

Introduction and overview as to why the Council's approach is unsound

1. The City of York Council ('the Council') is currently consulting on proposed modifications to its submitted Local Plan, and the supporting evidence base which includes a Housing Needs Update (HNU) dated September 2020¹. Turley has once again been commissioned to review this technical evidence on behalf of L&Q Estates, building upon previous submissions².
2. The Council is proposing to modify the Local Plan and make clear its continued intention to meet an objectively assessed need (OAN) for **790 dwellings per annum**, this having been originally calculated – in an earlier iteration of the HNU³ – over the period from 2012 to 2037. With the latest HNU suggesting that '*housing need in the City has not changed materially since*'⁴, the Council continues to reference this figure in proposing a slightly higher requirement for **822 dwellings per annum**, described as allowing for undersupply prior to 2017 but surprisingly covering a period only to 2033 rather than aligning with the original endpoint of 2037⁵. The latter approach would appear to be more appropriate, where the relevant National Planning Policy Framework⁶ (NPPF) clearly expects Local Plans to look at least 15 years ahead and this requirement has since been strengthened⁷.
3. Notwithstanding this issue, the underlying OAN of 790 dwellings per annum is apparently intended to satisfy the requirements of the applicable Planning Practice Guidance⁸ (PPG) and show the housing needed to grow the labour force and support the creation of 650 additional jobs each year. While we fully agree that this is a necessary step in the process, we have previously expressed concerns around the legitimacy of this job growth target, where it originated from an increasingly dated baseline forecast that was produced in May 2015⁹ and last adjusted in July 2016¹⁰. We acknowledge that the Council has since commissioned new evidence from Oxford Economics¹¹ (OE) – finalised in December 2019 – which it believes to have

¹ GL Hearn (September 2020) Housing Needs Update: City of York Council [EX/CYC/43a]

² L&Q Estates' submission to the consultation on proposed modifications in 2019 appended an "OAN Critique" (July 2019), and also referred to earlier submissions in October 2017 and September 2016

³ GL Hearn (January 2019) City of York – Housing Needs Update [EX/CYC/9]

⁴ GL Hearn (September 2020) Housing Needs Update: City of York Council [EX/CYC/43a] paragraph 5.8

⁵ City of York Council (April 2021) Composite Modification Schedule [EX/CYC/58] p6

⁶ DCLG (2012) National Planning Policy Framework, paragraph 157

⁷ MHCLG (2019) National Planning Policy Framework, paragraph 22

⁸ PPG Reference ID 2a-018-20140306

⁹ City of York Council (September 2017) Employment Land Review Update [SD063] paragraph 2.1

¹⁰ City of York Council (July 2016) Employment Land Review [SD064]

¹¹ Oxford Economics (December 2019) York Economic Outlook: Economic Outlook and Scenario Results for the York Economy [EX/CYC/29]

'corroborated' the job growth target¹², but its shortcomings mean that **we continue to conclude that the Council's evidenced OAN and the derived housing requirement are unsound**. This technical note sets out our concerns around the evidential basis for the job target in this context. It is important, in the context of the issues raised here, to accept that the Council's approach is such that **any increase in the job growth target would increase the level of housing need to be met by the Local Plan**, and where this is clearly a critical issue we believe that it fully warrants **discussion at a further hearing session**.

Shortcomings of the Council's evidenced job target and implications for housing need

4. The OE report does not appear to explicitly endorse the target of 650 jobs per annum, and the Council is assumed to have simply taken comfort from the fact that it presents a more up-to-date forecast which appears to downgrade the baseline level of employment growth relative to the 2015 forecast on which the target was originally based. OE indicate that this original forecast envisaged the creation of circa 576 new jobs every year in York between 2017 and 2031, but confirm that a more recent version of its forecasts – dated November 2019 – foresaw only 499 new jobs per annum over the same period, some 13% fewer¹³.
5. While this would appear – at face value – to allow the Council to frame its job growth target as increasingly ambitious, and thus not requiring further adjustments to account for additional growth, this is not necessarily the case when the underlying reasons for the reduction are explained and fully understood.
6. The OE report makes clear, for example, that this lower forecast is negatively influenced by an assumption of *'lower population growth'*¹⁴. This is not entirely logical in a plan-making context where the Council has the means, through its emerging Local Plan, to plan for the population growth that is needed to realise its economic ambitions, which therefore should not be constrained – as in the OE forecast – by the size of the population.
7. That the forecast apparently **is constrained** by this factor is particularly concerning where OE are understood to have made independent and untested judgements on the future size of York's population, assuming that it would be smaller in 2031 than implied even by the official trend-based projections that were available at the time of reporting¹⁵. We have previously highlighted how these same 2016-based projections imply an historically low rate of population growth for York, having assumed an almost unprecedentedly small net inflow of people from elsewhere¹⁶, so we naturally question the realism of assuming that the city's population will grow at an even slower rate.
8. We note, in this context, that similarly cautious – and arguably unrepresentative – assumptions are embedded in even the most positive variant of the more recently published 2018-based projections, presented at Table 5 of the HNU and implying a need for circa 670 dwellings per

¹² Letter from the City of York Council to the Inspectors [EX/CYC/43]

¹³ Oxford Economics (December 2019) York Economic Outlook: Economic Outlook and Scenario Results for the York Economy [EX/CYC/29] Figure 14

¹⁴ Oxford Economics (December 2019) York Economic Outlook: Economic Outlook and Scenario Results for the York Economy [EX/CYC/29] p18

¹⁵ The OE report confirms, on page 17, that it expects the population to reach 217,700 in 2031, but the 2016-based sub-national population projections (SNPP) – then the latest available – implied that there would be circa 220,500 residents at that point

¹⁶ See Figures 3.1 and 3.2 of the "OAN Critique" submitted in July 2019

annum before any adjustment for market signals. This variant is technically based on migration trends over ten years to 2018 but assumes, on average, a lower rate of population growth than has been recorded in 24 of the last 29 years, and a smaller net inflow of migrants than has been experienced in *any* year since at least 2001¹⁷. We are extremely concerned by the HNU's failure to scrutinise or even identify these critical assumptions, which threaten to underestimate the future need for housing in York and therefore undermine its conclusion that the OAN of 790 dwellings per annum remains valid.

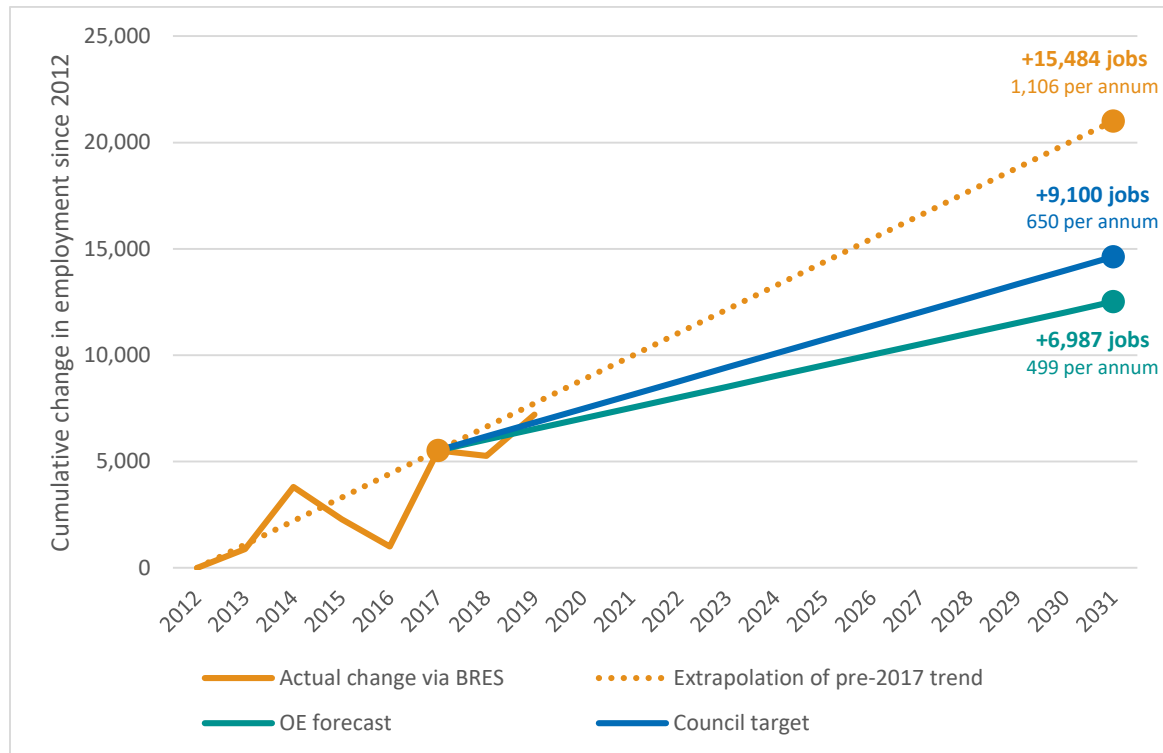
9. Returning to our original point, OE's relatively conservative assumption on the size of the population is believed to have flowed from its overarching view that there will be '*a sharper slowdown in migration at a UK level*' than assumed by the Office for National Statistics (ONS). However, where the latter's projections already envisage a substantial c.40% reduction¹⁸ – and technically form the basis of Local Plans throughout the country – there is considered to be no justification for making a more extreme assumption for York alone.
10. Such negative assumptions ultimately produce a relatively pessimistic outlook for York in terms of job growth. The updated OE forecast envisages an average of around 499 new jobs per annum from 2017 onwards, but this is less than half the 1,106 jobs created annually on average over the preceding five years according to the Business Register and Employment Survey (BRES), which is considered '*the official source of...employment estimates by detailed geography*'¹⁹. The Council's target of 650 new jobs per annum appears similarly unambitious within this context, as shown by Figure 1 overleaf.

¹⁷ The 10-year migration variant of the 2018-based sub-national population projections (SNPP) suggests that the population of York will grow by an average of 0.3% per annum between 2018 and 2037, with an average net inflow of 716 migrants per annum (internal and international combined). The latter is less than half the long-term average between 2001 and 2019 (1,521) as the period for which detailed data is currently available, and lower even than the smallest net inflow in that time (721 in 2005/06)

¹⁸ The ONS reported a net inflow of 313,000 people to the UK over the year to March 2020, whereas the principal 2018-based national population projection assumes a net inflow of circa 190,000 people from 2024 onwards. OE are understood to assume a net inflow of only 90,000 people per annum, equivalent to less than a third of the current rate

¹⁹ As stated [here](#) by the ONS

Figure 1: Benchmarking OE Forecast and Council Target against Historic Trend



Source: ONS; OE; Turley analysis

- In light of the above, we strongly believe that **the Council should elevate its job growth target**, to proactively support a continuation of the positive trend that has been seen in recent years. It should then proceed to **reassess the level of housing provision that will be needed** to support such a continuation, in order to avert the risk of growth being actively constrained by a lack of available labour. Persisting with the current approach would not be justified in this context, nor effective in sustaining the recent economic success of York, which raises severe doubt around whether the Local Plan has been positively prepared and is thus sound²⁰. Such fundamental questions, relating to issues that should be closely scrutinised in the context of the applicable NPPF, are considered to require discussion at a **further hearing session**.

²⁰ DCLG (2012) National Planning Policy Framework, paragraph 182

Summary

- The Council is understood to still be aiming to meet a need for **790 dwellings per annum** between 2012 and 2037, through a housing requirement for 2017 onwards that accounts for prior undersupply but surprisingly runs only to 2033.
- This is intended to provide the housing needed to support 650 jobs per year, **an increasingly dated target that remains a concern** despite its supposed corroboration through new evidence from Oxford Economics (OE) that was produced in late 2019.
- The Council is believed to have simply taken comfort from this report's downgrading of the baseline employment forecasts from which the target was originally derived, but this is largely down to **an in-built population constraint within the OE forecast that is not justified** or appreciative of the Local Plan's ability to accommodate whatever population growth is necessary to realise the city's economic ambitions.
- The revised forecasts assume that the population will grow even slower than implied by official trend-based projections, which themselves appear **extremely conservative in the context of historic trends** having assumed that there will be an almost unprecedentedly small net inflow of people from elsewhere into York.
- Such negative assumptions ultimately produce **a relatively pessimistic forecast for York**, implying that the rate of job growth from 2017 onwards will more than halve compared to the positive trend recorded over the previous five years. The Council's target appears similarly unambitious within this context.
- The Council's approach is not considered to be justified in light of the above, and nor will it be effective in sustaining the recent economic success of York. This raises **severe doubt around whether the Local Plan has been positively prepared and can thus be found sound**. Such fundamental issues are considered to warrant discussion at a further hearing session.

From: [REDACTED]
Sent: 07 July 2021 14:17
To: localplan@york.gov.uk
Subject: York Local Plan - New Proposed Modifications and Evidence Base Consultation [NLP-DMS.FID739403]
Attachments: 61001_03 Brecks Lane New Proposed Modifications Reps 07-07-21.PDF; 61001_03 Response Form - Modification PM53.PDF; 61001_03 Response Form - Modification PM49.PDF; 61001_03 Response Form - Modification PM50.PDF; 61001_03 Response Form - Modification PM70.PDF; 61001_03 Response Form - Modification PM101.PDF; 61001_03 Response Form - Modification PM71.PDF; 61001_03 Response Form - Modification PM54.PDF; 61001_03 Response Form - Modification PM55.PDF

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

I refer to the above consultation and attach representations prepared on behalf of [REDACTED] in relation to their land interest at Brecks Lane, Strensall.

The representations comprise the following documents:

- Completed Representation Forms
- Detailed Representations Report

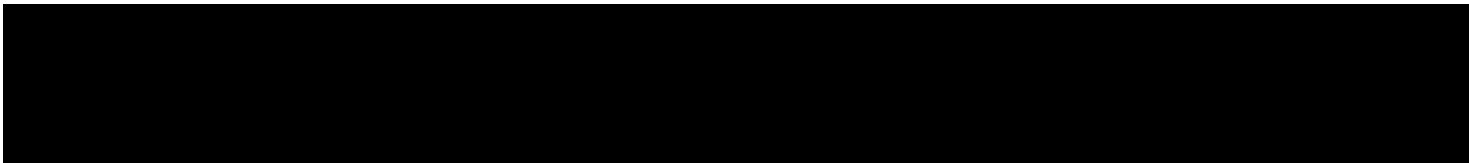
Please can you confirm receipt of these representations by return.

Should you have any queries regarding the submitted documents please do not hesitate to contact me.

Kind regards

[REDACTED]

[REDACTED]

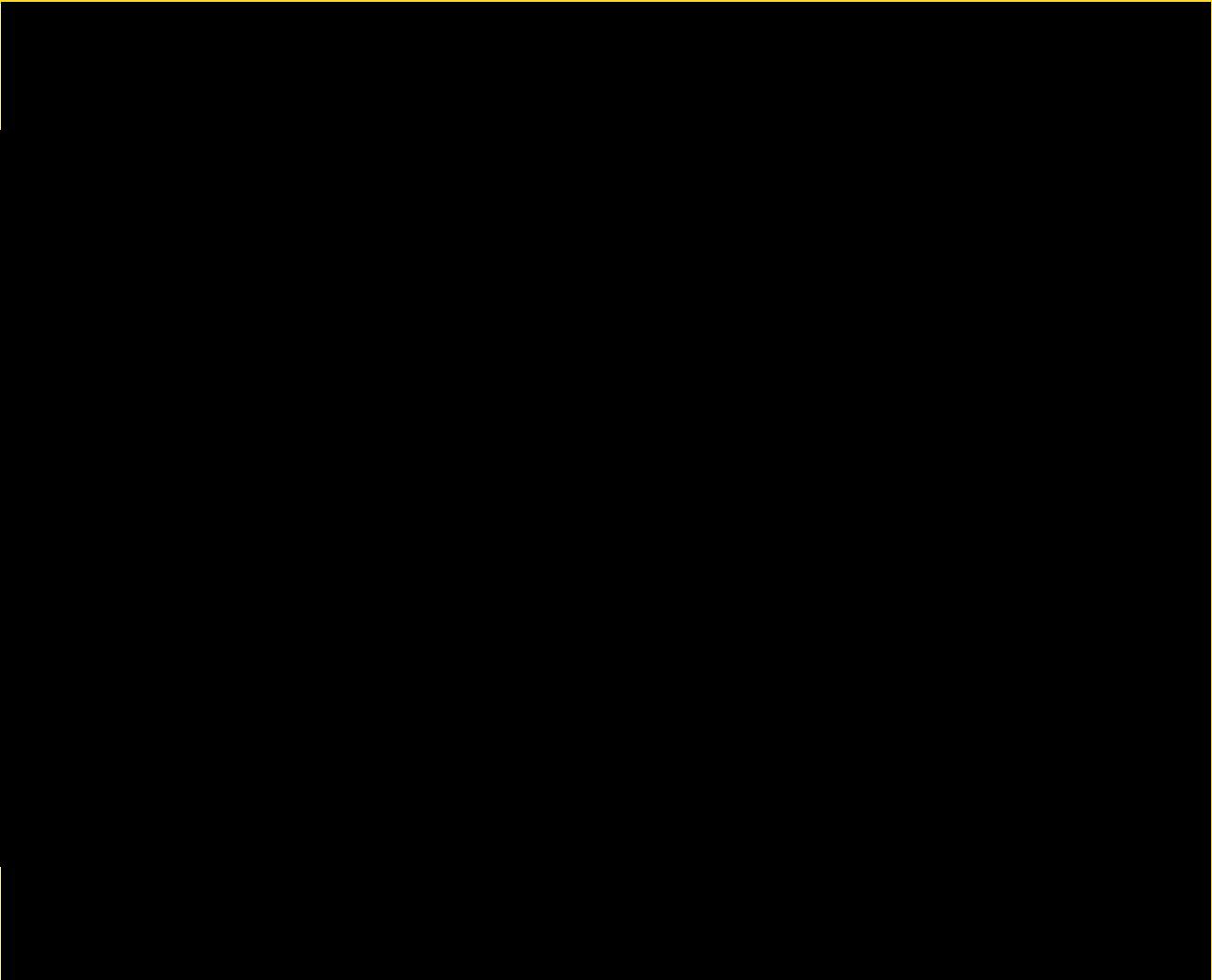


**City of York Local Plan New
Proposed Modifications
Consultation 2021
Representations on behalf of**



July 2021





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Appendices

- Appendix 1 Land at Brecks Lane, Strensall
- Appendix 2 Brecks Lane Site Layout Plan
- Appendix 3 Representations on Housing Matters

1.0 Introduction

- 1.1 This report has been prepared by [REDACTED] on behalf of [REDACTED] [REDACTED] response to the City of York Local Plan New Proposed Modifications Consultation (June 2021), in respect of [REDACTED] Lane, Strensall. Representations seeking the allocation of the site have been submitted by [REDACTED] to City of York Council at various stages of the emerging Local Plan.
- 1.2 The Brecks Lane site is identified on the existing 'Development Control Local Plan (2005) Proposals Map as lying within the Green Belt, albeit it is acknowledged in the Examination in Public Inspectors' letter of 12th June 2020 that this comprises only the 'general extent' of Green Belt carried forward from the saved RSS policy. The specific Green Belt boundaries have never been defined and it is possible for the emerging Local Plan to define those boundaries, including identifying sites for development, without needing to demonstrate 'exceptional circumstances'. [REDACTED] is seeking the allocation of the site in the City of York Local Plan for residential development. A plan showing the location of the site is attached at Appendix 1.
- 1.3 These representations are accompanied by a Housing Technical Report, which has been produced on behalf of a consortium of developers including [REDACTED] (see Appendix 3). The Housing Technical Report provides a review of the September 2020 Housing Needs Update prepared by [REDACTED]. In particular, two main issues are analysed:
- 1 A review of CYC's existing evidence on housing needs for market/affordable housing in the City; and,
 - 2 An appraisal of the housing trajectory and five-year land supply position which underpins CYC's Plan.
- 1.4 It is a statutory requirement that every development plan document must be submitted for independent examination to assess when it is "sound", as well as whether other statutory requirements have been satisfied (s.20(5) of the 2004 Act). S19 of the 2004 Act requires that in preparing a development plan document, a local planning authority must have regard to a number of matters including national policies and advice contained in guidance issued by the Secretary of State. Such guidance currently exists in the form of the National Planning Policy Framework [the Framework] and the National Planning Practice Guidance [Practice Guidance].
- 1.5 The Framework² (February 2019) states that the policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. The York Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government for examination in May 2018. The policies in the Framework (March 2012) therefore apply in this instance.
- 1.6 There is no statutory definition of "soundness". However, the Framework states that to be sound a Local Plan should be:
- 1 **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.
 - 2 **Justified:** The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

¹ EX/CYC/43a Housing Needs Update September 2020

² National Planning Policy Framework (February 2019) Annex 1: Implementation

- 3 **Effective:** The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- 4 **Consistent with National Policy:** The Plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.7 In addition, the Framework³ states that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

*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.....”*

1.8 The Core Planning Principles are set out in the Framework⁴.

1.9 The requirements of the Framework in respect Local Plans are reinforced in the Practice Guidance⁵ which states that the Framework *“sets clear expectations as to how a Local Plan must be developed in order to be justified, effective, consistent with national policy and positively prepared to deliver sustainable development that meets local needs and national priorities”*.

Examination in Public Progress

1.10 The City of York Local Plan was submitted for examination three years ago, in May 2018. As a result, the examination is progressing under the transitional arrangements set out at paragraph 214 of the 2019 National Planning Policy Framework – that being that the plan is being examined in accordance with the policies of the 2012 National Planning Policy Framework.

1.11 After some delay, the EiP hearing sessions opened in December 2019 and the Inspectors wrote to the Council in June 2020 identifying a number of significant concerns with the Council’s methodology and evidence used to underpin the approach taken to Green Belt.

1.12 The Inspectors again wrote to the Council in July 2020 seeking the Council’s opinion on the significance of the publication of the 2018-based household projections. The Council was asked to consider if this represents a ‘meaningful change’ in the housing situation from that which existed at the time of the Plan’s submission, the subsequent re-assessment of the OAHN in the Housing Needs Update (January 2019) and the relevant hearings in December 2019.

³ National Planning Policy Framework §14

⁴ National Planning Policy Framework §17

⁵ Practice Guidance - ID: 12-001-20170728

Structure

- 1.13 This report supplements the completed representation form and demonstrates that a number of policies within the Local Plan New Proposed Modifications [LPNPM] are, at present, 'unsound' in the context of the tests of soundness established by the Framework.
- 1.14 The report firstly provides background context to the Brecks Lane site to demonstrate why its removal from the Green Belt and allocation for residential development is appropriate.
- 1.15 This report then provides detailed representations in relation to the following proposed modifications:
- 1 Modification PM49 – Policy SS1
 - 2 Modification PM50– Policy SS1
 - 3 Modification PM53 – Policy SS1
 - 4 Modification PM54 – Policy SS1
 - 5 Modification PM55 – Policy SS1
 - 6 Modification PM101 – Policies Map Green Belt Change – Strensall Village
 - 7 Modification PM70 - New Policy GI2a: Strensall Common Special Area of Conservation (SAC)
 - 8 Modification PM 71 - New Policy GI2a Justification
- 1.16 Recommendations are set out at the end of each section setting out how the Council needs to address the Modification to make it sound.
- 1.17 Submitted alongside these site specific representations, [REDACTED] has prepared a report entitled 'City of York Local Plan Proposed Modifications Version: Representations on Housing Matters', prepared on behalf of a consortium of [REDACTED], Persimmon Homes and Bellway Homes. This report provides the context for many of the comments in these site specific representations and is directly referenced as appropriate to the case. This report is attached at Appendix 3.

2.0 **Background to the Brecks Lane Site**

Introduction

2.1 The Brecks Lane site was included in previous York Local Plan [YLP] consultation documents as a residential allocation. It was identified within the YLP-Preferred Sites [YLP-PS] as 'Proposed Removed Land'. The site was referred to as 'Land at the Brecks' [Allocation Ref. H27] in the YLP- Preferred Options [YLP-PO].

2.2 At that time, Linden Homes strongly objected to Land at Brecks being listed within Table 9 (deleted housing sites from the Local Plan Publication draft) and requested that it was included within Table 7 (Potential General Housing Allocations).

2.3 It was considered that the reasons for discounting the site as a residential allocation were incorrect for the following reasons:

- 1 The site has historically been seen as being outside the Green Belt at different stages of plan preparation;
- 2 The Council's evidence base has previously supported the allocation of the site and further technical assessments do not alter its previous conclusions;
- 3 The site makes a very limited or no contribution towards Green Belt purposes; and,
- 4 The development of the site would assist in the delivery of sustainable development within the City.

Policy History of the Site and Evidence Base

2.4 Historically, the site has never been included within a defined Green Belt boundary and no Proposals Map has shown it as such. The site was not shown within the Green Belt in the York Green Belt Local Plan - Modifications (1995); the Southern Ryedale Local Plan - Modifications (1996); and, the City of York Local Plan – 3rd & 4th Sets of Proposed Changes (2003 & 2005). Indeed, it is shown as safeguarded land in the latter document.

2.5 More recently, the site was allocated for housing in the Preferred Options Draft Local Plan [YLP-PO] (June 2013) and subsequent Publication Draft Local Plan [YLP-PD] (September 2014). The allocation was a result of the site passing the suitability criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014).

2.6 According to Section 3.0 of the YLP-PS, the revised portfolio of sites was based on further technical assessment, which included updated sustainability criteria; updated officer comments; transport; education; open space; agricultural land classification; sequential flood risk; and Green Belt appraisal. This evidence did not support the exclusion of the site from the list of allocations.

2.7 Of the further technical assessments listed in the YLP-PS, only the Green Belt appraisal was considered relevant to the decision to no longer include Brecks Lane as an allocation. The YLP-PS specified at §3.2 that *“work is ongoing to look at the parcels of land around York to understand their significance and contribution against the Green Belt purposes, as set out in NPPF”*.

2.8 The table at page 214 of the YLP-PS was clear that the site's location within the Green Belt was the reason for its deletion as an allocation:

“The site has recently (March 2015) been refused by the Inspector and Secretary of State at appeal (APP/C2741/V/14/2216946). The decision concludes that the development would impact on 4 of the 5 Green Belt purposes including on openness encroachment and unrestricted sprawl, that its development would cause substantial harm to the greenbelt and that this harm would not be justified by very special circumstances. For these reasons it is recommend that that the site is not included as an allocation”.

- 2.9 It is acknowledged that the conclusion of the Inspector and Secretary of State [SoS] was that Brecks Lane should be considered as within the outer extent of the Green Belt. In this context, it was found that the site served a number of Green Belt purposes [IR§199]⁶. However, these Green Belt issues were inevitably going to be identified as part of any assessment of the residential development being considered. Therefore, using this as an argument to support a justification to not allocate the site is not a sound basis on which to discount the site in a plan making context.
- 2.10 In the context of the appeal, once the Inspector and SoS concluded that the site should be considered as within the general extent of the Green Belt, it was necessary to address the requirements of the Framework⁷ (i.e. whether ‘very special circumstances’ existed which justified the development). The conclusions in the decision were therefore reached on the basis that the site is located in the Green Belt, rather than in the context of its contribution to the Green Belt and whether it should be located within it. These are matters for the Council to assess when considering the future allocation of the site for development in the Local Plan.
- 2.11 It is important to highlight that the Inspector and SoS reached the decision on the Green Belt status of the site based on the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. The Inspector acknowledged that the use of this plan was ill conceived [IR §187], but the conclusion was drawn because the issue of where the outer boundary of the Green Belt is to be drawn (and boundaries to individual settlements) remains unresolved in any adopted plan. The Inspector was unable to give any weight to the policy history of the site, but this does not preclude the allocation of the site for residential development in the YLP, as it is this document that will set detailed Green Belt boundaries for the first time.
- 2.12 It is for the YLP to draw the boundaries of the Green Belt having regard to the guidance set out in the Framework and to ensure that it takes account of the longer term development requirements of the City. The Council has confirmed on many occasions that the Brecks Lane site does not serve any Green Belt purposes. The previous policy approach to the site, together with its inclusion as an allocation in the earlier drafts of the YLP, all demonstrate that it does not perform a Green Belt function and is suitable for development in this regard. The Council has previously followed the guidance in the Framework which emphasises that land which is unnecessary to keep permanently open should not be included within the Green Belt. The current approach does not.
- 2.13 Whilst the YLP-PS referred to further assessments that have been carried out since the aborted YLP (2014), there was no new evidence to suggest that there is any reason to remove Brecks Lane as an allocation.
- 2.14 No new evidence was provided in the Local Plan Pre-Publication Draft [LPPP] and its evidence base. The Local Plan preferred Sites Consultations Statement (2017) simply summarised representations made on the site through the YLP-PS consultation and did not shed any further light on the reasons for its exclusion. The justification for its deletion appears to be based solely

⁶ IR refers to the Inspector’s Report into the Brecks Lane application

⁷ Framework §87

on the conclusions reached by the Inspector and SoS in relation to the call-in Inquiry. This approach is unjustified and disregards the basis on which the Inspector and SoS were required to make their decision at that time. The Framework makes clear the basis of judgements in decision making and it is improper to rely upon this when progressing with a Local Plan.

- 2.15 No further substantive evidence has been provided in the Local Plan Publication Draft [LPP] and its evidence base. The LPP Sustainability Appraisal – Appendix K identifies the site [Site Ref: 49] as a “*Reasonable- Previous Allocation H27*” alternative site but states that it was rejected “*due to impacts on landscape*”. No further explanation is given for its rejection.
- 2.16 As part of the Proposed Modifications consultation in June 2019, the Council produced an Addendum to Topic Paper 1: Approach to York’s Green Belt. The TP1 Addendum was intended to provide further clarity on the approach to defining the inner and outer Green Belt boundary. This work brought together conclusions from previously published evidence and decision making. [REDACTED] challenged this evidence in representations to the Proposed Modifications as it failed the tests of soundness for a number of reasons
- 2.17 In summary, the site has consistently been excluded from draft Green Belt boundaries (including specific recommendations in the York Green Belt Local Plan and Southern Ryedale Local Plan inquiries) and the Council has confirmed on many occasions that it does not serve any Green Belt purposes. It is incorrect for the Council to rely on the SoS and Inspector’s conclusions in relation to the call-in Inquiry in discounting Brecks Lane as an allocation as this decision was made in the context of the site being situated within the Green Belt and whether its development was justified by very special circumstances (and it was found that it was not). This does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.

Green Belt Purposes

- 2.18 A consideration of the site against the Framework⁸ demonstrates that it does not serve any specific role when compared against the five purposes of the Green Belt.

Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

- 2.19 The village of Strensall is not part of the main urban area of York and the site does not therefore have a role in restricting the urban sprawl of a large built-up area. Instead, it merely fills in a small gap between existing development and the natural boundary to development. The terminology of ‘sprawl’ suggests disorganised or unplanned expansion, whereas the development of land at Brecks Lane has been envisaged since the Southern Ryedale Local Plan in 1991. This is evident in the fact that the road layout of the adjacent residential area enters the site and terminates with a turning head, and also that its eastern boundary is formed by an established tree belt. Both of these physical features were provided as part of the existing development and were intended to facilitate development of the land. They clearly demonstrate that the Council considered that the site should be developed for housing at a future date.
- 2.20 In addition, the site is substantially contained by built development. It is bounded to the west by a residential estate built in the 1990s, to the north by the River Foss, to the east by an established tree belt and to the south by a road (Brecks Lane) and the York-Scarborough railway line.
- 2.21 In the appeal decision, the Inspector [IR§191] recognised that the site is “*close to defensible boundaries, of the sort that might be chosen as settlement boundaries*”. This is also accepted in the Council’s summary of the site at page 214 of the YLP-PS, which confirms that “*The northern*

⁸ Framework §80

boundary of the site is formed by dense vegetation, including some mature trees with the River Foss. The eastern edge of the site is also formed by dense vegetation belt. The western boundary is formed by residential properties which comprise part of Strensall urban area and the southern boundary is formed by Brecks Lane with the Transpennine railway line beyond”.

- 2.22 These conclusions indicate that in the context of Green Belt purposes, the site is well contained and has strong robust and defensible boundaries. It does not therefore represent part of a potentially continuous urban sprawl. This is therefore not on its own a reason to discount the site.

Purpose 2 - To Prevent Neighbouring Towns Merging Into One Another

- 2.23 This is a principle purpose for the designation of Green Belt and yet land at Brecks Lane plays no role in it. This is confirmed in the Inspector’s Report [§197], which states that *“The only one of the five Green Belt purposes which this site offers nothing to is that of preventing neighbouring towns merging into one another. Strensall is a large settlement that has expanded into open countryside, but it is a significant distance (at the appeal site location) from the next settlement”.*

Purpose 3 - To Assist in Safeguarding the Countryside from Encroachment

- 2.24 The site is largely contained by development with a strong landscape boundary to the east, which would be further enhanced as part of any development proposals. It does not therefore form part of the open countryside but relates to the urban area of Strensall.
- 2.25 The Inspector reached the conclusion that the *“purpose of safeguarding the countryside from encroachment also applies, given that that is currently an undeveloped field area, with exception of modest hard-surfaced areas, would become housing under this scheme [sic]”* [IR §194]. This could be applied equally to any undeveloped site within the Green Belt and is fundamentally based on the finding that the site lay within the Green Belt. The fact that land at Brecks Lane is greenfield, lies on the edge of an existing settlement and is thus open and having the appearance of countryside inevitably means that its development might be said to have an adverse effect in terms of encroachment on the open countryside. The same is equally true of any site located on the edge of any urban area. However, when making a reasoned judgement, it can be concluded that the site will not involve encroachment into the open countryside as it is divorced from the open countryside and it forms a logical small extension to Strensall’s urban area. This is therefore not on its own a reason to discount this site.

Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

- 2.26 The IR states at §195 that *“developing the site would not have a direct significant bearing on the historic character of the City”.* It can therefore be concluded that as the surrounding area is not of heritage value, the site makes no contribution to this Green Belt purpose. Whilst the Inspector came to the view that it may be visible from the adjacent railway and therefore there is some perception of the site in the approach to the historic city of York, no significant harm was identified.
- 2.27 The development of the site itself will not impact upon wider views of the urban area of Strensall. In fact, it affords an opportunity to enhance the substantial visual screen at the northern and eastern boundary. This is therefore not on its own a reason to discount this site.

Purpose 5 - To Assist in Urban Regeneration, By Encouraging the Recycling of Derelict and Other Urban Land

- 2.28 Whilst the Inspector considered that preventing development on the site and other Green Belt land is *“likely to encourage development of brownfield land”* [§196], it is for the Council to make a judgement on the identification of the most appropriate land to be used for development through the process of preparing the YLP. This should be evidenced and be based upon detailed analysis of the supply of such sites. It is considered that the Council does not have a 5-year supply of deliverable housing land and consequently, there is significant pressure to bring forward development sites such as Brecks Lane to meet the shortfall. There is no evidence to suggest that development of this site for housing will prevent the recycling of derelict land or other urban land elsewhere. This is therefore not on its own a reason to discount this site.

Suitability of Land at Brecks Lane for Development

- 2.29 The Council’s own assessment of Brecks Lane proves that it is a suitable housing site. This is acknowledged in the Planning Officer’s report to the City of York Council Planning Committee (20th February 2014) which confirmed that the planning application represented sustainable development and that there would be economic, social and environmental benefits that arise from the scheme. The case for the Council at the Brecks Lane Inquiry [IR §111] also recognises that *“the planning history coupled with the lack of any site specific constraints of material weight, should mean that there is at least a reasonable prospect of the site being allocated in a future Local Plan”*. The Inspector therefore accepted that the consideration of whether the site should be designated as Green Belt was fundamentally different to the determination of the application in the context of the RS policies and that there was a reasonable prospect of the site being excluded from the Green Belt and allocated for development as part of the forthcoming Local Plan.
- 2.30 As detailed above, the Council proposed to allocate Brecks Lane for housing development in the YLP following its assessment against criteria set out in the Site Selection Paper (2013), Further Sites Consultation (2014) and the Site Selection Paper Addendum (2014). There has been no material change in site circumstances since this time and the Preferred Sites Consultation Sustainability Appraisal identified less negative social, economic and environmental effects resulting from the allocation of the Brecks Lane site than a number of the other proposed sites in and around the City. The only significant negative effects are in relation to the greenfield nature of the site and its distance to education establishments. In this context it is important to highlight that the sustainable development of greenfield land is an important and necessary component of the housing land supply in the City to ensure that identified housing needs are met in full. In relation to education, an off-site contribution to both primary and secondary school places was proposed as part of the planning application for Brecks Lane. This negative effect would therefore be mitigated following the development of the site.
- 2.31 The site layout submitted with the planning application indicates a high quality residential development comprising 102 family dwellings along with highways infrastructure, landscaping and public open space (see Appendix 2 - plan ref. 3585/10 Rev G). The scheme was designed to integrate into the existing settlement and responds directly to the character of the landscape and village context, as well as the opportunities presented by the landscape features within the site.
- 2.32 The allocation of Brecks Lane would assist in the delivery of sustainable development within the City by making a significant contribution towards meeting the need for market and affordable housing. It has also been demonstrated that the site would deliver economic, social and environmental gains in accordance with the Framework. In summary:

- 1 The site would make a significant contribution to the housing land supply including affordable housing in the area. This is particularly important when considered in the context of the current lack of a Framework compliant 5-year housing supply.
- 2 The site is in a sustainable and accessible location which has the potential to encourage future residents to travel by sustainable modes of transport, including walking and cycling.
- 3 There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 4 The development would deliver ecological improvements and secure the maintenance and long-term protection of key ecological assets in the area.
- 5 The development would not impact upon the landscape beyond the site because of its boundary of mature trees and shrubs.
- 6 The development would provide public open space in excess of the requisite standards which will meet needs arising from the proposed development and the existing community.
- 7 The development of the site would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents.
- 8 The development of the site would provide a cohesive residential development with the scheme already built to the west of it. Indeed, the road layout of the adjacent development includes a turning head leading from Heath Ride into the site itself and access points from Green Lane and Tudor Way.
- 9 The site would deliver significant economic benefits through both direct and indirect employment opportunities during the construction phase.

2.33 In addition to its contribution to sustainable development, there is robust, up to date evidence to support the deliverability of Brecks Lane and the Council has previously assessed it against criteria which determined it to be one of the most suitable locations to meet the housing needs of the City. For these reasons, it should therefore remain as an allocated site for housing development within the Local Plan.

Deliverability

- 2.34 The Framework⁹ states that for sites to be considered deliverable, they must be suitable, available and achievable. The land at Brecks Lane meets all of these requirements:
- 1 **Suitable:** the site can be accessed from access points from Heath Road, Green Lane and Tudor Way. It is located within an established residential area, close to the village centre, and provides the opportunity to increase housing provision within Strensall without impacting upon the wider landscape.
 - 2 **Available:** The site is in the ownership of a willing landowner who is looking to release it for development.
 - 3 **Achievable:** The site is capable of coming forward for development in the short term as soon as a [REDACTED] has secured the grant of planning permission.

2.35 The Technical Report on Housing Issues prepared by [REDACTED] and submitted with these representations sets out our concerns in relation to the Council's housing requirement and housing supply.

2.36 It concludes that the 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 YLP. The Local

⁹ Framework footnote 11, page 12

Plan is therefore not soundly based and it is requested that the calculation of York's Objective Assessment of Housing Needs [OAHN] is revisited, and that Brecks Lane is allocated for residential development in order to help make up for the shortfall in housing land.

Conclusion

- 2.37 The Brecks Lane site has been excluded from draft Green Belt boundaries on numerous occasions and designated for possible future development. The Council has also concluded that it serves none of the purposes and objectives of such a designation as set out in the Framework¹⁰. This is recognised in the fact that the site had been allocated for development within the emerging YLP for a considerable period of time.
- 2.38 It is incorrect for the Council to rely on the conclusions reached by the SoS and Inspector in relation to a call-in Inquiry to justify the deletion of Brecks Lane as a housing allocation. The SoS and Inspector's decision was made in an entirely different context to its proposed allocation and does not preclude a proper consideration of whether the site should be located within the Green Belt and its contribution to Green Belt purposes.
- 2.39 Land at Brecks Lane is a suitable site for housing development that would have no unacceptable environmental impacts or create unacceptable impacts upon amenity of new and existing residents. There are no insurmountable constraints to the site or its development and is deliverable within the next five years.
- 2.40 Separate evidence has been provided as to how the proposed OAHN for York is not robust and is inadequate to meet need and demand within the Housing Market Area. As such, the housing site allocations put forward in the Local Plan would fail to deliver a housing supply sufficient to achieve the sustainable growth of the City. It is therefore important for the Council to allocate additional land, particularly the site at Brecks Lane, to meet the housing needs of the community.
- 2.41 Drawing these points together, it is requested that the Local Plan is amended to include Land at Brecks Lane as a Housing Allocation.

¹⁰ Framework §§79-80

3.0 Modifications PM49, PM50, PM53, PM54 and PM55

Introduction

3.1 The above modifications relate to the modification to Policy SS1 which sets a need to deliver a minimum annual provision of 790 new dwellings over the plan period 2017 to 2032/33 and post plan period to 2037/38. The annual dwelling requirement has been reduced from the 867 dwellings per annum proposed in the Local Plan Publication Draft.

3.2 A SHLAA Housing Supply and Trajectory Update (April 2021)¹¹ has been produced to accompany the modifications, based on the revised annual dwelling requirement put forward by the Council.

Consideration of Modifications

3.3 [REDACTED] objects to modifications PM49, PM50, PM53, PM54 and PM55 (and associated modifications) as it is considered that the Council's proposed objectively assessed housing need (OAHN) is not based on a robust assessment which is compliant with the Framework. On behalf of [REDACTED] mpey, and a wider consortium of housebuilders, [REDACTED] has undertaken a review of the work prepared by [REDACTED] on behalf of the Council which advises that there is no need for the Council to move away from their current position of 790 dwelling per annum.

3.4 Lichfields' analysis can be found at Appendix 3. The main conclusions of the review are set out below:

3.5 The Council's approach to identifying an assessed need of 790 dpa in the HNU 2020 is flawed. There are a number of significant deficiencies in the HNU which means that it is not soundly based. 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. [REDACTED] considers these to be as follows:

- 1 **Demographic Baseline:** The 2018-based household projections indicate a net household growth of just 302 dpa between 2017 and 2033 (including a suitable allowance for vacant/second homes). Quite rightly, [REDACTED] then models alternative migration variants, including the 10-year trend scenario, which it then takes forward as its preferred scenario. Whilst this is generally appropriate, we consider that [REDACTED] should also have concerned modelling the High International variant produced by ONS, which produces a level of net international migration more in keeping with longer term trends. It is likely that this would have increased the demographic baseline figure. We do agree with [REDACTED], however, that it is appropriate in this instance to apply accelerated headship rates to the younger age cohorts, which takes the demographic starting point to 669 dpa.

[REDACTED] uplift is assumed to be 15% based on their earlier reports for CoYC, although this has not been revisited in their 2020 HNU. However, for the reasons set out in Section 4.0, [REDACTED] considers that a greater uplift of at least 25%, and probably higher, would be more appropriate in this instance given that the current SM2 uplift is 25%. This should be applied to the revised demographic starting point of 669 dpa and not the 302 dpa 2018-based SNPP, which would be entirely illogical given that [REDACTED] themselves admit that the principle 2018-based projection is less robust for

¹¹ EX/CYC/56 Strategic Housing Land Availability Assessment Housing Supply and Trajectory Update April 2021

¹² EX/CYC/43a Housing Needs Update September 2020

York. Even setting to one side the issue of whether the High International Variant projection should be used, this would indicate a need for **836 dpa**.

- 3 **Employment growth alignment:** The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by the ELR Scenario 2 (which has informed the Local Plan) and past trends. As such, and notwithstanding our concerns regarding how [REDACTED] has modelled the employment growth needs for the City, on the face of it no upward adjustment is required to the demographic-based housing need figure of 803 dpa to ensure that the needs of the local economy can be met;
- 4 **Affordable Housing Need:** The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need well above 836 dpa. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range would need to be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level of delivery is unlikely to be unachievable for York. Given the significant affordable housing need identified in City of York [REDACTED] considers that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a figure of **920 dpa**.
- 5 **Student Housing Needs:** household projections explicitly exclude the housing needs of students living in communal establishments. Furthermore, [REDACTED] projections clearly indicates that they do not adequately reflect the Universities' student growth targets. It is calculated that meeting these growth needs would equate to around 1,466 dwellings over the 16-year Plan period, at an average of 92 dpa on top of the 920 dpa set out above (i.e. 1,012 dpa).
- 6 Rounded, this equates to an **OAHN of 1,010 dpa** between 2017 and 2033 for the City of York.
- 7 **Shortfall of housing delivery 2012-2017:** The Council is also making provision for past under-delivery between 2012 and 2017. [REDACTED] has serious concerns about how the CoYC have calculated past housing delivery. Setting to one side the very unusual and substantial discrepancies between the Council's housing completions figures and MHCLGs, [REDACTED] higher OAHN of 1,010 dpa is applied, this would result in a figure of **1,618, or 101 dpa** over the 16 year plan period, to be factored on top. **This would result in a Local Plan requirement of 1,111 dpa, which is not dissimilar to the 1,013 dpa figure that they would have been using with the current standard methodology.**

3.6 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 figure (of 1,010 dpa plus the unmet need 2012-2017) 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.

3.7 This process is summarised in Table 3.1.

Table 3.1 Approach to OAHN for the City of York 2017-2033

	Dwellings per annum (2017-2033)
Demographic Starting Point (2018-based SNHP)	302 dpa
Adjustments to Demographic-led Needs	669 dpa
Uplift for Market Signals	836 dpa (+25%)
Employment Led Needs	766 dpa – 779 dpa
Affordable Housing Needs	1,910 dpa*
10% Uplift to demographic led needs for Affordable Housing? (rounded)	920 dpa
Uplift to address Student Housing Needs	92 dpa
Adjusted OAHN (Rounded)	1,010 dpa
Inherited Shortfall (2012-2017) annualised over the Plan period	32 dpa – 101 dpa
Annual Target (inclusive of shortfall)	1,042 dpa – 1,111 dpa

*Based on an affordable housing net annual need of 573 dpa at a delivery rate of 30%

Revised Housing Land Supply

- 3.8 Lichfields has undertaken an analysis of the City of York’s updated SHLAA (2021) which sets out the assumptions used to calculate the Council’s housing land supply. This concludes that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions. The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings.
- 3.9 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgfield approach to backlog, it is clear that the Council cannot demonstrate a 5YHLS. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.
- 3.10 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years at a defensible annual yield.

Safeguarded Land

- 3.11 Modification PM49 proposed the following modification to Policy SS1:
*“Development during the plan period (2017 - 2032/33) will be consistent with the priorities below. **To ensure Green Belt permanence beyond the plan period, sufficient land is allocated for development to meet a further, minimum, period of 5 years to 2038”.***
- 3.12 Representations promoting the Brecks Lane site at previous stages of the Local Plan consultation have established a case as to why safeguarded land should be identified in York.

- 3.13 The Framework¹³ is clear that local authorities should consider 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. It states that authorities should identify areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.
- 3.14 There is much debate over the period of time that is relevant for ‘beyond’ and ‘well beyond’ the plan period. However, given the national policy significance of Green Belts and the fact that a plan period is generally in the order of 15 years, it is entirely reasonable to conclude that the Framework is directing policy makers to ensure a Green Belt review is not required for the following Local Plan, meaning it could be in the order of 30 years before Green Belt is considered again.
- 3.15 Significant to this issue is that York has never adopted a Local Plan, largely due to the political pressures of Green Belt. A repeat of this scenario could see another 50+ years passing before another Local Plan is adopted and the Green Belt is properly reviewed.
- 3.16 From the representations consistently made by ourselves and others to the emerging CoY Local Plan it is clear that the proposed allocations are not sufficient for the immediate plan period and certainly do not align with future plan requirements ‘beyond’ or ‘well beyond’ the plan period.
- 3.17 The Council has failed to consider the release of safeguarded land as part of the New Proposed Modifications consultation and in the additional Green Belt work undertaken in the 2021 GB Addendum. With regard to this matter the Addendum states¹⁴:
- “As set out in section 10a, many of the strategic allocations have anticipated build out times beyond the plan period and there is headroom identified for both employment and housing development against the identified requirements. This in combination with the oversupply identified to meet a minimum of 5 years beyond the plan period ensures that development can continue within York without the need to alter Green Belt boundaries the end of the plan period and that it can endure for at least 5 years, in accordance with SP12.*
- Additionally, the windfall assessment [SDO49] identifies increasing trends over both the longer and shorter term for conversions and changes of use completions. In light of relaxed permitted development rights relating to office conversions being made permanent and evidence of substantial numbers of unimplemented consents from this source of housing supply, there is also qualified anticipation that the 169 dpa projected as part of the housing trajectory is conservative”.*
- 3.18 There are a number of failings with this statement and its assumptions. The most significant is that whilst permitted development rights are indeed being made permanent, the permitted conversions typically do not deliver the range of homes needed in York. It also fails to consider that from August 2021, the permitted development right for office conversions reduces to a maximum existing floor space of 1,500 sqm, rather than the currently open ended floorspace. It is likely that this will reduce the number of PD conversions. Finally, the existence of ‘*substantial numbers of unimplemented consents from this source*’ is very different to having certainty on actual delivery of those homes.
- 3.19 The now aborted YLP-PD identified a reserve of safeguarded land to ensure that the Green Belt boundary was capable of enduring beyond the plan period. This approach is entirely consistent with national guidance. [REDACTED] are therefore concerned that the Local Plan no longer

¹³ The Framework §§83 and 85

¹⁴ Topic Paper TP1 Approach to defining York’s Green Belt Addendum January 2021 §§10.39 and 10.40

designates safeguarded land, provides no justification for this approach, and relies on strategic sites and windfalls delivering beyond the plan period.

- 3.20 The identification of safeguarded land is considered particularly important as the Local Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility beyond the plan period. [REDACTED] 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.
- 3.21 This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Local Plan e.g. Land to the West of Elvington Lane (ST15), where deliverability is uncertain due to issues including land ownership, funding and viability.
- 3.22 The Council's reliance on windfall sites to help meet need beyond the plan period is fundamentally flawed as there is no guarantee that windfall supply will remain at similar levels for such a substantial period of time into the future. For example, the availability of buildings for conversion, such as offices, is finite, and supplies may well have been largely exhausted beyond the plan period.
- 3.23 [REDACTED] therefore considers that the establishment of suitable boundaries for safeguarded sites should have been assessed as part of the further work undertaken in the 2021 GB Addendum and safeguarded sites should have been identified. This is the only way to ensure strong and enduring Green Belt boundaries.

Tests of Soundness

- 3.24 [REDACTED] considers that the above modifications fail to meet the following tests of soundness because:
- 1 **It is not Positively Prepared, Effective or Consistent with National Policy:** There is a compelling case at York to allocate additional land and identify safeguarded land within the Local Plan. Enduring Green Belt boundaries need to be defined and the potential period between further Local Plan Reviews means that land should be removed from the Green Belt to meet future needs where they may be identified.
 - 2 **It is not Justified:** There is no clear evidence to demonstrate why safeguarded land has not been identified to meet need beyond the plan period. Without the inclusion of safeguarded land as a minimum in this Local Plan, it is clear that the plan is not sound and should not be adopted. However, it is considered that a modification to the plan requiring the inclusion of safeguarded land could make the plan sound without it having to be withdrawn.
 - 3 The Council's submitted evidence does not robustly demonstrate sufficient housing delivery during the plan period and beyond and there are significant flaws in the Council's assumptions on future windfalls.
 - 4 PM49 – the change is well intended but the plan fails to deliver permanence to the Green Belt and deliver sufficient land for housing.
 - 5 PM50 – for the reasons set out above, the proposed change fails to deliver sufficient housing for the plan period.
 - 6 PM53 – for the reasons set out above, the proposed change fails to deliver sufficient housing for the plan period.

- 7 PM54 – for the reasons set out above, the proposed change fails to deliver sufficient housing for the plan period.
- 8 PM55 – for the reasons set out above, the proposed change fails to deliver sufficient housing for the plan period.

Recommended Change

3.25 In order to address the conflicts identified above and ensure that the Local Plan is sound, it is considered that City of York Council should:

- 1 Review the Green Belt assessment to identify which parcels of land could be released from the Green Belt to act as allocations and Safeguarded Land.
- 2 Make policy provision for Safeguarded Land and identify Safeguarded Land on the Local Plan Proposals Map.

3.26 It is clear from analysis of the Council’s evidence base that the approach to identifying an OAHN is not compliant with the Framework. The Council are not planning to deliver a sufficient supply of housing to meet the districts OAHN as identified by [REDACTED]. Furthermore, there are doubts that the housing trajectory is based on robust delivery assumptions and therefore the Council’s ability to deliver a five year housing land supply or meet the housing requirement across the plan period.

3.27 The Council should therefore revisit their housing requirement and also seek to identify additional land to meet the housing needs of the district. In order to ensure an overall strategy that is deliverable and sufficiently flexible to respond to change. This will ensure compliance with the Framework by significantly boosting the supply of housing.

3.28 It is noted that the OAHN presented in the [REDACTED] report at Appendix 3 is very similar to the government’s Standard Method figure for York. Whilst the Local Plan is continuing under the transitional arrangements of the Framework, allowing it to be tested against the 2012 Framework, a robust case has been made to increase the OAN to this order.

3.29 It is considered that the increased OAHN would deliver a plan which is more likely to endure over its full intended plan period. Without this, the Council is effectively ‘baking in’ a future significant shortage of housing supply and an inevitable need to review Green Belt boundaries when it has to prepare a Local Plan which responds to the government’s standard method for OAN.

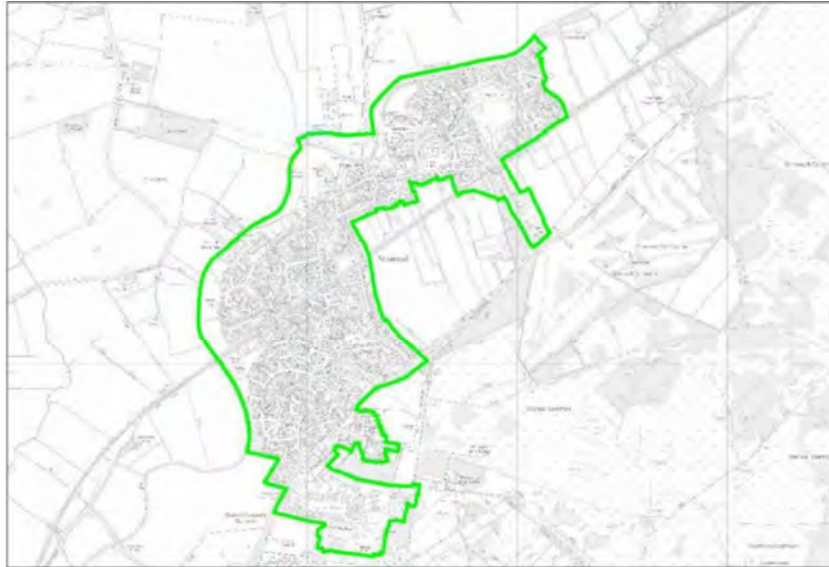
4.0 **Modification PM101 – Policies Map Green Belt Change – Strensall Village**

Introduction

- 4.1 Proposed Modification PM101 supersedes PM39 which was included in the Council’s 2019 Proposed Modifications.
- 4.2 It proposes that the Green Belt boundary around Strensall should be revised to follow the edge of a densely developed site around the southern edge of the settlement. No changes to the Green Belt boundary in the vicinity of the Brecks Lane site, are proposed.
- 4.3 The proposed boundary is informed by ‘Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021)’ [‘the 2021 GB Addendum’]. The 2021 GB Addendum seeks to clarify the methodology and revises the text to represent the methodology developed and applied for setting York’s Green Belt Boundaries. It aims to address concerns raised by the Inspectors following the Phase 1 Local Plan Examination Hearings. In addressing these concerns, the document states that it¹⁵:
- *“Simplifies and clarifies the methodology relied upon to delineate the proposed Green Belt boundaries*
 - *Sets the methodology out in four linked sections (5-8)*
 - *Ensures that the criteria used for boundary definition have more clearly expressed connections to Green Belt purposes*
 - *Removes elements that have caused confusion*
 - *Applies the methodology as now clarified with more detail to show how boundaries were justified*
 - *Revises the text to explain why, notwithstanding the methodological concerns raised by the Inspectors, the proposed boundaries (with minor proposed amendment) remain sound under the application of the clarified methodology”.*
- 4.4 The Green Belt boundary proposed in Annex 4 of the 2021 GB Addendum identifies the Brecks Lane site as lying within the Green Belt. The proposed boundary between the Green Belt and the settlement sits along the western boundary of the site (see Figure 4.1).

¹⁵ Topic Paper TP1 Approach to defining York’s Green Belt Addendum January 2021 §1.4

Figure 4.1 Proposed Green Belt Boundary - Strensall



Source: Topic Paper 1: Approach to defining York's Green Belt Addendum 2021: Annex 4

Consideration of Modification

4.5 [REDACTED] objects to Modification PM101 as it considered that the proposed inner Green Belt Boundary around Strensall has not been properly assessed and the changes proposed by Modification PM101 fail to release land at Brecks Lane, Strensall from the Green Belt.

4.6 Whilst [REDACTED] welcomes the exclusion of the settlement of Strensall from the Green Belt it has concerns with the proposed inset boundary and considers that the approach taken to identifying the boundary is flawed as there is a lack of transparency and justification as to how the findings within the document have resulted in the Green Belt boundaries identified.

4.7 For the reasons set out below, [REDACTED] considers that the Brecks Lane site should be excluded from the Green Belt and allocated for residential development on the Local Plan Proposals Map.

Methodology

4.8 The 2021 GB Addendum seeks to clarify how the methodology has been revised. It states that in order to address the concerns raised by the Inspectors it:

“(a) proceeds on the basis that, as the Inspectors have found, the approach to defining detailed Green Belt boundaries is broadly in general conformity with the RSS;

(b) revises the methodology used to assess how boundary delineation performs against Green Belt purposes by removing those aspects which rely on “shapers” in the Local Plan, in favour of considerations which are explicitly linked to each of those purposes;

(c) when considering purpose 4, provides further explanation of how the Heritage Topic Paper [SD103] was taken into account to identify all areas that are considered to be important to the historic character and setting of York;

(e) revises the assessment at both a strategic and detailed local level accordingly, whilst continuing to place particular emphasis on purpose 4, as accepted by the Inspectors;

(f) confirms how the revised approach followed by the Council accords with both saved policy in the RSS as well as policy in the NPPF relating to the definition of Green Belt boundaries”.

4.9 With regard to the five Green Belt purposes, the 2021 GB Addendum notes that the Council has simplified and clarified its approach. For **Purpose 2** (to prevent neighbouring towns merging into one another), it notes¹⁶ that:

“York does not have any other major towns close to the general extent of the Green Belt, so the potential issue of towns merging does not arise ... However, as the Inspectors accepted, the coalescence of smaller settlements and villages may be relevant under Purpose 4, where this issue is considered”.

4.10 With regard to **Purpose 5** (to assist in urban regeneration by encouraging the recycling of derelict and other urban land) it states:

“It is not considered that this purpose of itself assists materially in determining where any individual and detailed part of the boundary should be set”.

4.11 On this basis, the 2021 GB Addendum states that purposes 1, 3 and 4 apply as follows¹⁷:

“The Council has considered all of the Green Belt purposes, and determined that purposes 4, 1 and 3 are appropriate in examining the general extent of the Green Belt and justifying the proposed York Green Belt detailed boundaries, but in accordance with RSS policy (and as accepted by the Inspectors) placed primary emphasis on the fourth NPPF Green Belt purpose (“to preserve the setting and special character of historic towns”), which is recognised as being appropriate in the context of York”.

4.12 It notes¹⁸ that all York Green Belt boundaries have been assessed as to their potential impact on the aspects of the Heritage Topic Paper which relate to openness.

4.13 In terms of defining detailed boundaries, the methodology now includes 5 criteria which link back to the three relevant Green Belt purposes and strategic principles. These criteria and their relevant purposes are:

- 1 Does land need to be kept permanently open in order to aid the perception or understanding of a compact city (Purpose 4)?
- 2 Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument (Purpose 4)?
- 3 Does the land need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York (Purpose 4)?
- 4 Does the land function to contain the urban area and protect open land from urban sprawl? (Purpose 1)
- 5 Does the land have the characteristics of countryside and/or connect to land with the characteristics of countryside which needs to be protected from encroachment? (Purpose 3)

4.14 A set of more detailed assessment questions is provided in the 2021 GB Addendum to enable the assessment of boundaries against these criteria.

¹⁶ Topic Paper TP1 Approach to defining York’s Green Belt Addendum January 2021 §5.7

¹⁷ Topic Paper TP1 Approach to defining York’s Green Belt Addendum January 2021 §5.10

¹⁸ Topic Paper TP1 Approach to defining York’s Green Belt Addendum January 2021 §5.25

- 4.15 Consideration of Strensall and its boundaries against these criteria is set out in Annex 4 of the 2021 GB Addendum. Five individual boundaries are identified around Strensall. The eastern boundary, which the Brecks Lane site sits adjacent to, is identified as 'Boundary 2'.
- 4.16 We review the assessment of Strensall and its boundaries against these criteria and the associated detailed assessment questions below.
- 4.17 Whilst [REDACTED] welcomes the clarification on the methodology provided in the 2021 GB Addendum, for the reasons set out below, it is considered that the evidence provided to identify the Green Belt Boundary 2 on the eastern side of Strensall is flawed and fails to justify the boundary identified.

Compactness (Criterion 1)

Detailed Assessment Questions

1.1 Does the land need to be kept permanently open as part of a wider view of a dense compact city or village in an open or rural landscape?

1.2 Does the land need to be kept permanently open to maintain the scale or identity of a compact district or village?

1.3 Does the land need to be kept permanently open to constrain development from coalescing or by maintaining a connection to open or historic setting?

- 4.18 The 2021 GB Addendum answers 'Yes' to all of the above questions.
- 4.19 It suggests that land around Strensall needs to be kept permanently open to maintain the scale and identity of a compact village and to maintain a connection to the open and historic setting. It notes that allowing the village to grow significantly would take it out of proportion with the settlement pattern of York.
- 4.20 The following commentary is provided on Boundary 2:
"Boundary 2 - expansion of this boundary would extend the village eastwards but would be likely to be contained by the next field boundary and replicate development pattern extending along Brecks Lane. However, this would expand the village further from the core of the historic village and impact on compactness".
- 4.21 The assessment therefore recognises that expansion would be contained by the next field boundary. This boundary forms the eastern boundary of the Brecks Lane site and sits approximately 120m from the proposed Green Belt boundary. It is a logical termination to the eastern extent of Strensall and would not significantly increase the overall size of the settlement such that it would take it out of proportion with the settlement pattern of York.
- 4.22 The Brecks Lane site is surrounded by existing boundaries which would provide permanent and defensible Green Belt boundaries to all sides. The Council's own assessment recognises that the eastern boundary of the Brecks Lane site is capable of containing expansion. The village is capable of expansion up to this boundary without any significant impact on the overall compactness of the settlement and does not need to be kept permanently open in order to aid the perception or understanding of a compact city. In fact, the development of the site affords an opportunity to enhance the substantial visual screen at the northern and eastern boundary. It does not therefore need to be kept permanently open as part of a wider view of a dense compact city or village in an open or rural landscape.

- 4.23 The land does not therefore need to be kept permanently open in order to aid the perception or understanding of a compact city and the Brecks Lan site is suitable for removal from the Green Belt on this basis.

Landmark Monuments (Criterion 2)

Detailed Assessment Questions

2.1 Does land need to be kept permanently open to understand the original siting or context of a building, landmark or monument.

2.2 Does land need to be kept permanently open to understand the visual dominance, prominence or role of a focal point of the building, landmark or monument?

2.3 Does the land need to be kept permanently open as part of the tranquillity, remoteness or wildness of the asset?

- 4.24 The 2021 GB Addendum answers ‘No & Yes’ to question 2.1, ‘No & Yes’ to question 2.2 and ‘NA’ to question 2.3.

- 4.25 The 2021 GB Addendum concludes that Boundary 2 does not need to be kept permanently open under Criterion 2. [REDACTED] agrees with this assessment as the boundary does not need to be kept open to understand the original siting and context of village focal points and heritage assets.

Landscape and Setting (Criterion 3)

Detailed Assessment Questions

3.1 Does the land need to remain permanently open to aid the understanding of the historical relationship of the city to its hinterland, particularly as perceived from open approaches?

3.2 Does the land need to remain permanently open to aid the understanding or significance for the situation of a designated landscape, park or garden?

- 4.26 The 2021 GB Addendum answers ‘Yes’ to question 3.1 and ‘NA’ to question 3.2.

- 4.27 The assessment against Criterion 3 does not make specific reference to Boundary 2 but it notes that:

“Relevant to all boundaries is that there is a clear distinction between the built up area and the open landscape beyond the village, which maintains a strong link between the village and its agricultural heritage as well as the context of the River Foss”.

- 4.28 [REDACTED] disagrees with this assessment for Boundary 2. The area immediately beyond this boundary (i.e. the Brecks Lane site) is distinct from the open landscape in the wider area because it is substantially contained by built development and natural features. The site is not used for agricultural purposes and makes no contribution to the agricultural heritage of the wider area.

- 4.29 In addition, the distinction between the built up area and the open landscape is not clear as the site is partially occupied by urban features which link to the existing residential development within settlement. This is evident in the fact that the road layout of the adjacent residential area enters the site and terminates with a turning head.

- 4.30 The Brecks Lane site does not therefore need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York.

Urban Sprawl (Criterion 4)

Detailed Assessment Questions

4.1 Is land connected to or within proximity to the urban area and therefore relevant for sprawl?

4.2 Does the land have an increased risk of sprawl occurring through the presence of low-density, agricultural or recreational structures such as farms, isolated buildings or small clusters with a strong sense of openness, or the possibility of creating ribbon development?

4.3 Is the land unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl?

- 4.31 The 2021 GB Addendum answers 'Yes' to question 4.1, 'No & Yes' to question 4.2 and 'Yes' to question 4.3.

- 4.32 It states:

"All five of the boundaries are connected to an area of dense development and are all therefore at risk of sprawl. The main built up area on the whole has a distinct urban edge in contrast to the open area within which it sits".

- 4.33 The development of land on the edge of any settlement has the potential to result in sprawl and the usual barometer to assess sprawl is to consider how well contained the parcel is by the urban area and how strong the boundary is to restrict it from sprawl. TW consider that the eastern side of the settlement is capable of expansion without any significant impact on sprawl given its level of containment.

- 4.34 With regard to Boundary 2, the 2021 GB Addendum states:

"There is limited risk of sprawl due to the presence of existing structures, as few such structures are present; a small water treatment works is located a few fields away to the east from the boundary at the eastern edge of Brecks Lane, creating a cluster of buildings and tanks, with a significant wooded belt beyond, before opening out into Strensall Common. A small touring caravan park is located just south of the railway line, on the edge of Strensall Common. However, the current boundary is unconstrained; there is therefore potential for unconstrained development to the east, extending to one of the historic field boundaries or potentially as far as the boundary to Strensall Common SAC. The proposed boundary would prevent such unconstrained development".

- 4.35 The Council's assessment therefore appears to suggest that the answer to question 4.2 for Boundary 2 is 'No'.

- 4.36 However, the assessment also appears to suggest that there is no built development or strong boundaries beyond the suggested boundary which would contain or enclose in a way which would prevent sprawl. [REDACTED] considers this assessment to be incorrect as the boundaries of the Brecks Lane site would serve this function.

- 4.37 The Brecks Lane site is substantially contained by built development and natural features. It is bounded to the west by a residential estate built in the 1990s, to the north by the River Foss, to the east by an established tree belt and to the south by a road (Brecks Lane) and the York-Scarborough railway line. In the context of Green Belt purposes, the site is well contained and has strong robust and defensible boundaries. It does not therefore represent part of a potentially continuous urban sprawl.
- 4.38 As the Council is aware that the release of Green Belt land is necessary, the whole point of defining Green Belt boundaries through this process should be to help identify land which no longer meets the Green Belt purposes and to help identify the most appropriate locations for Green Belt release.
- 4.39 The Brecks Lane site would function to contain the urban area and protect the open land beyond from urban sprawl and is therefore suitable for removal from the Green Belt and inclusion within the settlement boundary of Strensall.

Encroachment (Criterion 5)

Detailed Assessment Questions

5.1 Is the land characterised by an absence of built development or urbanising influences?

5.2 Does the land function as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters?

5.3 Does the land contribute to the character of the countryside through openness, views or accessibility

- 4.40 The 2021 GB Addendum answers ‘Yes’ to all of the above questions.
- 4.41 With regard to encroachment, the 2021 GB Addendum states the following in relation to Strensall:
- “In summary, the land adjacent to Boundaries 1-4 is characterised by a general absence of built development and should be protected from future potential for encroachment”.*
- 4.42 It continues:
- “The surrounding countryside is predominantly open rural land, supporting the village’s agricultural origins and is categorised as enclosed farmland surrounding Boundaries 1-4 (Annex 1, Evidence 8)”.*
- 4.43 The fact that land at Brecks Lane is greenfield, lies on the edge of an existing settlement and is thus open and having the appearance of countryside inevitably means that its development might be said to have an adverse effect in terms of encroachment on the open countryside. The same is equally true of any site located on the edge of any urban area.
- 4.44 When making an assessment of encroachment the normal approach is to consider the presence of a strong physical boundary and the extent of development which does not fall within an appropriate countryside use. With regard to this matter [REDACTED] notes that the Brecks Lane site is largely contained by development with a strong landscape boundary to the east, which would be further enhanced as part of any development proposals.

- 4.45 The site is also subject to urbanising influences as it lies next to existing residential development in the settlement and is characterised by urban features including a tarmac turning head with street lighting which comes into the site from the neighbouring residential development to accommodate the future expansion of this development.
- 4.46 The site is largely contained by development with a strong landscape boundary to the east, which would be further enhanced as part of any development proposals. It does not therefore function as part of the open countryside but relates to the urban area of Strensall.
- 4.47 When making a reasoned judgement, it can be concluded that the site will not involve encroachment into the open countryside as it is divorced from the open countryside and it forms a logical small extension to Strensall's urban area. In addition, it is not in agricultural use so does not share the agricultural character of the wider open countryside to the north, east and south.
- 4.48 The Brecks Lane site does not contribute to the character of the countryside through openness, views or accessibility. It does not have the characteristics of the wider countryside and the re-drawing of the Green Belt boundary around its northern, eastern and southern boundaries would provide permanent defensible boundaries which would protect the wider countryside from encroachment.
- 4.49 In conclusion, it does not have the characteristics of countryside and/or connect to land with the characteristics of countryside which needs to be protected from encroachment. It suitable for removal from the Green Belt and inclusion within the settlement boundary of Strensall, and allocation for residential development.

Permanence: Boundary Definition

- 4.50 In addition to considering the five Green Belt purposes, the 2021 Green Belt Addendum sets the following questions in respect of detailed boundary identification:
- 1 Does the boundary offer Recognisability?
 - 2 Does the boundary offer Permanence?
 - 3 Does the boundary offer Strength?

Boundary Recognisability

- 4.51 The 2021 GB Addendum provides a description of Boundary 2 as follows:

“The boundary then turns south, crossing the River Foss and following a somewhat irregular boundary along the rear curtilage boundaries of properties on Moray Close, Green Lane, Heath Ride, Thompson Drive and Tudor Way, to the point where it meets Brecks Lane. Beyond the boundary lie a number of linear fields, some of which contain areas of rough scrub land. The boundary in this section consists of a combination of hedges, trees and fences (mostly forming the curtilage boundaries of properties). The boundary is recognisable as the rear of existing built development on the ground.

An alternative boundary would be to use the field boundary to the east which is a dense, tree-lined hedge present on the 1852 OS Map. In the interests of preventing future sprawl and maintaining the compactness of the village, the need to define the recognisable and permanent boundary to the rear of existing development has taken precedence in this instance”.

- 4.52 Whilst defined by boundary fencing in places, the proposed Boundary 2 includes land where there is no clear feature to define the boundary. With regard to this matter, [REDACTED]

notes that part of the boundary is completely open, where the estate road from the adjoining residential development passes through the boundary and forms a tarmac turning head within the Brecks Lane site, connecting the site to the existing urban area. The proposed boundary is therefore considered to be weak as it does not provide clearly recognisable features along the whole of its length.

- 4.53 A copy of the 1852 OS Map is not provided in the 2021 GB Addendum so it is not possible to confirm which boundary the Council is referring to as a potential alternative. However, it is considered that the eastern boundary of the Brecks Lane site benefits from a well established, dense tree line and would perform the function of an alternative boundary for the reasons we have identified above.

Boundary Permanence

- 4.54 The 2021 GB Addendum provides the following description of permanence for Boundary 2:

“Boundary 2: The boundary in this section historically consisted of a series of linear fields, running between the River Foss and the railway line. The current boundary follows the more recent development boundaries of the Brecks development, dating from the late C20 / early C21. The boundary offers permanence”.

- 4.55 The boundary identified has therefore only existed for a relatively short period of time and as we have noted above, lacks clear definition in places. The tree planting to the eastern boundary of the Breck’s Lane site is well established and would offer a boundary that would be permanent.

Boundary Strength

- 4.56 The 2021 GB Addendum does not provide any specific commentary on boundary strength around Strensall. However, we consider that the proposed Boundary 2 is not well established and the boundary is weak in places where it is not defined by clearly identifiable physical features which are required to ensure that the purposes of the Green Belt are achieved. The eastern boundary of the Brecks Lane site would provide a much stronger permanent and defensible Green Belt boundary.

Consistency with the Local Plan Strategy

- 4.57 [REDACTED] is concerned that the assessment is still relying on ‘shapers’ in the Local Plan which the Inspectors previously criticised the Council for using to inform the identification of the Green Belt boundary. For example, in the assessment of Strensall, the ‘Strategic Permanence’ section of 2021 GB Addendum still identifies factors such as flood risk, Green Corridor designation and the Strensall Common Special Area of Conservation (SAC) as reasons for excluding land from the Green Belt. This evidence does not support the identification of Green Belt boundaries as it is not relevant.

Tests of Soundness

- 4.58 [REDACTED] consider that Modification PM39 fails to meet the following tests of soundness because:

- 1 **It is not Positively Prepared:** It does not properly consider the suitability of alternative boundaries which would provide a more appropriate Green Belt boundary around Strensall.
- 2 **It is not Justified:** The approach taken to identifying the boundary around Strensall is flawed as there is a lack of transparency and justification as to how the findings within the document have resulted in the Green Belt boundaries identified. In particular, the evidence provided to define Boundary 2 in Strensall lacks clear justification.

- 3 **It is not Effective:** In the absence of identifying additional land outwith the Green Belt boundary, and allocating land in sustainable locations to meet development needs, there is a risk that the Local Plan will not be deliverable over its period.
- 4 **It is not Consistent with National Policy:** The identification of additional land outwith the Green belt boundary in sustainable locations is necessary in order to meet the delivery of sustainable development in accordance with the policies in the Framework. There is no clear evidence to demonstrate why safeguarded land has not been identified to meet need beyond the plan period.

Recommended Change

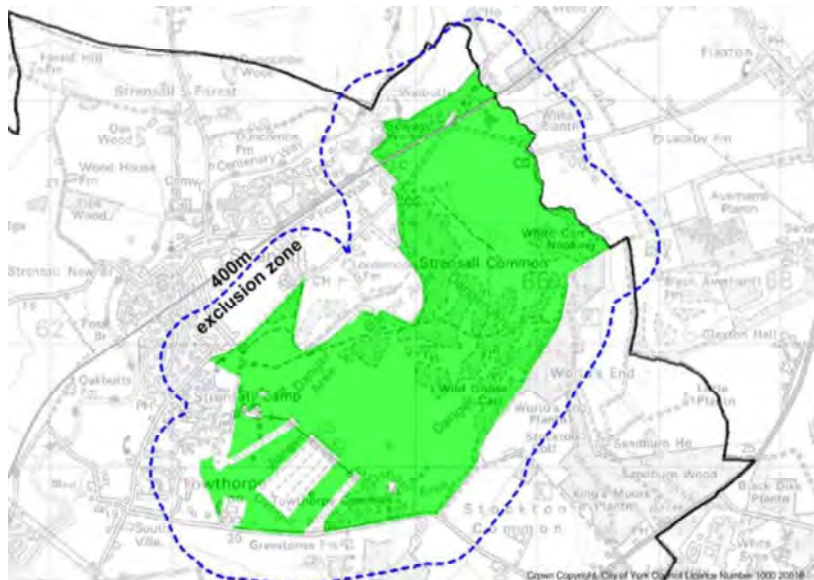
- 4.59 In order to address the conflicts identified above and ensure that the Local Plan is sound, it is considered that City of York Council should:
- 1 Review the Green Belt evidence to address the issues identified above.
 - 2 Define the boundary of the Green Belt around Strensall such that land at Brecks Lane is excluded from The Green Belt and allocated for residential development on the Local Plan Proposals Map.
 - 3 The Brecks Lane site should be identified as Safeguarded Land on the Local Plan Proposals Map if it is not allocated for development.
- 4.60 The Council should identify additional land to meet the housing needs of the community and define the Green Belt boundary accordingly. 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. The identification of a portfolio of small site allocations (e.g. up to 250 dwellings) around existing settlements and the main urban area would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.
- 4.61 As demonstrated in these representations, the Brecks Lane site should not be included within the identified Green Belt boundary, as it does not serve a Green Belt function, and should be allocated for residential development to help the Council meet its housing requirement.
- 4.62 Even if the site is not allocated it should be identified as Safeguarded Land for future development.

5.0 **Modification PM70 - New Policy GI2a: Strensall Common Special Area of Conservation (SAC) and PM 71 - New Policy GI2a Justification**

Introduction

- 5.1 Following a challenge from Natural England and at the request of the Inspectors, the latest Habitat Regulations Assessment [HRA] (October 2020) comprises changes to fully assess possible impacts from recreational pressure at the Strensall Common Special Area of Conservation [SAC] and to confirm compliance with case law. Based on the findings of the HRA the Proposed Modifications seek to introduce a new policy to the Local Plan.
- 5.2 New Policy G12a proposes an 'exclusion zone' set at a 400m linear distance from the SAC boundary. Part (a) of the policy states that permission will not be granted for development that results in a net increase in residential units within this zone.
- 5.3 Part (b) of the policy identifies a 'zone of influence' between 400m and 5.5km linear distance from the SAC boundary. Part (b)(i) requires that where new residential development is proposed within the zone of influence on allocated housing sites, provision of open space must include or secure access to areas of suitable natural greenspace secured by way of mitigation prior to any occupation of new dwellings and secured in perpetuity. Part (b)(ii) states that proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy GI6.
- 5.4 The proposed Exclusion Zone is shown in Figure 5.1.

Figure 5.1 Strensall Common - Proposed Exclusion Zone



Source: City of York Local Plan Composite Modifications Schedule (April 2021)

Consideration of Modification

- 5.5 [REDACTED] notes that the diagram identifying the proposed Exclusion Zone is not sufficiently detailed and of an appropriate scale to identify the precise boundaries that the Zone covers. It is not therefore possible to accurately ascertain which land is affected by the Exclusion Zone and whether the 400m boundary line identified is accurate.
- 5.6 For example, it would appear that the outer boundary of the Exclusion Zone does not include the Brecks Lane site but it is not possible to confirm this so it is not clear whether the site would be affected by this Exclusion Zone or not. It is therefore essential that a plan of a sufficient scale is provided so that the boundaries of the Exclusion Zone can be clearly identified against existing land features and boundaries.
- 5.7 [REDACTED] is also concerned that there is no clear justification for the 400m distance identified for the outer boundary of the Exclusion Zone. The identification of this distance appears to be reliant on other examples in the country and there is no clear explanation as to why it is appropriate in this instance. It is not clear why a shorter distance could not be applied, so that only development which would be in the closest proximity to the Common (and therefore more likely to access it) would be affected.
- 5.8 [REDACTED] also considers that the wording of Part (a) of Policy G12a has not been positively prepared. [REDACTED] recognises the need to protect the important wildlife sites in and around the City including the Strensall Common SAC. However, it is considered that the policy as currently worded is overly prescriptive and does not provide the opportunity for residential development to come forward where it may be acceptable. It should make sufficient provision so that sites can be assessed on an individual basis at the planning application stage and appropriate mitigation identified. This may include contributions to habitat management; access management and visitor infrastructure; publicity, education and awareness raising; provision of Suitable Alternative Natural Green Space (SANGS) within development sites where they can be accommodated and where they cannot by contributions to off-site alternative green space. This approach would reflect that taken in other authority areas such as Cannock Chase where the Cannock Chase SAC is protected by a similar policy¹⁹.
- 5.9 The wording of Part(b)(ii) of the Policy is not considered to be positively prepared or effective, in particular the text which states that “*proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects*” (our emphasis). [REDACTED] does not consider that it would be practical for applicants to consider other plans and projects as this could potentially include a very large number of schemes and there would be no way of applicants to accurately assess or confirm the impacts of these schemes and any proposed mitigation. The policy should be reworded to make clear that the effects of the application site alone would need to be considered.

Tests of Soundness

- 5.10 [REDACTED] considers that the above modifications fail to meet the following tests of soundness because:
- 1 **It is not Positively Prepared:** The policy as currently worded is overly prescriptive and does not provide the opportunity for residential development to come forward where it may be acceptable. It should make sufficient provision so that sites can be assessed on an individual basis at the planning application stage

¹⁹ Cannock Chase Local Plan (Part 1) 2014 Policy CP13 - Cannock Chase Special Area of Conservation (SAC)

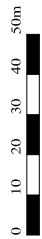
- 2 **It is not Justified:** No clear justification has been provided for the 400m distance identified for the outer boundary of the Exclusion Zone.
- 3 **It is not Effective:** The diagram identifying the proposed Exclusion Zone is not sufficiently detailed in scale to identify the precise boundaries that the Zone covers. It is not therefore possible to accurately ascertain which land is affected by the Exclusion Zone.

Recommended Change

5.11 In order to address the conflicts identified above and ensure that the Local Plan is sound, it is considered that City of York Council should:

- 1 Provide a plan of a sufficient scale so that the boundaries of the Exclusion Zone can be clearly identified against existing land features and boundaries.
- 2 Provide clear justification for the 400m distance identified for the outer boundary of the Exclusion Zone.
- 3 The wording of Part (a) of the policy should be deleted and replaced with the following:
“All proposals for net new residential development within the Exclusion Zone will be required to undertake an Appropriate Assessment to demonstrate (a) that they will not have an adverse effect on the SAC and/or (b) the acceptability of any avoidance and mitigation measures provided. The Council will need to be satisfied that any such development will not lead to further recreational use of the SAC or have any other significant effect on its integrity”.
- 4 The wording of Part(b)(ii) of the Policy should be amended as follows:
“Proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, ~~either alone or in combination with other plans or projects.~~ Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy GI6”.

Appendix 1 Land at Brecks Lane, Strensall



DATE: September 2013	
SCALE: 1 : 1250 @ A3	DWG NO. 3585/12
DRAWN: KLW	CHECKED: -
REV. DATE: AMENDMENT	

PROJECT: Development at Brecks Lane, Strensall
DRAWING TITLE: Location Plan

CLIENT: LINDEN HOMES NORTH

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REV. DATE: AMENDMENT

Appendix 2 Brecks Lane Site Layout Plan



Type	Name	Description	Area	Total
WE	Wellton	2 bed	1670	1670
MA	Marston	3 bed	4516	4516
MAw	Marston (special)	3 bed	843	210
EV	Everingham	3 bed	843	210
RO	Rushyham	3 bed	1013	410
CON	Conisbrough	3 bed	884	410
SU	Sutton	4 bed	1064	210
HT6	HT6	4 bed	1360	210
HT5	HT5	4 bed	1360	210
AM	Amenity	4 bed	1335	210
BU	Burby	4 bed	1176	810
AL	Allerthorpe	4 bed	1360	210
ALU	Allerthorpe	4 bed	1603	410
RL	Rushyham	4 bed	1646	110
LJ2	Linton 2	4 bed	1822	810
HA	Hayton	4 bed	1822	810
CO1	Colswold 1	5 bed	2241	410
CO2	Colswold 2	5 bed	1781	110
CO3	Colswold 3	4 bed	2187	110
TOTAL				10210

Accommodation

Type	Name	Description	Area	Total
WE	Wellton	2 bed	1670	1670
MA	Marston	3 bed	4516	4516
MAw	Marston (special)	3 bed	843	210
EV	Everingham	3 bed	843	210
RO	Rushyham	3 bed	1013	410
CON	Conisbrough	3 bed	884	410
SU	Sutton	4 bed	1064	210
HT6	HT6	4 bed	1360	210
HT5	HT5	4 bed	1360	210
AM	Amenity	4 bed	1335	210
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HA	Hayton	4 bed	1822	810
CO1	Colswold 1	5 bed	2241	410
CO2	Colswold 2	5 bed	1781	110
CO3	Colswold 3	4 bed	2187	110
TOTAL				10210

Key

- Existing trees to be removed
- Existing trees to be retained & root protection line
- Block paving
- Grass
- Proposed new planting. Refer to Roseate Landscape Design for precise landscaping details
- Affordable Houses
- Solar Panel

Boundary Details

- KNEE RAIL (450mm)
- SCREEN WALL (1800mm)
- CLOSE BOARDED TIMBER FENCE (1800mm)
- ACOUSTIC FENCE (1800mm)
- CLOSE BOARDED TIMBER FENCE & TRELIS (1800mm fence & 300 trellis)

Housetype Key

- A Country Style
- B Cottage Style
- C Contemporary Style

Logos and Contact Information:

- James Partnership Ltd** (Architect)
- James Partnership Ltd** (Landscape Architect)
- Linden Homes** (Developer)
- Proposed Residential Development at Brecks Lane, Strensall**
- Proposed Site Layout Plan**
- Scale: 1:500 @ A1**
- Date: JULY 2013**
- Drawn: JW**
- Checked: 3685/10**
- Revision: G**

Appendix 3 Representations on Housing Matters

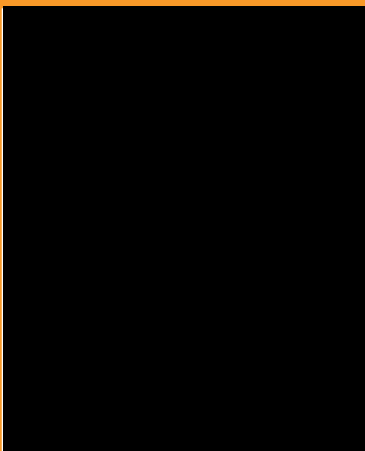
City of York Local Plan

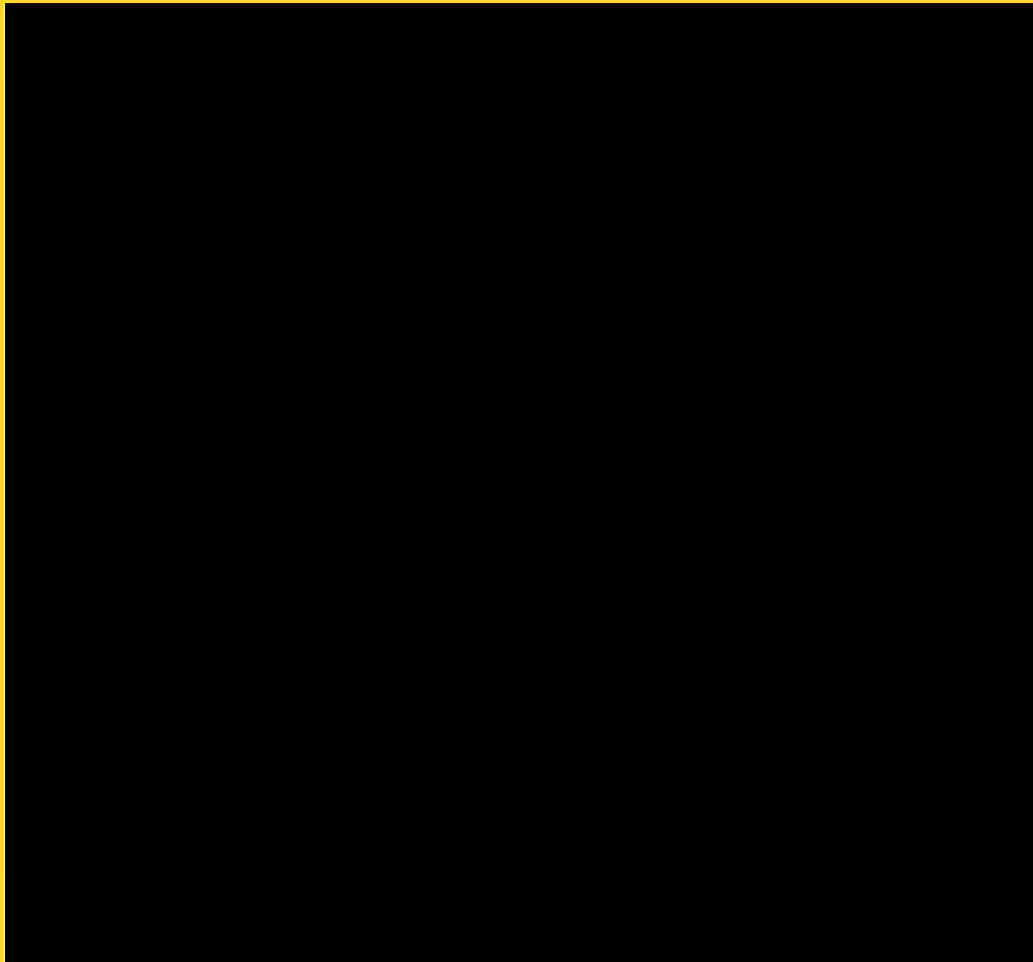
Proposed Modifications Version

Representations on Housing Matters



July 2021





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1.0 Introduction

1.1 This statement is prepared on behalf of three different and separate participants who have jointly instructed ██████████ to represent them on matters of housing need and supply. The participants are ██████████, ██████████. Each has their own distinct interests in the City and have submitted separate responses on other matters, but present the following shared position on housing need.

1.2 The assessment of York’s housing need in this statement forms part of the above participant’s response to the City of York Council’s [CYC] latest consultation on the Key Evidence and Supporting Documentation that was published since the York Local Plan Hearing Sessions.

1.3 In particular, this representation analyses CYC’s updated evidence on housing needs that establishes the scale of need and demand for market/affordable housing in the City. In this regard, we comment on the following recently-published consultation documents:

- EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019
- EX/CYC/36: Affordable Housing Note Final February 2020
- EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020
- EX/CYC/43a: Housing Needs Update September 2020
- EX/CYC/56: SHLAA Update April 2021
- EX/CYC/58: Composite Modifications Schedule April 2021

City of York Council’s Local Plan Proposed Modifications (April 2021)

1.4 A review of the Objectively Assessed Housing Need [OAHN] was undertaken on behalf of CYC by ██████████ in September 2020 (*The Housing Needs Update report*), which supersedes the previous SHMA Update (2017) and a further Housing Needs Update in January 2019. This new report advised that in light of the latest set of 2018-based Sub-National Household Projections [SNHP] in March 2020, York’s housing need would fall to just 302 dwellings per annum [dpa] between 2012 and 2032. However, due to concerns over the methodology employed in both the population and household projections, ██████████ recommended that greater weight be given to the use of longer-term trends and economic-led housing needs, resulting in a requirement for 779 dpa. The consultants concluded that as there was no material change since the last assessment in January 2019, there was no need for the Council to move away from its OAN of 790 dpa.

1.5 On the basis of this evidence, the Council considered that under the transitional arrangements of the 2012 NPPF and the requirements of the National Planning Practice Guidance [the Practice Guidance] in relation to the assessment of housing need, it was justified in making minor modifications to its submitted Plan as a result of the updated OAN. It included an annualised shortfall of 32 dpa (unmet need between 2012/13 and 2016/17), bringing the housing requirement to 822 dpa.

1.6 These modifications include an update to Policy SS1, to clarify that the Council’s housing requirement, inclusive of shortfall should be amended to a ‘*minimum average annual net provision of 822 dwellings over the plan period to 2032/33*’.

1.7 Furthermore, paragraph 3.3 of the accompanying explanation to Policy SS1 is now (again) revised to state that:

*“Technical work has been carried out by GL Hearn in the Strategic Housing Market Assessment Update (2017). This work has updated the demographic baseline for York based on the July 2016 household projections. ~~to 867 790 per annum.~~ Following consideration of the outcomes of this work, the Council aims to **address an objectively assessed housing need of 790 homes per annum. This produces a housing requirement amounting to** ~~meet an objectively assessed housing need of 867 790 new dwellings per annum for the plan period to 2032/33~~ **a minimum average annual net provision of 822 dwellings over the plan period to 2032/33, including an allowance for any a shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.**”*

1.8 Our review concludes that on the basis of the approach taken to reaching the 790 dpa housing requirement identified within the City of York Housing Needs Update (September 2020) (“the 2020 HNU”), this housing requirement fails to meet the full OAHN, which is significantly higher than the Council has estimated.

1.9 Furthermore, we consider that the Plan would fail to make appropriate provision for sufficient housing to sustainably deliver, in a timely manner, housing in line with the City’s full OAHN, with further site allocations required within this Plan in order to ensure an overall strategy that is deliverable and sufficiently flexible to respond to change.

Report Structure

1.10 The report is structured into the following sections:

- **Section 2.0** –sets out the housing policy context at a national and local level;
- **Section 3.0** – reviews the robustness of the Council’s evidence on housing need within the City, and whether the Council is meeting its OAHN;
- **Section 4.0** – reviews market signals;
- **Section 5.0** – analyses affordable housing needs;
- **Section 6.0** – considers the integration of student housing needs;
- **Section 7.0** – reviews the Council’s approach to factoring in backlog;
- **Section 8.0** - critiques the assumptions which underpin the Council’s currently claimed housing land supply and reviews the 5YHLS; and,
- **Section 9.0** - provides a summary and conclusion on the City of York’s housing need and supply.

2.0 **Housing Need**

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This is in the context that the Council’s Local Plan was submitted during the transitional arrangements for the 2019 National Planning Policy Framework [NPPF]. That said, the standard method for calculating housing need set out in the NPPF (and set out in more detail in the revised 2019 Practice Guidance and again in December 2020), provides relevant context for the direction of change the Government has moved towards, and the unwavering emphasis of seeking to substantially boost the supply of housing to attain an overall national target of 300,000 dwellings per year.
- 2.2 This will provide the benchmark against which the 2020 HNU 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.

National Planning Policy Framework

- 2.3 The 2012 NPPF outlines that local planning authorities [LPAs] should positively seek opportunities to meet the development needs of their area (paragraph 14). It adds that, in order to “*boost significantly*” the supply of housing, they 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...*” (paragraph 47)
- 2.4 The NPPF (paragraph 159) specifies the evidence required to objectively define housing needs within an area, setting out that LPAs should:
- “Prepare a Strategic Housing Market Assessment to assess their full housing needs... 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 needs for all types of housing, including affordable housing...; and*
 - *Caters for housing demand and the scale of housing supply necessary to meet this demand.”*

2019 NPPF

- 2.5 The Revised Framework was published in February 2018. It has an unequivocal emphasis on housing, with the introduction to the 2018 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.
- 2.6 The 2019 NPPF 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 [§59].

- 2.7 In particular:
- “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”. [§60]*
- 2.8 The revision also makes 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) [§61].
- 2.9 Paragraphs 67 - 76 also set out how Councils should identify and maintain a five-year supply of housing against their housing requirement.
- 2.10 In terms of the weight that can be attached to this key policy document, it is accepted that paragraph 214 to Annex 1 of the NPPF states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans were submitted on or before the 24th January 2019.
- 2.11 However, the 2019 NPPF 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.
- 2.12 Furthermore, the *Planning White Paper: Planning for the Future*, published on 6th August 2020, proposes some very significant changes to the planning system and has a clear focus on accelerating housing delivery. It acknowledges that *“Assessments of housing need, viability and environmental impacts are too complex and opaque: Land supply decisions are based on projections of household and business ‘need’ typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for.”* [page 11]
- 2.13 As a result, the White Paper acknowledges that the current system simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest. *“Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).7 The result of long-term and persisting undersupply is that housing is becoming increasingly expensive”*. [page 12]
- 2.14 The White Paper therefore aims to address housing affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market. To ensure more land is available for the homes and development people and communities need, and to support renewal of town and city centres, the White Paper proposes the following:
- *“A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused*

on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.” [page 19]

Planning Practice Guidance

- 2.15 The Planning Practice Guidance [PPG] contains a section providing guidance on housing and economic development needs assessments. It identifies that whilst there is no one methodological approach, an OAHN should fulfil the following criteria:
- be proportionate and not consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur (ID: 2a-003);
 - be based on facts and unbiased evidence. Constraints should not be applied to the overall assessment of need (ID: 2a-004);
 - utilise household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need (ID: 2a-015);
 - consider sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates (ID: 2a-017); and
 - take account of employment trends (ID: 2a-018), appropriate market signals including market indicators of the balance between the demand for and supply of dwellings (ID: 2a-019) and affordable housing needs (ID: 2a-029).

2019/2020 Planning Practice Guidance

- 2.16 Following on from the revisions to the Framework, on 13th September 2018 MHCLG published its revised PPG on Housing and economic land availability assessment covering changes to the 5YHLS approach, whilst on 20th March 2019 MHCLG updated its Housing and economic needs assessment to factor in the calculation of Local Housing Need via the standard methodology. This was again updated in December 2020 that scrapped earlier proposals and reverted back to the method it introduced in 2018, but with a modification to top up the number in the 20 largest cities and urban areas by 35%, reflecting Government objectives to, inter alia, drive housing into existing urban areas and encourage brownfield development.
- 2.17 The PPG states that:
- “The 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes.”¹*
- 2.18 If an authority uses a different method for calculating housing need the PPG sets out how this should be tested at examination:
- “Where a strategic policy-making authority can show that an alternative approach identifies a need higher than using the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point.”*

¹ 2a-002-20190220

“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.”²

- 2.19 Although the Government's stated ambition remains to deliver 300,000 new homes per annum across England by the mid-2020s, as of April 2021 the figure only equates to 288,716 and relies on the delivery of 85,542 homes in Greater London alone, which will not happen given that the current London Plan requirement is 52,287 dpa, whilst average delivery rates over the past 3 years have totalled just 36,686. This means that for the nationwide target to be met, other districts across England will need to go above and beyond their SM2 target.
- 2.20 Applying this revised approach to the standard methodology would result in a LHN figure of **1,013 dpa** for the City of York. This represents the minimum number of homes needed per year as set out in paragraph 60 of the revised Framework (February 2019).
- 2.21 This is calculated using the 2014-based household projections for 2019-2029, which equates to household growth of 809 per annum (8,089 over the 10-year period), plus a market signals uplift of 25.25%. This latter figure has been generated as follows, based on the most recent (April 2021) affordability ratio data for the City of York:
- Median local workplace-based affordability ratio (2019) = 8.04
 - deduct 4 = 4.04
 - divide by 4 = 1.01
 - multiply by 0.25 = 0.2525 (25.25%).
- 2.22 No cap is applied as York has no existing Local Plan figure to apply it to.

Relevant Caselaw

- 2.23 There have been several key legal judgments which provide clarity on interpreting the NPPF and PPG in terms of how to address the issue of affordable housing need in the context of arriving at a concluded figure for OAHN:
- 1 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”;
 - 2 ‘Kings Lynn and West Norfolk Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2464’ referred to as “Kings Lynn”;
 - 3 ‘Barker Mill Estates Trustees v Test Valley BC & Secretary of State for Communities and Local Government [2016] EWHC 3028 (Admin)’ referred to as “Barker Mill”;
and
 - 4 ‘Jelson Ltd. v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2018] EWCA Civ 24’ referred to as “Hinckley and Bosworth”.
- 2.24 Our previous 2019 representations explored the implications of these 4 judgements on York’s housing need in depth and we do not repeat them again here.

² 2a-015-20190220[CD/021]

Housing Need Local Policy Context

- 2.25 Before setting out a critique of CYC’s housing OAHN evidence base, it is important to recognise once more 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 Local Plan has been, it is not unfair to say, glacial. This is demonstrated by the fact that the Council is still relying on the outdated OAHN approach to calculate its housing requirement, rather than the Government’s standard methodology for calculating Local Housing Need for planning purposes, which was first consulted on in 2017, then adopted in 2018, three years ago.
- 2.26 This Standard Method is intended to shift time, resources and debate at examination away from the ‘numbers’ question and towards the ‘how’ and ‘where’ of building new homes. The fact that we are seemingly endlessly debating technical housing need issues at York’s EiP many years after the Plan’s original submission to PINS is a clear vindication of the Government’s move towards a standardized approach.
- 2.27 The development plan for York comprises two policies³ 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 and a fluctuating housing need figure. The Council published the following ‘further work’ on the Local Plan relating to housing needs after a 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 ██████⁴. 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 **926 dpa**⁵;
 - 2 In September 2015 the LPWG considered an update on the ‘*Objective Assessment of Housing Need*’ [OAHN] report produced by ██████ and a report on ‘*Economic Growth*’⁷. The Arup report concluded that the housing ‘requirement’ should be in the **range of 817 dwellings per annum [dpa] to 854 dpa** 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 ██████ jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]⁸. 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 **841 dpa**.

³ 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

⁴ Assessment of the Evidence on Housing Requirements in York (██████, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (██████, September 2014)

⁵ Local Plan Working Group 17 December 2014 - Minutes

⁶ Evidence on Housing Requirements in York: 2015 Update – ██████ (August 2015)

⁷ York Economic Forecasts – Oxford Economics (May 2015)

██████ (June 2016): City of York Council Strategic Housing Market Assessment

- 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 [REDACTED] produced an Addendum⁹ 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 898 dpa 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 706 dpa – 898 dpa, and therefore the Council considered that it did not need to move away from the previous **841 dpa** figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. [REDACTED] 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 [REDACTED] 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 783 dpa (in the 2016 SHMA) to 867 dpa. In their Update, [REDACTED] then applied a 10% uplift to the 867 dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of **953 dpa**. 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 867 dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953 dpa 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.”

As a result of this approach, the February 2018 City of York Publication Draft stated 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.”*

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].

- 6 The Council then revised the OAHN down even further in light of GL Hearn’s January 2019 HNA, which modelled the (then) latest 2016-based SNHP. The HNU concluded that the 2016-based SNPP provide a more robust assessment of population growth for York than their predecessor, which is “*ratified by more recent population estimates*” [5.2]. Uplifting the 2016-based SNPP to meet an economic growth of 650 jobs per annum and adjusting household formation rates equates to a need for **790 dpa**, which [REDACTED] considers to be the OAHN on the grounds that this “*would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs*”. [§5.11]
- 7 The Council is now inviting comments on the 2020 HNU, again produced by [REDACTED], and which models the implications of the latest 2018-based SNPP and equivalent SNHP. The HNU concludes that the housing need in the City has not

[REDACTED] (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

changed materially since the last assessment in January 2019. *“The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. There is, therefore, no need for the Council to move away from their current position based on this new data.”* [para 5.8]

2.28 [REDACTED] has submitted representations on behalf of housebuilders to the various stages of the York Local Plan formulation as and when the OAHN has been updated over the past 5 years. Our most recent representation, made on behalf of a consortium of housebuilders in 2019, concluded that the OAHN should be increased to a figure in the region of 1,300 dpa plus the housing backlog from 2012-2017.

2.29 The remainder of this section provides an overview of the findings of the latest 2020 HNU.

Overview of the City of York’s HNU

2.30 The stated purpose of [REDACTED] Housing Needs Update [HNU] is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2018-based SNPP, equivalent 2018-based SNHP, and the 2019 Mid-Year Estimates. The analysis models housing need over the period from 2017-33 to be consistent with the Local Plan period. To align with previous studies carried out for the City, [REDACTED] has also have provided figures for the 2012 to 2037 period.

2.31 The HNU does not review the latest evidence on market signals within the City. Nor does it revisit the affordable housing need for the City, the mix of housing required, or the needs for specific groups. It is therefore limited in its scope.

2.32 The report [Table 1] finds that over the 2017-33 period, the 2018-based SNPP projects an increase in York’s population of around 7,432 people (+3.6%). This is very significantly lower than the 2014-based SNPP (24,229), which represents a difference of nearly 16,800 residents. The latest projections are also 6,120 lower than the equivalent 2016-based SNPP figures.

2.33 [REDACTED] consider that this is consistent with what is projected nationally as a result of lower fertility rates, reduced international migration and a more negative approach to life expectancy improvements.

2.34 [REDACTED] rightly reviews the implications of a number of variants produced by ONS to the 2018-based SNPP on the grounds that the principal projection only draws on internal migration trends over 2 years from 2016 to 2018 *“which can distort the outputs of a projection if those years are particularly high or low.”* [paragraph 2.4]

2.35 The analysis therefore reports a range of demographic scenarios, including the 10-year Migrant Variant (which draws trends over the 2008 to 2018 period) and an Alternative Migration Variant (which draws on migration trends over 5 years not 2). Over the Local Plan period, the principal variant would see a 3.6% growth in the population, whereas the 10-year migration variant and alternative internal migration variant see growth of 5.9% and 4.6% respectively.

2.36 [REDACTED] then examines the household formation rates that underpin the latest round of 2018-based household projections. They highlight the fact that concerns have been raised regarding their robustness:

“There are significant concerns around the HRRs, which it is argued lock-in recessionary trends during the 2001 to 2011 period from which they were drawn.” [paragraph 2.14]

2.37 By focussing on shorter term trends ONS has effectively ‘locked in’ deteriorations in affordability and subsequently household formation rates particularly within younger age groups during that time.

2.38 The analysis finds that by applying part return-to-trend headship rates, the level of housing need increases to between 501 dpa to 669 dpa (incorporating a 3% allowance for vacancy/second homes) depending on the variant modelled – significantly higher than the 302-471 dpa derived in the HNU for the main demographic-based projections.

Table 2.1 Projected Household Growth 2017-33 - Range of demographic based scenarios

	2018-based SNHP HRR		Part Return to Trend HRR	
	Change in households	dpa	Change in households	dpa
Principal	4,687	302	7,784	501
10-Year Migration	7,314	471	10,399	669
Alternative Internal	5,955	383	9,285	598

Source: ██████████ (September 2020): *City of York Housing Need Update*, Tables 4 and 5

2.39 ██████████ notes that the 669 dpa does not equate to a meaningful difference from the 679 dpa based on the PRT HRRs in the previous 2019 HNU, and therefore the variant migration scenario is seen as the more suitable to use for York.

2.40 However, moving on, the report goes on to suggest that this is largely academic as demographic housing need is lower than the economic-led housing need.

2.41 ██████████ models a series of economic growth forecasts, settling on 650 jobs per annum as this is considered to align with the ELR Update and the Oxford Economics model published in December 2019. Using the OBR economic activity rates and keeping unemployment rates, double jobbing and commuting ratios constant, this equates to a need for 766 dpa based on the part return to trend HRRs (2017-33), rising to **788 dpa** if York were to take a greater share of its workforce’s accommodation (a 1:1 commuting ratio).

2.42 The HNU concludes that “*there is a clear need to increase housing delivery in York to support the City’s economic potential. The scenarios we have run show this need to be in a fairly narrow range of 766 to 788 dpa. This is broadly comparable to the 790 dpa identified in the Housing Needs Update of January 2019.*” [paragraph 3.11]

2.43 The HNU then provides an overview of the standard method for assessing housing need. ██████████ notes that at the time of writing it equates to 1,206 dpa, falling to just 763 dpa if the Government’s August 2020 Consultation changes were implemented. They conclude that whilst these should have no bearing on the housing need for York at the Local Plan examination, “*it should provide some comfort that the latest version of the standard method arrives at a very similar number*”. [paragraph 4.20]

2.44 This last point re: 763 dpa is now irrelevant given that the Government has abandoned the August 2020 Consultation changes. The SM2 remains at 1,013 dpa.

2.45 The HNU concludes that whilst the 2018-based SNHP demonstrates clear downward pressure on demographic trends for York, there are significant concerns about the methodology (particularly concerning the use of just 2 years of internal migration trends and household formation rates which lock in recessionary trends). As such ██████████

advocates the use of the variant population projection and bespoke household formation rates. The resultant 670 dpa is still lower than the economic growth projection of 779 dpa over the Plan period:

*“We have not updated market signals for the City however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited. For example, for the Plan period, the economic-led need of 779 dpa is 157% higher than the demographic starting point of 302 dpa. To conclude, the housing need in the City has not changed materially since the last assessment in January 2019. The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. **There is, therefore, no need for the Council to move away from their current position based on this new data.**”*

[paragraphs 5.7-5.8]

3.0 Critique of the SHMA Update

Introduction

- 3.1 The Companies represented by [REDACTED] have serious concerns and wish to raise objections to the way in which the Council has chosen to identify an OAHN of 790 dpa (reducing this down from the already unsatisfactory 867 dpa) and the subsequent identification of this need (plus 32 dpa backlog) as the housing requirement in the Policy SS1 of the Modified LPP.
- 3.2 This section provides a critique of GL Hearn’s 2020 City of York Housing Needs Update [HNU].

Starting Point and Demographic-led Needs

Population Change

- 3.3 The Practice Guidance¹⁰ sets out that in assessing demographic-led housing needs, the latest 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]¹¹.
- 3.4 This previous guidance has of course been amended in the revised Practice Guidance, published in December 2020, which now formalises the standard methodology to calculate Local Housing Need. This is founded on the previous 2014-based SNHP rather than the more recent 2018-based equivalents as they “provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes”¹².
- 3.5 [REDACTED] accepted in paragraph 2.18 of its 2019 HNU that the 2016-based projections do not have the ability to meet the Government’s housing target of 300,000 homes per annum. It is not mentioned in the 2020 Update, but given that the 2018-based household projections are even lower for York, then this 2019 comment is even more relevant today.
- 3.6 On 6 August 2020, the Government published its proposed ‘Changes to the current planning system’. The consultation paper set out four policy proposals to improve the effectiveness of the current system, which included changing the standard method for assessing local housing need, to plan for the delivery of 300,000 new homes a year and plan for more homes in the right places. The Government provided a detailed response to this consultation on 1st April 2021¹³:

“In Changes to the current planning system, the government set out the importance of building the homes our communities need and putting in place measures to support our housing market to deliver 300,000 homes a year by mid-2020s. We set out that our proposed changes to the standard method were based on overarching principles as

¹⁰ Practice Guidance - ID 2a-015-20140306

¹¹ Practice Guidance - ID 2a-017-20140306

¹² Practice Guidance - ID: 2a-005-20190220

¹³ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

stated in paragraph 17 of the consultation. These were ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where there are affordability challenges. We remain committed to these principles.”

- 3.7 In the Government’s response, it clarified that the 2018-based projections are not a justification for lower housing need:

“We will continue to use the 2014-based household projections. The government has carefully considered whether to use the 2018-based household projections and has concluded that, due to the substantial change in the distribution of housing need that would arise as a result, in the interests of stability for local planning and for local communities, it will continue to expect only the use of the 2014-based projections.”

- 3.8 It goes on to state that *“We will continue to specify that the most recent affordability ratios should be used ensuring relevant market signals continue to play a role.”*

- 3.9 **We acknowledge that the City of York Local Plan was submitted to the Secretary of State for Examination before 26th January 2019 and therefore should be examined under the transitional arrangements (i.e. the 2012 NPPF and 2014 Practice Guidance). For this reason, the LHN calculated by the standard method would not apply. We do stress however that it is totally unacceptable that the City of York has dragged out its Local Plan process for such an extended period of time that it is still able to rely on the OAHN approach despite the standard method having been enshrined in planning policy 3 years ago (in July 2018).**

- 3.10 Furthermore, we accept that in accordance with the 2014 version of the Practice Guidance, ██████████ is correct to at least model the 2018-based SNPP/SNHP; that does not necessarily mean it is right to use the much lower projections to directly inform the OAHN without making reasonable adjustments, particularly in light of the Government’s clearly stated objective to build more homes consistent with the 300,000 target by the mid-2020s, not to use potentially flawed projections to provide even fewer homes:

“Population changes are only one aspect of the driver for housing supply. Rising incomes, changing social preferences and factors such as real interest rates and credit availability contribute to demand for housing. In summary, the Government’s judgment is that these factors combine to indicate that there is no need to change its aspirations for increasing housing supply. This is consistent with the argument in the housing White Paper that the ambition of delivering more homes should be about both keeping pace with population growth and looking to address worsening affordability through tackling the previous undersupply of homes.”¹⁴

- 3.11 We therefore agree with ██████████ that the 2018-based SNHP/SNPP should be sensitivity tested, based on alternative assumptions around underlying demographic projections, based on established sources of robust evidence:

“The household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions. However, plan makers may consider sensitivity testing, specific to

¹⁴ MHCLG (October 2018): *Technical consultation on updates to national planning policy and guidance*, paragraph 12

their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. Account should also be taken of the most recent demographic evidence including the latest Office for National Statistics population estimates.

Any local changes would need to be clearly explained and justified on the basis of established sources of robust evidence. Issues will vary across areas but include:

- *migration levels that may be affected by changes in employment growth or a one off event such as a large employer moving in or out of an area or a large housing development such as an urban extension in the last 5 years*
- *demographic structure that may be affected by local circumstances or policies e.g. expansion in education or facilities for older people.*¹⁵

3.12 This is explored in more detail below.

The use of longer-term trends

3.13 The PPG is clear that household projections are the starting point for overall housing need and that these are nationally consistent and statistically robust¹⁶. It goes on to state that plan-makers may consider sensitivity testing based on local circumstances, but that this must be based on established sources of robust evidence¹⁷. Some of circumstances it cites includes migration levels which are affected by changes in employment, such as a large employer moving to the area or urban extension, or where demographic structures are affected by policies related to specific groups, e.g. expansion in education facilities or facilities for older people.

3.14 The use of short-term trends means recent changes in growth are picked up more quickly, although if recent trends are not representative of the longer term ‘norm’ they may over or under estimate future need (hence ID 2a-017). Whilst longer term periods can allow unusual trends to be ironed out, they may fail to pick up recent changes and therefore may also over or under-estimate future need. Despite these advantages and disadvantages, it is set out within Government guidance that the official projections – i.e. short-term trends – should provide the starting point for housing needs assessment.

3.15 The question therefore is whether, in York, there are any “*specific local circumstances*” (e.g. movement of major employers, higher education expansion, etc, as cited in ID 2a-017) in recent years which mean that it is not appropriate to use the official 2018-based SNPP and that a longer-term trend is more appropriate.

3.16 We can ascertain whether there have been any unusual or one-off circumstances in the City of York specifically which warrant the use of long-term trends over short term trends by looking at historic completions and migration data (an exercise only partially undertaken in the HNU).

Housing completions

3.17 Figure 1 show completions in the City of York back to 2001/02, along with the 10-year averages. It shows that in the 7 years up to the recession (2007/08), average completions were 809 per annum. Since then completions have been rapidly falling, with the average declining to just 652 dpa for the 10 years to 2017/18.

¹⁵ Practice Guidance - ID: 2a-017-20140306

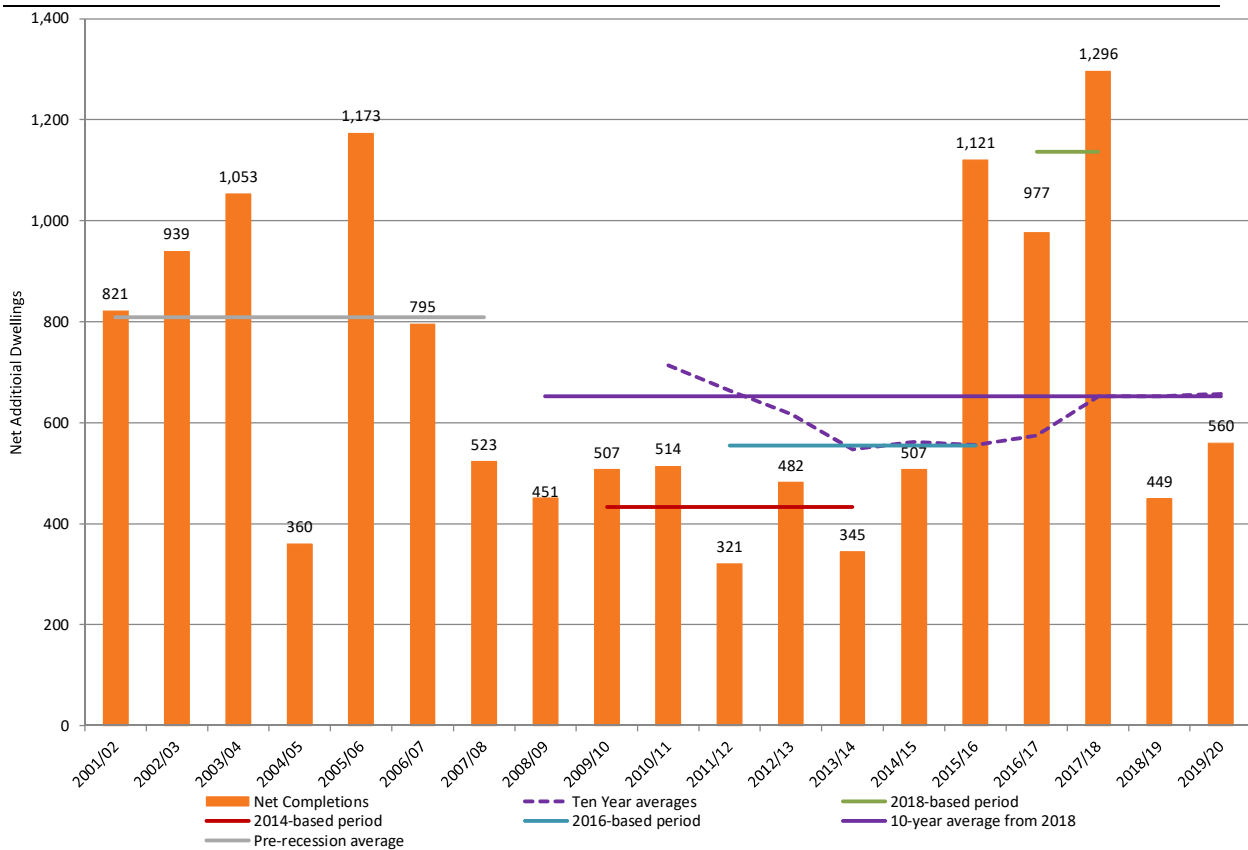
¹⁶ Practice Guidance - ID: 2a-015-20190220

¹⁷ Practice Guidance - ID: 2a-017-20190220

3.18 In the base period for the 2016-based projections, completions were lower, at 555 dpa. The 2014-based projections are even lower, at 434 dpa. However, the most recent 2018-based projections draw upon a 2-year period where average completions were higher than any of the comparator time periods, of 1,137 dpa, picking up the steady increase in housebuilding in York that rose to 1,296 dwellings in 2017/18. This suggests that housebuilding is recovering to levels that were consistently seen in the boom years prior to the recession, the drop in the past two years notwithstanding.

3.19 Whilst the link between housing completions and population growth is complex, it is surprising that the 2018-based SNPP is based on a time period when the level of housebuilding is at a very high level, when strong levels of net inward migration might have reasonably been expected. We note that for 2016/17, the LT122 MHCLG figure for dwelling completions was just 378, not 977 as reported by CoY and there are very significant discrepancies between the Council’s figures and those that were reported to MHCLG (and which originally informed the Housing Delivery Test’s figures). The Council now suggests that it has delivered 5,177 dwellings over the plan period to date (2012/13-2019/20), whereas their returns to MHCLG suggested that this was only 3,255, a huge discrepancy of 1,922 dwellings.

Figure 1 Historic completions in the City of York - 2001/02 to 2019/20



Source: EX_CYC_HFR vs. AMR 2021 / MHCLG Table 122: Net Additional Dwellings by Local Authority District

3.20 It would be helpful for the Council to outline why these figures are so out of line (for example in 2016/17 it informed MHCLG that it had delivered 378 net additional dwellings, whereas it is now suggesting that 977 were actually delivered – a difference of

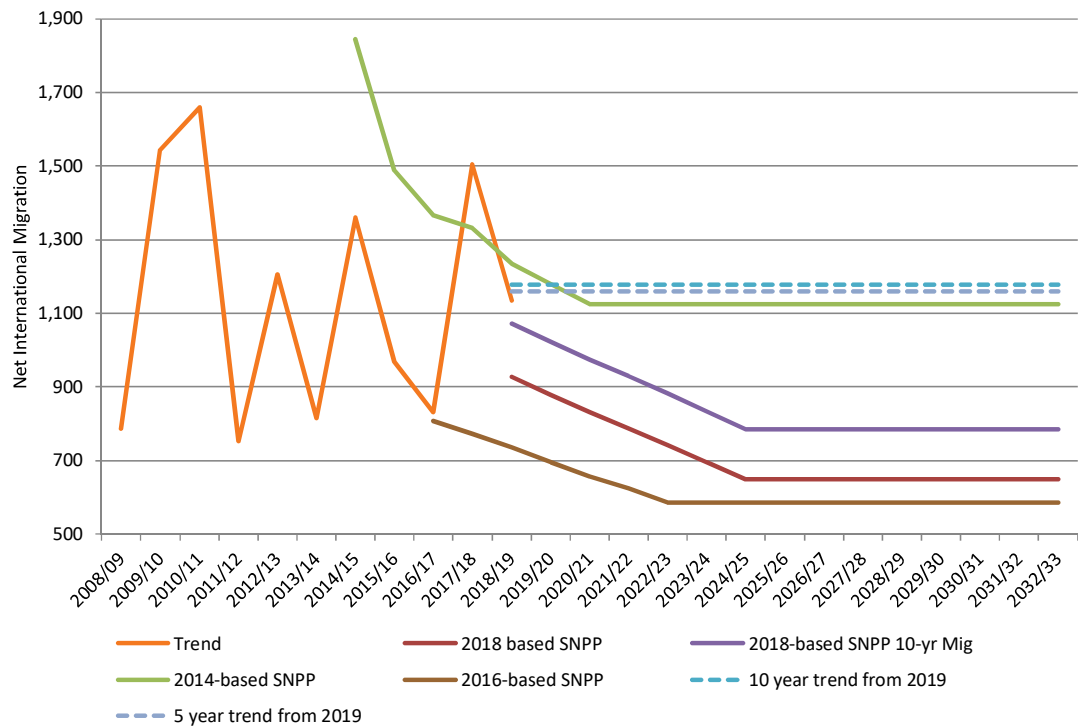
599 units), particularly as this has informed the 32 dpa under supply uplift (which would rise to 153 da if the LT122 MHCLG figures were used).

International Migration

3.21 Another way to consider whether the City of York has seen any ‘unusual’ or one-off events which mean longer term trends are more appropriate is to look at migration. Figure 2 shows historic levels of net international migration to the City of York. It is similar to GL Hearn’s Figure 4 in the 2019 HNU (they chose not to replicate this in their 2020 Update), but it includes more up-to-date data relating to the 2019 Mid-Year Population Estimates and the latest 2018-based SNPP.

3.22 Overall the international migration figures suggest net migration rose after the recession, at a time when housebuilding was falling. However, since that time, net migration has fluctuated between c.750 and 1,660 annually.

Figure 2 Historic Net International migration to the City of York, 2008/09 to 2018/19 and Future Projections



Source: ONS

3.23 The 2018-based SNPP net international migration figures look anomalous compared to past trends. From 2022/23 onwards, the principal projection is adjusted down to just 649 annually, a figure that is far lower than any net international migration figure for the past 18 years with the exception of 2005/06. In contrast, the 10-year trend equates to 1,177 annually (almost double the 2018-based SNPP), whilst the 5-year trend is almost as high, at 1,160. As can be seen in the Figure, the 2014-based SNPP net international migration figure sits just below these trends, at 1,125.

3.24 Importantly, [redacted] argues that greater weight should be attached to the 10-year Migrant Variant as these “are arguably more robust from a methodological point of view than the principal projection as they use longer term trends”, and indeed they have used this to inform their preferred OAHN scenario. However, we can see from the Figure that

the scenario is clearly not based on 10 year international migration trends, as with a net rate of just 786 this sits well below the actual 10 year trends (*note: the 10 year trend for net international migration to 2018, rather than 2019 is also much higher, at 1,143 per annum*).

3.25 The 2019 HNU argued (in paragraph 2.11) that there is a close alignment between the 2016-based SNPP and the recorded MYE for 2016/17, which is correct; however, for 2018/19 the 2016-based SNPP recorded a net international migration figure of just 736, when 1,134 were actually recorded in the 2019 MYE. It is worth noting that [REDACTED] stays silent on this point in the 2020 HNU – presumably because it is quite clear that the 2019 net international migration figure for the principal 2018-based SNPP, at 878, is considerably lower than the 1,134 actually observed for that year.

3.26 In terms of what may be causing this discrepancy, it is worth noting that the emerging Local Plan recognises that York has a large proportion of higher education students which is set to continue following the expansion of the University of York and as other establishments continue to provide modern education facilities to accommodate growing student numbers [paragraph 1.48]. In particular, York St John University has experienced rapid student growth in recent years:

“The University currently has 6,500 students (FTEs) and employs 750 staff. The increase in student numbers of the last 10 years is circa 93% and it is anticipated that the total will increase to 8,000 by 2018.” [1.60]

3.27 It is possible that a significant proportion of these students have come from abroad, helping to boost the projections, and that this is forecast to continue for the foreseeable future once the economy recovers from the Pandemic/Brexit fallout.

Economic Growth

3.28 The 2020 HNU modelled only one economic growth scenario, the REM projections for December 2019, which relates to net job growth of 650 per annum 2019-2033. The modelling undertaken by [REDACTED] translates this job growth into a housing need of 766 dpa, rising to 779 dpa when a 1:1 Commuting Ratio is applied. This is considered by GL Hearn to be the Council’s new OAHN, although as this is broadly comparable to the 790 dpa identified in the 2019 HNU it was considered that there was no need for the Council to move away from their current position based on this new data.

3.29 There are some clear omissions with GL Hearn’s approach:

- 1 There is a **clear discrepancy regarding the modelling period**. The job growth figure used in the ELR relates to 2014-2031 (+11,050 jobs, §3.4 of the HNU), whereas [REDACTED] has projected this forward over a completely different time period, 2019-33/37 (Table 8 of the HNU).
- 2 It is **unclear how [REDACTED] has modelled job growth in the years 2017-2019**. Reference to NOMIS’s Job Density information suggests that the City’s workforce grew by 2,000 over that 1-year period at a rate of 1,000 annually. GL Hearn’s modelling does not appear to have factored this strong growth into its assessment.
- 3 GL Hearn states that they *“have not examined the economic need associated with historic employment growth as the accommodation has already been provided to support that growth. We have therefore focussed on the economic-led need required to support 650 jobs per annum for the period 2019-33 and 2019-*

37 with the interim period to 2019 taken from published in MYE” [sic, paragraph [REDACTED] justification for not examining the economic need associated with historic employment growth is therefore because “*the accommodation has already been provided to support that growth*”. However, that is not the case, hence the fact that the Council is factoring in a backlog of 32 dpa into its housing requirement to reflect historic under-supply.

- 4 The HNU has **not analysed past economic growth trends**. York has been very successful in boosting economic growth, with job growth of 16,000 between 2000 and 2017¹⁸, equivalent to a Compound Average Growth Rate [CAGR] of 0.83%. This is significantly higher than the 0.53% equivalent to 650 jobs per annum 2017-37. In our previous representations, [REDACTED]’s modelled this past trend job growth figure in our Technical Appendix and generated a need for up to **1,062 dpa** – close to the standard method LHN figure of 1,1,013 dpa.

3.30 The Council’s housing and employment land evidence is therefore inconsistent and misaligned due in part to confusion over the timescales.

Housing Market Areas

3.31 The Council’s Housing Market Area [HMA] evidence is founded on the June 2016 City of York SHMA produced by [REDACTED]. The report concludes that:

“While we propose a HMA which links to Selby and York we are not considering housing need across the HMA”. [§2.106]

3.32 We support the principle of the City of York meeting its own housing needs (in full) within its own boundaries. However, if the Council is suggesting that it forms part of a joint HMA with Selby, then a joint SHMA should have been prepared¹⁹.

3.33 The *Joint Position Statement between the City of York and Selby District Council in relation to the Housing Market Area, April 2020* [EX_CYC_38] seeks to head this criticism off by stating that “*any links between York and Selby only extend to part of the Selby area and that this is considered to support the approach taken by the Councils through the Duty to Co-operate to meet their own objectively assessed housing needs within their own administrative areas*”, and that “*it is not practical to seek to align the preparation of the two Plans and to consider housing needs jointly across the HMA.*” [page 1]

3.34 However, for all intents and purposes, Selby and York share the same Housing Market Area. This is why the two Councils have prepared joint SHMAs in the past. They are also part of the same Travel to Work Area [TTWA], as set out in the ONS’s 2015 TTWA analysis (incorporating 2011 Census data). Whilst we do not object to the Councils meeting their own needs in full within their own areas, despite both Councils appointing [REDACTED] to undertake SHMAs in recent years then at the very least, we would at least expect that [REDACTED] would have used consistent data sources and methodologies. This has not happened.

3.35 As a result, we now have a situation whereby [REDACTED] produced the City of York – Housing Needs Update in 2020. They also produced a SHMA Update on behalf of Selby District Council in February 2019. Presumably the company had virtually identical datasets available to them, yet chose to apply completely different approaches (*please*

¹⁸ NOMIS Jobs Density data

¹⁹MHCLG (March 2012): National Planning Policy Framework, §159

refer to our previous representations for an assessment of the differences between the 2019 York HNA and the 2019 Selby SHMA Update).

- 3-36 The Joint Position Statement now clarifies that whilst the City of York continues to use the NPPF 2012 OAHN approach to identify its housing needs, Selby will be using the standard method to identify its housing requirement. **Conveniently, this results in a ‘drive to the bottom’ for both parties, with York pursuing an OAHN figure of 790 dpa rather than an SM2 figure of 1,013 dpa, whilst Selby uses the SM2 figure of 342 dpa rather than its previous OAHN of 410 dpa!**
- 3-37 There are therefore numerous disparities in the approaches taken to determine the scale of housing need for York and Selby. It is Lichfields’ view that CoYC should seek to meet its housing needs in full within its own boundaries. Nevertheless, if CoYC does consider that Selby forms part of a wider HMA with York then it should have a consistent evidence base, which it does not. The fact that Selby’s Core Strategy is out of date and the Standard Method is in play highlights the inconsistency even more.

Implications of revising the Plan Requirement

- 3-38 We also raise the issue which could arise should the Council choose to revise down its requirement as a result of the new projections, namely that in light of the Standard Method producing a figure of around 1,013 dpa, this would reduce the longevity of the plan and trigger an early review (as per the PPG, ID 61-043). Therefore, reducing the plan requirement now in light of the 2018-based household projections would create an even greater gap between the current plan requirement and the requirement under the Standard Method, **further undermining the longevity of the plan** and credibility of the plan-led system which is a Core Principle of the NPPF (2012).

Changes to housing evidence during Local Plan examination processes – examples from elsewhere

- 3-39 On 9th July 2020 the Inspectors of the York Local Plan Examination wrote to the Council stating that the ONS recently published their 2018-based household projections (2018-2028) on 29th June 2020. *“On the face of it, from our understanding of these latest ONS projections, there is a reduction in the household projections for York, particularly between the 2014-based and 2018-based projections. As such, it appears that the latest available information leads to a different starting point for the calculation of the OAHN for York. In order for us to determine whether or not the Plan’s housing requirements are soundly based, we will need to consider whether or not the publication of the 2018-based household projections represents a meaningful change in the housing situation from that which existed when the OAHN was assessed and determined for the submitted Plan, subsequently updated through the Housing Needs Update and at the time of the relevant hearing sessions in December 2019.”*
- 3-40 The Council was therefore invited to address this question, with evidence-based reasons, on whether or not they consider that the publication of the 2018-based household projections represents a ‘meaningful change’ in the housing situation from that which existed at the time of the Plan’s submission, the subsequent re-assessment of the OAHN in the Housing Needs Update (January 2019) and the relevant hearings in December 2019. *“Furthermore, if it is considered that there has been a ‘meaningful change’, could the Council set out what the implications are for the housing requirement figures in the*

submitted City of York Local Plan and those subsequently submitted as a result of the Housing Needs Update (January 2019)."

- 3.41 The ongoing publication of new data (with population and household projections being published on a two-yearly cycle, until recently on alternate years) has often led to delay where publication has caught up with plan preparation or plan examinations. This has been the case despite the PPG highlighting that a balance needs to be struck between ensuring plans are based on up-to-date evidence whilst, at the same time, ensuring assessments are not rendered out-of-date every time new projections are published. In this context, the PPG discusses how “*a meaningful change in the housing situation should be considered...*” (PPG 2014 ID 2a-016) but this needs to be balanced with the NPPF’s core planning principle that planning should be “*genuinely plan-led*” (NPPF 17) which can, by definition, only be achieved by having a plan in place.
- 3.42 The York Local Plan examination will soon enter its fourth year having been submitted in 2017 and this is the Council’s first new plan ever (i.e. it has yet to adopt a plan which post-dates the introduction of an NPPF). There is clearly a balance to be struck between further delays to the adoption of the plan on the basis of debates around OAHN and getting the plan in place. Arguably, continued delays to the adoption of the plan would seek to undermine the NPPF’s core planning principle that the system should be genuinely plan-led.
- 3.43 In this context, there are numerous examples where the publication of new projections (i.e. where more recent projections indicate a lower starting point/lower demographic change than previous assessments) through the examination process has not led to a revision in the OAN, including Wycombe²⁰, Broxbourne²¹, Braintree²².
- 3.44 From these examples there are two commonalities when Inspectors have considered the impact of new, lower projections published during the examination process on OAHN:
- 1 Even where there are apparently substantial reductions in the household projections (to a degree of 40% in two of these examples) there is a recognition that such projections are just the starting point and only one of many elements which influence the OAN, and thus a reduction in the starting point does not automatically justify a reduction on the overall OAHN (for example, a market signals uplift cannot simply be reapplied to this new starting point to derive an updated OAHN, as is being suggested in Welwyn Hatfield). There are other factors, such as affordable housing need, which should be part of the assessment leading to a concluded OAHN; and
 - 2 In all three examples the Inspectors seek to balance the need for up-to-date evidence with the need for the planning system to be genuinely ‘plan-led’ by enabling timely adoption of the plan by minimising delay. In the case of Wycombe and Broxbourne the updated evidence represented just one set of projections (from 2014-based in each of their submitted plans to 2016-based projections being published during the examination) and in both cases the Inspectors discussed the need to minimise delays and ensure timely adoption of the respective plans. In the case of the North Essex Plan (which saw three sets of projections put in front the examination; 2014-based, 2016-based and 2018-based, as is the case in Welwyn Hatfield) the Inspector placed an even greater emphasis on the need for timely plan adoption, noting that the examination had already been ongoing for over three years.

²⁰ See Wycombe Local Plan Inspector’s Report July 2019 [here](#)

²¹ See Broxbourne Local Plan Inspector’s Report April 2020 [here](#)

²² See the North Essex Authorities’ Shared Strategic Section 1 Plan Inspector’s Report December 2020 [here](#)

- 3.45 The above examples further demonstrate that using the 2018-based SNPP as a justification to reduce the housing target would not be in accordance with the NPPF or PPG, and there has been clear precedent for rejecting this approach by other Inspectors.

Summary

- 3.46 We welcome [REDACTED] use of the 10-year migration trend and the modelling of the alternative internal migration scenario. The ONS's 2018-based SNPP now assumes lower fertility rates, lesser improvements in life expectancy (i.e. higher death rates) and lower net international migration across the country (with past trends migration confined to just 2 years of data), and York is no exception. The latter input does, however, appear excessive given past trends.
- 3.47 However, given the issues raised above regarding the extremely low levels of international migration underpinning even this variant scenario compared to past trends we do question why [REDACTED] chose not to model the High International variant produced by ONS alongside the other variants. This suggests that over the 2018-2033 period, net international migration could contribute 16,645 new residents to the local area (net), compared to 12,794 based on the 10-year migration trend and just 10,705 based on the principal 2018-based SNPP. The longer-term net international migration figure of 1,144 residents under this scenario is also much more readily comparable with the 10-year trend (to 2019) of 1,177.
- 3.48 It is considered that at the very least there should be a sensitivity testing for long term migration trends in the HNU for York based on '*specific local circumstances*' (as per PPG ID 2a-017). In this respect, the HNU does not fulfil the requirements set out in ID 2a-017 regarding sensitivity testing of the official projections.
- 3.49 We are also concerned that there are flaws with the approach followed by [REDACTED] regarding the alignment with economic growth, not least the discrepancies over the time period and the missing data for 2017-2019 (a period of very strong economic growth).
- 3.50 Furthermore, as we have repeatedly raised in our previous representations, the Council accepts that both York and Selby share a Housing Market Area. It therefore makes no sense for the two districts to follow completely different approaches to identifying their housing needs, choosing to follow conflicting methods that result in the lowest possible housing target for each area.

4.0 Market Signals

4.1 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]

4.2 The Practice Guidance²³ requires that the housing need figure as derived by the household 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 Guidance²⁴ highlights the need to look at longer term trends and the potentially volatility in some indicators.

4.3 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...”²⁵.

4.4 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.

4.5 As set out in detail above, ██████████ has rather unusually, decided not to update market signals for the City; *“however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited”*.

4.6 This is not necessarily the case – ██████████ has concluded that the demographic starting point should be adjusted due to issues with the principal 2018-based SNPP, and that they see *“the variant migrations scenarios as being the more suitable to use for York”*. [paragraph 2.22] The adjustment, from 465 dpa to 669 dpa (2017-2033) is not to address affordability issues; it is to address *“issues with the projections using internal migration trends over just 2 years and household formation rates which lock in recessionary trends”* [paragraph 5.2].

4.7 As is clearly stated in the original PPG on the subject, the purpose of the market signals adjustment is to *“increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability.”²⁶*

4.8 **It would therefore be illogical to apply this to the principal SNPP projection, given that ██████████ accepts that this is not a robust trajectory of future population growth. Only by applying the market signals uplift to the realistic**

²³ Practice Guidance - ID 2a-019-20140306

²⁴ Practice Guidance - ID 2a-020-20140306

²⁵ ibid

²⁶ Paragraph: 020 Reference ID: 2a-020-20140306

demographic starting point (at the very least, the 10-year migration figure of 669 dpa) can we hope to boost supply to the extent that it starts to improve affordability in the City.

4.9 The most recent market signals analysis undertaken by [REDACTED] was in its 2019 Housing Needs Update (Section 4.0). In that report, the HNU noted that:

- Lower quartile house prices in York exceed that of England by £30,000 despite having a similar overall median house price;
- The gap of median house price growth between York and North Yorkshire has widened from 10 years ago. Since 2008 the rate of change for York has been 1.25, similar to the national growth of 1.3;
- Median rental values in York are £745, £70 higher than the rest of England and £220 higher than Yorkshire and the Humber region [4.13]. LQ rental price growth has increased by 14% over the past 5 years, compared to 11% nationally;
- York has a median affordability ratio of 8.62 and a 5-year rate of change equal to 1.88, compared to 5.90 for Yorkshire and the Humber (0.55 change) and 7.91 (1.14 change) for England [Table 12];

4.10 As a consequence of these poor (and worsening) housing market signals, [REDACTED] concluded that:

“The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated” [4.19].

4.11 **On the basis of these signals, [REDACTED] applied an uplift of 15%.** This is higher than the 10% previously recommended in the September 2017 SHMA Update. *“Such an uplift applied to the demographic starting point (484 dpa) would arrive at an OAN of 557 dpa...This is some way short of both the adjusted demographic growth and the economic growth. Therefore, the OAN should remain as 790 dpa in order to achieve both improvements to household formation and meet economic growth. This equates to an increase of 63% from the start point.” [4.34-4.35]*

4.12 In our previous representations²⁷, [REDACTED] concluded that based on a detailed review of similar market signals, **an uplift of 20% was suitable.** Nothing that [REDACTED] has presented causes us to change our opinion, and indeed they have failed to provide any updated response despite the fact that house prices nationwide are increasing at record levels.

Past Under Delivery of Housing

4.13 To take a clear example, which is not even examined in [REDACTED] 2019 assessment of market signals, the PPG is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. Table 4.1 sets the Council’s various housing targets/presumed OAHN against the actual net housing completions. With the exception of 3 years between 2015/16 and 2017/18, housing delivery in York has missed the target each year since 2006/07. Overall delivery targets for these 16 years was missed by c.15% which equals to 1,899 units below the target level. Over the plan period from 2012/13, [REDACTED] noted in its previous May 2017 SHMA Addendum [§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

[REDACTED] (March 2018): *Housing Issues Technical Report* / [REDACTED] (2019): *Housing Need Evidence Review*

report which uses a demographic projection-based analysis to establish the level of housing need moving forward.

Table 4.1 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2019/20

Year	Net Housing Completions	Council's OAHN	
		'Need'*	+/-
2004/05	360	640	-280
2005/06	1,173	640	533
2006/07	795	640	155
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	790	-308
2013/14	345	790	-445
2014/15	507	790	-283
2015/16	1,121	790	331
2016/17	977	790	187
2017/18	1,296	790	506
2018/19	449	790	-341
2019/20	560	790	-230
Total	10,381	12,280	-1,899

Source: EX_CYC_HFR vs. AMR 2021

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

4.14 The 2017 SHMA 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 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'.

4.15 **It is clear from the Council's own evidence that the City has consistently under-delivered housing for 11 of the past 16 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures.**

House Prices

The PPG²⁸ identifies that longer-term changes in house prices may indicate an imbalance between the demand for and supply of housing. We have reviewed the ONS's latest House Price Statistics for Small Areas (HPSSAs) release (2021), which reports the count and median price of all dwellings sold and registered in a given year. They are calculated using open data from the Land Registry, a source of comprehensive record level administrative data on property transactions. The latest median house prices in York, alongside North Yorkshire, Yorkshire and the Humber and England & Wales as of 2020 are presented in Table 4.2.

²⁸ 2a-019-20140306

Table 4.2 Median Dwelling price, York and comparator areas (2020)

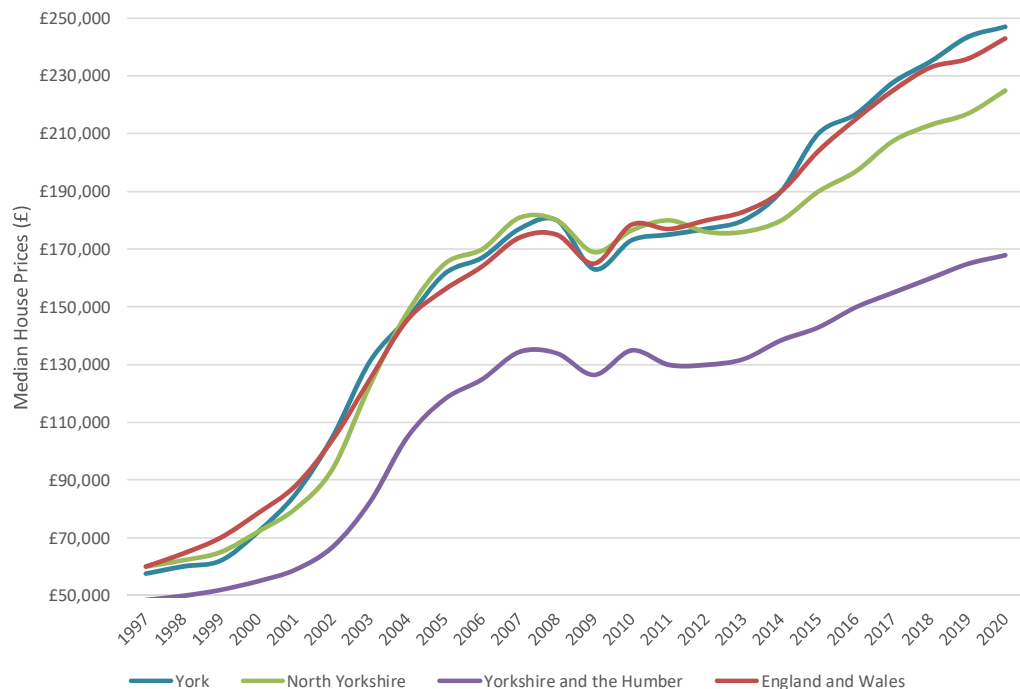
	Median Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£247,000	+£189,500 (+330%)	+£19,275 (+8.5%)
North Yorkshire	£225,000	+£165,000 (+275%)	+£17,500 (+8.4%)
Yorkshire and The Humber	£168,000	+£119,500 (+246%)	+£13,000 (+8.4%)
England & Wales	£243,000	+£183,050 (+305%)	+£18,000 (+8.0%)

Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.16 These median prices illustrate higher prices in York compared to national rates, with average house prices around £4,000 than England and Wales as a whole; £22,000 higher than in the surrounding sub-region, but a massive £79,000 higher than the Yorkshire region as a whole. Over the long term, the rate of growth has been considerably higher than all the comparator areas, at almost £190,000 since 1997 or 330%. Even over the past 3 years, the rate of growth has continued to accelerate, with an increase of £19,275, or 8.5%, since 2017 – higher in proportionate and absolute terms than the comparator areas.

4.17 The longitudinal analysis illustrated in Figure 4.1 is particularly revealing. This indicates that the City of York’s median house prices generally mirrored the rate of growth of North Yorkshire up until 2012, at which point the economic recovery following the 2008/09 recession saw York’s house prices accelerate at a much faster rate. It has in recent years almost exactly followed the England and Wales average rate and in fact has started to exceed it, which is very concerning given that is (to an extent) skewed by the extremely high house prices in London and the Greater South East.

Figure 4.1 Median House Prices



Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.18

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 more than tripled in 23 years, from £57,500 in 1999 to £247,000 in 2020, and have risen at a much faster rate than comparable national and sub-regional figures, which suggests that the local market is experiencing considerable levels of stress.

Lower Quartile House Prices

Arguably of even greater concern is the data regarding Lower Quartile house prices in the City of York. These are presented in Table 4.2 for the same comparator areas and indicate that LQ prices have increased from just £46,500 in 1997 to a concerning £196,000 by 2020 – an increase of almost £150,000, far in excess of the comparator areas and a level of growth 75% higher than the regional growth.

Table 4.3 Lower Quartile Dwelling price, York and comparator areas (2020)

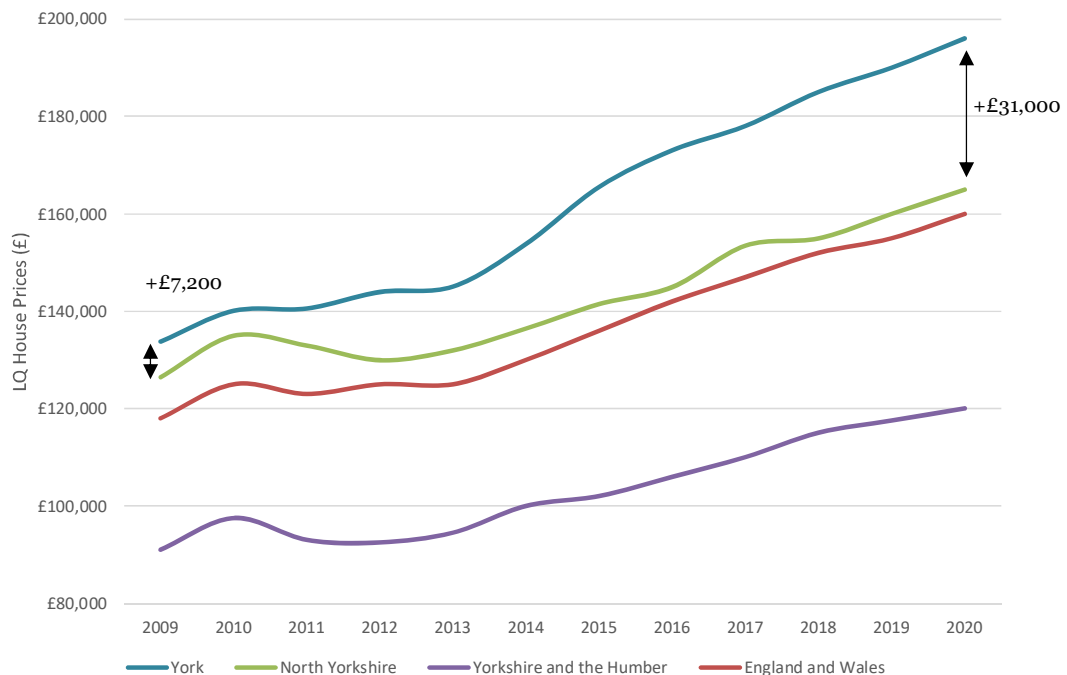
	LQ Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£196,000	+£149,500 (+322%)	+£18,000 (+10.1%)
North Yorkshire	£165,000	+£119,000 (+259%)	+£11,500 (+7.5%)
Yorkshire and The Humber	£120,000	+£85,000 (+243%)	+£10,000 (+9.1%)
England & Wales	£160,000	+£117,500 (+276%)	+£13,000 (+8.8%)

Source: ONS (2021): Lower Quartile house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.19

To put this into context, the current LQ price in York of £196,000 was equal to the City’s median house price only five years ago (in 2015). By way of comparison, North Yorkshire’s current LQ house price of £165,000 last equated to the median house price ten years before in 2005.

Figure 4.2 Lower Quartile House Prices



Source: ONS (2021): Median house price, year ending September 1997 to year ending September 2020 (£)

4.20 This suggests that the gap between LQ and median house prices is narrowing in York at a very fast rate, making housing increasingly unaffordable for those on low incomes, a trend vividly illustrated in Figure 4.2.

Affordability

4.21 The CLG’s former SHMA Practice Guidance defines affordability as a ‘*measure of whether housing may be afforded by certain groups of households*’²⁹. 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].

4.22 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] earnings³⁰. Given that the median Affordability Ratio [AR] is used to inform the Government’s standard methodology for calculating Local Housing Need, we have also included this indicator in Table 4.4 below.

4.23 It indicates that the City of York has a very high Median AR of 8.04, which is significantly above the regional and national averages, although just below the comparable figure for North Yorkshire. The rate of change has also been worryingly high, at 4.33 points, or 117%, since 1997 – a rate of change equal to the national level. More recently, the rate of change has actually fallen slightly, although this is a trend that has been observed across the country. Furthermore, this is not due to house prices declining – as we have demonstrated above, they have continued to accelerate in York –rather that workplace wages have actually increased at a faster rate (the City’s median wages increased by 16.2% between 2017 and 2020 to £30,725, well above the rate of change observed both nationally and regionally at 9.2%).

Table 4.4 Workplace-based Affordability Ratios, York and comparator areas (2020)

	Median Affordability Ratio			Lower Quartile Affordability Ratio		
	2020	Rate of Change 1997-2020	Rate of Change 2017-2020	2020	Rate of Change 1997-2020	Rate of Change 2017-2020
York	8.04	+4.33 (+117%)	-0.57 (-6.6%)	9.09	+5.07 (+126%)	+0.03 (+0.3%)
North Yorkshire	8.11	+3.91 (+93%)	-0.10 (-1.2%)	7.94	+3.53 (+80%)	-0.16 (-2.0%)
Yorkshire and The Humber	5.84	+2.72 (+87%)	-0.05 (-0.8%)	5.65	+2.55 (+82%)	-0.08 (-1.4%)
England & Wales	7.69	+4.14 (+117%)	-0.08 (-1.0%)	7.01	+3.47 (+98%)	-0.14 (-2.0%)

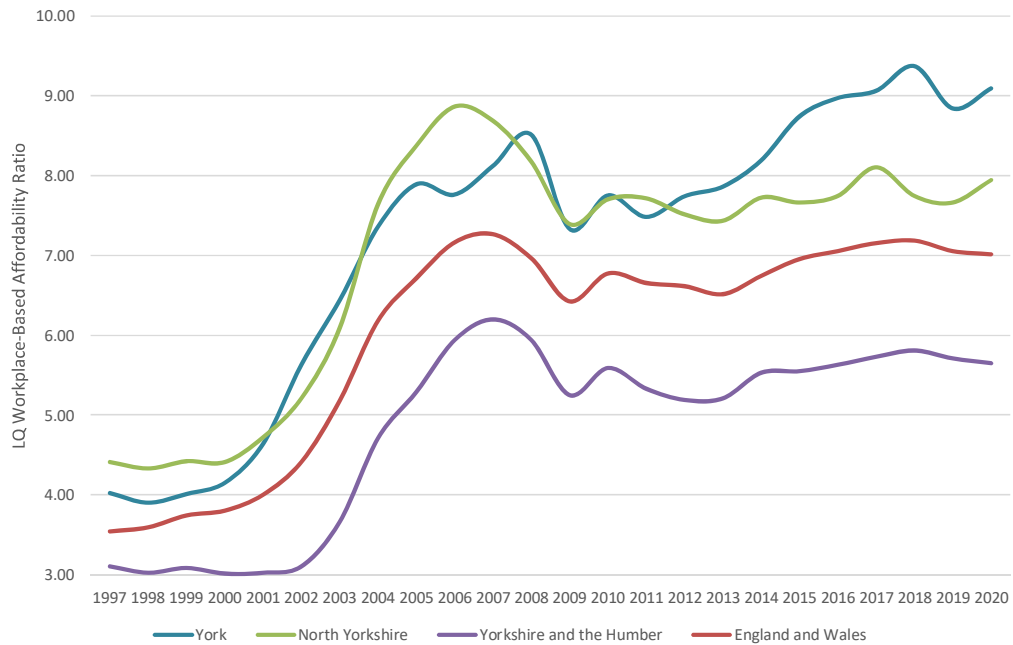
Source: ONS (2021): Ratio of median / Lower Quartile house price to median /Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020

4.24 The situation is even worse when we analyse the City of York’s Lower Quartile Affordability Ratio. Figure 4.3 illustrates that although the ratio fell substantially from a peak of 8.51 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than any of the comparator areas and is now 9.09 – significantly above the national level of 7.01 and particularly the regional rate of 5.65.

²⁹ Annex G

³⁰ 019 Reference ID: 2a-019-20140306

Figure 4.3 Ratio of Lower Quartile house price to Lower Quartile earnings



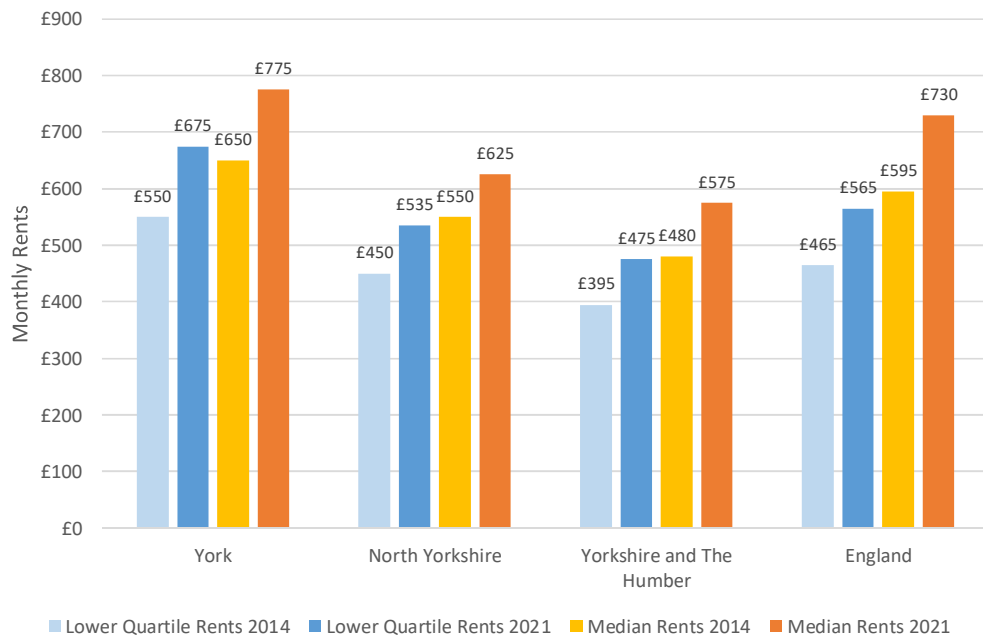
Source: ONS (20210: Ratio of Lower Quartile house price to Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020)

4.25 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

4.26 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. As can be seen in Figure 4.4, Median rents in York are as high as £775 per month, well above the national level (£730) and over a third higher than the regional rate. The rate of growth of median rents over the past 7 years or so has also been very high in York, at 23% compared to 19% for North Yorkshire; 20% for Yorkshire and the Humber; and 21.5% nationally. As for LQ rents, these are even more concerning, with York’s at £675 per calendar month compared to £565 nationally.

Figure 4.4 Monthly Rents



Source: VOA Private Rental Market Statistics 2021

What scale of uplift should be applied?

- 4.27 The PPG sets out a clear two-stepped process to addressing market signals within the calculation of OAHN:
- 1 Firstly, it is necessary to determine **whether** a market signals uplift is necessary. This is set out in PPG ID2a-019 within the first sub-paragraph as follows:

“Appropriate comparisons of indicators should be made... A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”
 - 2 Secondly, when a market signals uplift is required, it is necessary to identify at **what scale** that should be set, with guidance given that it should be set at a level that could be expected to improve affordability. This is set out in PPG ID2a-019 within the second and third sub-paragraphs as follows:

“In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable... 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.”
- 4.28 The principle of a market signals uplift in York (i.e. Stage 1) has not been disputed by the Council’s housing consultants in the past (even though they have chosen not to re-enter the debate in their latest 2020 HNU). However, the scale of the uplift is disputed, principally because there is no sound basis to conclude that the uplift can be reasonably expected to improve affordability, and the HNU provides no evidence that it will do so. In addition, as previously noted, because the 2019 HNU applied its market signals uplift to a flawed demographic-led assessment of need, any figure flowing from this is in itself also flawed.

- 4.29 The market indicators show that there are significant imbalances between the demand for and supply of housing in the City of York. This analysis indicates pressure on the housing market, which will not be addressed by providing only for the level of growth produced by the continuation of demographic trends. A response is clearly required through an adjustment to the demographic-based scenarios, in line with the recommendations set out in the Practice Guidance.
- 4.30 By way of setting the initial context, the 2019 HNU recommends a 15% uplift to the demographic starting point of 484 dpa, which results in an OAHN of 557 dpa. However, [REDACTED] notes that this is some way short of the economic led need of 790 dpa, which is the housing requirement now identified in the Proposed Modifications to the City of York Local Plan. The 2020 HNU has not revisited the debate.
- 4.31 It is noted that although the Local Plan is being examined under the transitional arrangements for the NPPF, the standard method identifies that York would have an **affordability uplift equal to 25% to the 2014-based SNHP**. This is because the Ratio of median house price to median gross annual workplace-based earnings in York was 8.04 in 2020. This is significantly higher than the equivalent affordability ratio for England and Wales, at 7.69 for 2020.

Apportionment of national needs

- 4.32 The City of York is relatively worse in respect of affordability than the national equivalent. As set out above, as of 2020 the City of York has an LQ Affordability Ratio of 9.09, compared to the national rate of 7.15. All other things being equal, to improve affordability across the country, the City of York and its HMA peers would need to make a proportionately greater uplift than those where affordability issues are less acute. This exercise has been undertaken on the basis that Government has a frequently stated aim to bring housebuilding to a level of 300,000 per year by the mid-2020s. This national total equates to an uplift of 79,000 on the 2014-based household projections (which suggest a need for c. 221,000 homes per annum 2017-33, including a 3% vacancy allowance); an uplift of 131,000 dpa on the 2016-based SNHP and an uplift of 135,000 dpa on the 2018-based SNHP.
- 4.33 It is possible to consider how this required uplift should be shared between 320+ LPAs across the country in order to seek to hold the affordability ratio (at least at a national level) constant. Two alternative scenarios for market signals uplifts across the country have been modelled, as follows:
- 1 Each district with an affordability ratio above the national ratio makes a market signals uplift in proportion to its difference with the national figure;
 - 2 Every district (whether above or below the national ratio) makes a market signals uplift in proportion to its difference with the lowest affordability ratio, in Copeland at 2.4 (weighted 50%), and its projected household growth (weighted 50%).
- 4.34 The results for the City of York under these methods is shown in Table 4.5. The uplift has been based on a demographic baseline of 462 dpa, based on the 2016 projections plus a 3% vacancy rate, falling to just 302 dpa using the 2018-based SNHP. To meet a national figure of 300,000 per annum the scale of uplift would need to be 33% at least, although taking into account the City of York's relative size this could be as high as 48%.

Table 4.5 Outcomes for the City of York- Apportionment of National Needs

	National total of 300,000 2016-based SNHP			National total of 300,000 2018-based SNHP		
	Share of 131,000 uplift	Dwellings	Uplift (from 669 dpa)	Share of 135,500 uplift	Dwellings	Uplift (from 669 dpa)
Method 1	0.22%	293	44%	0.22%	303	45%
Method 2	0.24%	321	48%	0.16%	222	33%

Source: [REDACTED] based on ONS/MHCLG

4.35 The analysis clearly shows that an uplift well in excess of the 15% put forward in the 2019 HNU would be needed to reasonable expect an improvement in affordability in the City of York, and for the City to be contributing to the need nationally for new homes, taking into account affordability and its size. It is notable that using a 300,000 per annum total, the uplift for York identified in the Government’s standardised methodology – at 25% - falls below the very lower end of the range (33%-48%) identified through this exercise.

Summary

4.36 In light of the above analysis, there is a case to be made that at the very least, the market signals uplift for the City of York should be a minimum of 25%. Even taking [REDACTED] adjusted baseline of 670 dpa based on the latest projections, this would equate to 838 dpa. Our modelling suggests that an uplift even greater than this may be needed to improve affordability and achieve the Government’s long held aspiration for 300,000 dpa; however in light of stock growth elsewhere and the outcomes of the Standard Methodology, a minimum of **25%** is considered appropriate.

4.37 This clearly underlines the failure of the HNU to adequately meet the PPG requirement to set its uplift at a level that is related to the problems of affordability or that could be expected to improve affordability; indeed, the HNU fails to approach this question at all.

4.38 **When applied to the Council’s adjusted demographic starting point of 669 dpa, this results in a need for 836 dpa.**

5.0 Affordable Housing Needs

5.1 In line with the 2012 Framework³¹, 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.”

5.2 The Practice Guidance³² 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.”

5.3 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 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.

5.4 The 2020 HNU does not review affordable housing need (indeed it is not even mentioned anywhere in the document). It is, however, discussed in the City of York Council’s *Affordable Housing Note* [EX_CYC_36] (February 2020). This report acknowledges that the most recent assessment of affordable housing need for the City remains the 2016 SHMA, which 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.

5.5 [REDACTED] 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, [REDACTED] has focused on how this need has informed the OAHN conclusion. CoY Council summarises the approach as follows:

“The Housing Needs Update (2019) [EX/CYC/14a] considers this affordable housing need as part of the updated assessment of Objectively Assessed Housing need (OAN). [REDACTED] conclude that an uplift to the demographic need figure to improve delivery of affordable housing may be justified. Key judgements including Kings Lynn v Elm Park Holdings (2015) were examined. In paragraph 35 of the judgement Justice Dove says ‘the Framework makes clear that these needs (affordable housing needs) should be addressed in determining the full OAN, but neither the Framework or the PPG suggest that they have to be met in full when determining the full OAN’. The judgement is clear that an assessment of affordable housing need should be carried out but that the level of affordable housing need does not have to meet in full in the assessment of OAN. This is a

³¹ Framework - Paragraphs 47 and 159

³² Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

similar conclusion to the Inspector at the Cornwall Local Plan EIP who concluded that ‘National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase to the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites’.

It was concluded that it may be necessary, based on affordable need evidence, to consider an adjustment to enhance delivery of affordable homes but that this does not need to be done in a mechanical way whereby the affordable need on its own drives the OAN.” [paragraphs 41 to 42]

5.6 The Affordable Housing Note then goes on to state that *“the updated market signals show that affordability is a worsening issue in York and therefore in accordance with the PPG an uplift to the demographic projections is appropriate and considering the evidence, ██████ proposes a 15% uplift. When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa which is some way short of both the adjusted demographic growth (679) the economic led need (790). ██████ conclude that the OAN should remain at 790 to achieve both improvements to household formation and economic growth which represents a 63% uplift on the demographic starting point.” [paragraph 43]*

5.7 **In taking this approach, ██████ 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.**

5.8 In contrast, the 2019 HNU reiterates the 573 dpa need and accepts that *“a modest uplift to the demographic based need figure to improve delivery of affordable housing in the City may be justified.” [paragraph 4.20].*

5.9 However, the HNU then reviews a number of High Court judgements and other Inspector’s reports, notably that for the Cornwall Local Plan, and concludes that *“the expectation is that it may be necessary, based on the affordable needs evidence to consider an adjustment to enhance the delivery of affordable housing, but that this does not need to be done in a ‘mechanical way’ hereby the affordable need on its own drives the OAN”.* [paragraph 4.28]

5.10 The HNU does not proceed to test the scale of uplift that might be appropriate to help meet this very high level of affordable housing need, merely stating in the conclusions that the employment-led 790 dpa *“would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs”.*

5.11 A similar error is (silently) perpetuated in the 2020 HNU, where it is assumed that an economically-driven figure of 790 addresses the demographic need, worsening market signals and affordable housing requirements. That is clearly not the case.

5.12 The Affordable Housing Note suggests that as many as 3,539 affordable units could be delivered from all sources to 2032/33, at a rate of 221 dpa (Table 10). The Paper states that *“the Plan seeks to provide around 38.6% of the affordable housing need requirement. Whilst the Plan will not deliver the full affordable housing need it does seek to provide a significant uplift to the provision of affordable homes secured through the application of policy H10 and the provision of rural exceptions sites through the application of policy GB4.” [paragraph 44]*

5.13 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. As set out in Table 12 of the Affordable

Housing Note, less than 10% (461 homes) of all completions (4,695 homes) during this period were affordable.

5.14 So the Council is clear that as a best case scenario, only 39% of the affordable housing need will be delivered in the Plan period, and no upward adjustment has been considered as required by the PPG. Even at a delivery rate of 30% of overall housing, the City of York would need to deliver **1,910 dpa** to address its affordable housing needs in full.

5.15 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 Guidance³³ 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.”

5.16 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.

5.17 For example, it is interesting to note that in the Cornwall Local Plan example that [REDACTED] quotes from, the Inspector ultimately concluded that an uplift to the OAHN was justified, and this should be equal to an additional 1,500 dwellings over the course of the Plan period³⁴.

5.18 The HNU 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.

5.19 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, if any, 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 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.

5.20 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 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).

³³ Practice Guidance - ID:2a-003-20140306

³⁴ Planning Inspectorate (23rd September 2016): Inspector’s Report on the Examination into the Cornwall Local Plan Strategic Policies, paragraph 52

5.21

Given the significant affordable housing need identified in City of York, [REDACTED] considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

6.0 Integration of Student Housing Needs

6.1 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 ‘Communal establishment population’).

6.2 As summarised by CLG in its *Methodology used to produce the 2018-based household projections for England: 2018-based Report* (June 2020), 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 [CE], 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 CE population is then subtracted from the total usual resident population in the MYEs and SNPPs, by quinary age group and sex, to leave the private household population, split by age and sex in the years required for the household projections.”
[page 5]

6.3 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.

6.4 In this regard, it is worth noting that in March 2017 [REDACTED] published an addendum to the West Surrey SHMA for Guildford Borough Council³⁵. In that document, [REDACTED] recommended an adjustment of an extra 23 dpa be added to the OAHN of 539 dpa based on an analysis of future student numbers and accommodation need in the Borough.

6.5 [REDACTED] Guildford analysis, there are three things necessary to consider when determining whether there is a need to adjust the objectively assessed housing need to take account of student growth:

- How the student population at University of Surrey is expected to change over the plan period;
- What growth in typical student age groups is expected within the population projections, on the basis that the CLG Household Projections model is not assuming growth in numbers in institutions;
- The number/ proportion of students which can be expected to require housing within Guildford, and of these what proportion might be expected to be accommodated in halls of residence rather than the wider housing stock.

6.6 This was accepted in the Inspector’s Report dated 27th March 2019, resulting in a new OAHN of 562 dpa. The Inspector concluded that:

“From the figure of 539 dpa resulting from the assessment of jobs-led economic growth, the Council have made a further adjustment of 23 dpa for the growth of the student population based on analysis carried out in the SHMA addendum. Taking the University of Surrey’s known aspirations for growth, it is estimated that the number of full-time Guildford-based students at the University will increase by 3,800 between 2015-34, resulting in additional migration to Guildford. Assuming

³⁵ [REDACTED] (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

that 45% would be accommodated in the wider housing market, and on the basis of an average 4 students per household, the SHMA Addendum calculates that this would equate to growth of 23 additional dwellings per annum. It has been argued that the 18 to 23 age group in the most recent population projections and mid-year estimates includes students; but this cannot be assumed to be the case, and by its nature Guildford is likely to be attractive to young people whether or not they are students. It is a sound step to add this allowance for students when considering the overall housing requirement, to ensure that there is not a significant incursion of students into the housing market which would diminish the supply available to others needing housing in the area.”

- 6.7 Given that York has a disproportionately high student population following the ongoing success of the University of York, York St John University, Askham Bryan College of Agriculture and Horticulture and the landmark campus development of York College, it is surprising that [REDACTED] did not follow a similar exercise to the one they undertook for Guildford Borough Council.
- 6.8 Using data and assumptions gathered from the University of York, York St John’s University and the City of York Council’s own analysis (*Housing Requirements in York*, produced on its behalf by [REDACTED] in 2015) we can make a broad assessment of the housing needs of students in the City of York.
- 6.9 Table 6.1 presents the past six years of student headcount data for the University of York and York St John University. Over this period the total student headcount grew by 15% overall. However, whilst the University of York [UoY] grew its student population by 18%, York St John’s University [YSJ] grew at a much slower rate of 7%.
- 6.10 Both universities experienced an expansion in full-time students, although YSJ lost half of its part time students. The University of York gained 2,861 full-time students (+19%) but gained just 93 part-time students (+5%), whilst York St John’s University gained 974 full-time students (+18%) but lost half of its part-time students (-52%).

Table 6.1 Recent trends in University student headcounts in York 2014/15-2019/20

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	% Change
The University of York	16,835	17,150	17,899	18,824	19,469	19,789	+17.5%
Full-time	14,920	15,210	16,283	17,221	17,604	17,781	+19.2%
Part-time	1,915	1,940	1,616	1,603	1,865	2,008	+4.9%
York St John University	6,555	5,975	5,941	6,249	6,618	7,000	+6.8%
Full-time	5,495	5,180	5,355	5,728	6,165	6,469	+17.7%
Part-time	1,060	795	586	521	453	531	-49.9%
Total Students	23,390	23,125	23,840	25,073	26,087	26,789	+14.5%
Total Full Time	20,415	20,390	21,638	22,949	23,769	24,250	+18.8%
Total Part Time	2,975	2,735	2,202	2,124	2,318	2,539	-14.7%

Source: HESA HE student enrolments by HE provider 2014/15 to 2019/20

- 6.11 For the purposes of this analysis, only full-time students are considered to be part of the additional student population in York living in C2 housing, as part-time students are more likely to be residents already living in York or commuting into the City.

- 6.12 The City of York Council’s 2015 *Housing Requirements Study* assumed (in Appendix B)³⁶ that, following consultation with both Universities, 5% of all UoY students live at home or commute into York, whilst 20% of all YSJ students do the same. The 20% figure for YSJ has been reiterated in the University’s 2026 strategy, where it is stated that the University aspires to **grow to 10,000 students by 2026**, with 8,000 of those being “on campus”³⁷. This would be an increase of **3,000** students on the current figure of 7,000. A Refresh to the Strategy in 2021 following the Pandemic retains this target of “*diverse growth to at least 10,000 students*” by 2026³⁸.
- 6.13 By way of an alternative, a review of HESA data suggests that in 2019/20 (and prior to the Covid-19 Pandemic), 4.5% of UoY students lived at home with their parents/guardians, compared to 15% for YSJ, which is broadly in line with the figures mentioned above.
- 6.14 Applying these 5%/20% assumptions to the 2019/20 total full-time student figure of 24,250 generates a student baseline figure of **22,067** students requiring accommodation within the City (i.e. 95% of UoY’s 17,781 FT students, plus 80% of YSJU’s 6,649 FT students).

Expected Growth in Student Numbers

- 6.15 In a representation submitted to the draft York Local Plan examination in December 2019³⁹, the University of York’s planning agents (O’Neill Associates) set out potential growth scenarios for the university up to 2038. They are an update on those submitted in Appendix 4 of the Regulation 19 Representations April 2018:
- “The statistics cover a range of growth scenarios for student numbers, and growth in academic and non-academic staff follows this increase in students. The range of growth considered is from 0.5% to 4%. Because of the lengthy local plan period to 2033 and on to 2038, Government policy on Higher Education, students’ preferences and changing patterns of oversea recruitment will have an impact on this growth rate that cannot be accurately predicted. Suffice to say that the average growth rate in student numbers over the last 10 years has been around 4% per annum, to the higher end of the range considered.”* [paragraph 1.2]
- 6.16 The Paper concludes that it is unlikely that the Council’s employment forecasts for growth, and hence employment and financial impact on the local economy, reflect the recent growth rates in student numbers at the University of York.
- 6.17 The Paper revisits the assumptions made in the University’s 2018 Representations. It states that since March 2018 the University has grown steadily. Student numbers were at 17,200 [FTE] when writing the 2018 report and have grown to 18,100 [FTE] for the academic year 2018/19. This means that average growth in student numbers over the last ten years has been at about **4% per annum** [paragraph 14].
- 6.18 The University of York’s built estate is continuing to expand as further space is required. A further £250m of investment is being made in the Campus over the next three years. This includes in Science & Medical facilities, and a new Management School facility on Campus West; and two more Residential Colleges (1,480 beds in all), an Energy Centre, a new Nursery and the RPIF funded Robotics building on Campus East [paragraph 15].

³⁶ [redacted] (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

³⁷ York St John University (2019): *2026 Strategy: Make the Possible Happen*, page 26

³⁸ York St John University Strategy 2026 Refresh (2021)

[redacted] Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*

- 6.19 The Paper revisits the 6 growth scenarios in the previous 2018 representations and updates it to reflect the fact that 2018 student numbers were at 18,112 an increase of about 900 students from the 2017 figure used in the 2018 modelling:

Table 2 - Summary of 2019 Update to Modelling.

Scenario	Sc 1	Sc 2	Sc 3	Sc 4	Sc 5	Sc 6
Growth Rate to 2038	0.50%	1.00%	1.25%	1.50%	2.00%	4.00%
Student Nos (FTE) at 2038	20,012	22,100	23,220	24,394	26,913	39,686
Extra Students (FTE) vs 2017	2,799	4,887	6,007	7,181	9,700	22,473
% of 26ha of ST27 needed*	40%	85%	100%+	115%+	150%+	420%+

Source: O’Neill’s Associates Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*, page 4

- 6.20 Of the six growth scenarios, the University confirms that “*Scenario 1 and 2’s low level of growth is highly unlikely*” [paragraph 18]. The University’s 2018 representations concluded that Scenario 3 or 4 was the minimum likely scenario for prudent long-term growth planning at this stage of the Local Plan; and that Scenario 5 and 6 were foreseeable given the University’s reputation and the fact that these are less than (Scenario 5) or equal (Scenario 6) to the actual growth over the last decade. The update notes that average growth in student numbers over the last ten years has been at about 4% per annum.
- 6.21 It therefore does not seem unreasonable to assume that the University’s growth rate is likely to range from between 1.25% and 4% per annum over the period to 2038.
- 6.22 Scenario 3, which assumed 1.25% student growth p.a. to 2038, and Scenario 4, which assumed 1.5% growth p.a. to 2038 were considered by O’Neill Associates to be “*the minimum prudent scenarios for planning purposes at this stage of the Local Plan*”. Scenario 5, which assumed 2% growth p.a., was also considered to be “*a realistic possibility given it is at a rate equal to half the growth the University has achieved over the last 10 years.*”
- 6.23 The growth scenarios modelled by O’Neill Associates were based on full-time-equivalent [FTE] students and was modelled forward from 2018/19 data. Given that growth in FTE students in recent years has been 4%, **we have assumed the higher Scenario 5 growth rate of 2% p.a. over the full Plan period to 2033 is justified for use in this analysis.** With a 2018/19 figure of 17,604 FT students in 2018/19, we have therefore applied a growth rate of 2% per annum to 2033. This equates to a growth of **6,719 students** on the 2016/17 FT student figure of 16,283.
- 6.24 As set out above, the YSJU 2026 Strategy document (2019) sets out that the University’s ambition is to grow to 10,000 students by 2026, a growth of 3,000 students from 7,000 in 2018/19 over a six-year period. Using the average proportion of full-time students at the University from the past six years of HESA data (totalling 90% of all students), this suggests it would be reasonable to work on the basis that 9,000 full-time students will be attending YSJ by 2026, an increase of **3,000 full-time students over the next 6 years**, or 500 students per year until 2025/26.
- 6.25 After 2025/26 we have no data regarding YSJU’s growth plans, so for the purposes of this analysis we have fixed the full-time student number at 9,000 for the remainder of the plan period to 2033 (i.e. zero growth post 2026).
- 6.26 Based on the above assumptions, the expected growth in full-time students over the 16-year Local Plan period 2016/17 – 2032/33 equates to **6,719** for the UoY and **3,645** for

York St John (these figures include three years’ growth already documented in Table 6.1 above, of 2,612 students between 2016/17 and 2019/20). This totals **10,364** additional FT students based at the two Universities over the 16-year plan period 2016/17 – 2032/33.

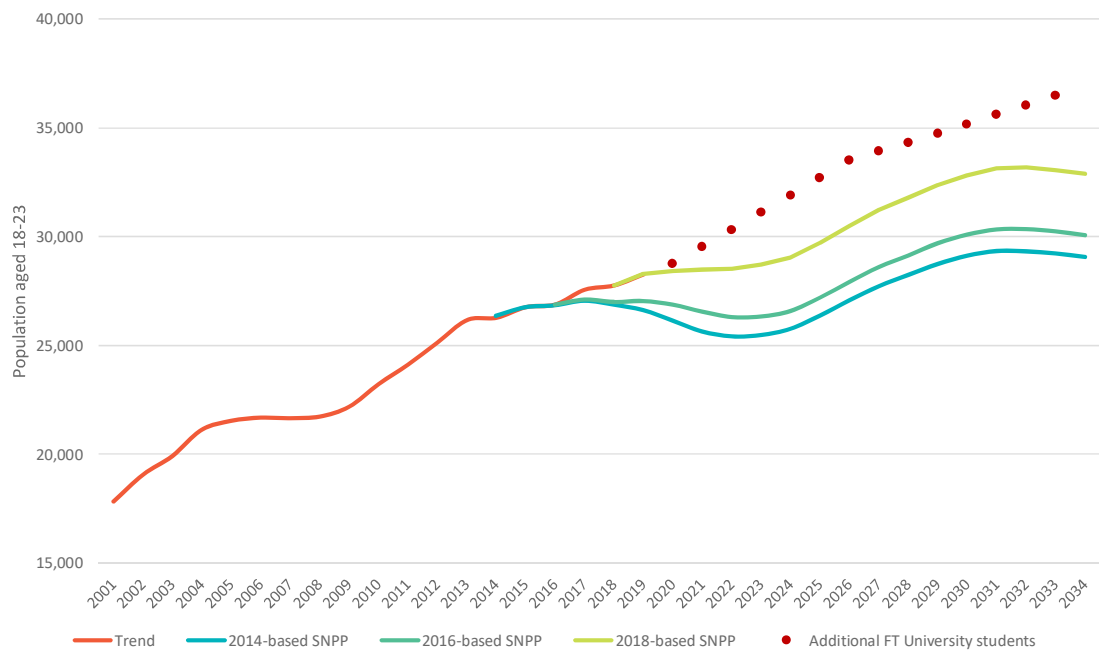
6.27 Applying the previous assumptions relating to students living at home or commuting to this generates an additional **9,299** full-time students living in York (i.e. 95% of UoY’s 6,719 FT students and 80% of YSJ’s 3,645 FT students).

Student Growth within the Demographic Projections

6.28 It is reasonable to assume that the 18-23 age cohort will represent the core student age group, particularly for under graduates. This was also the approach followed in its Guildford SHMA Update. Figure 5 illustrates that using either the 2014-based SNPP, the 2016-based SNPP, there is limited growth within this age cohort, particularly over the short to medium term, with growth principally occurring from 2025 onwards. There is stronger long-term growth projected in the 2018-based SNPP, but only after 2024 with growth flatlining before then.

6.29 Over the 16-year plan period 2016/17 to 2032/33, the projected growth of this age cohort is 5,507 residents (+20%) according to the 2018-based SNPP; by 3,118 residents (+12%) according to the 2016-based SNPP, or 2,149 (8%) using the 2014-based equivalents. In contrast, the number of full-time students attending the two Universities in York is expected to rise by 10,364 over the same time period, of whom 9,299 are expected to live in the City, an increase of **52.1% on the 2016/17 figure of 21,638 FT students** attending the two York Universities. This represents a rate of growth significantly higher than that of the age cohort in any of the projections.

Figure 5 Past and Projected Population Growth in York for residents aged 18-23



Source: ONS Mid-Year Population Estimates 2019/2014-based SNPP/2016-based SNPP

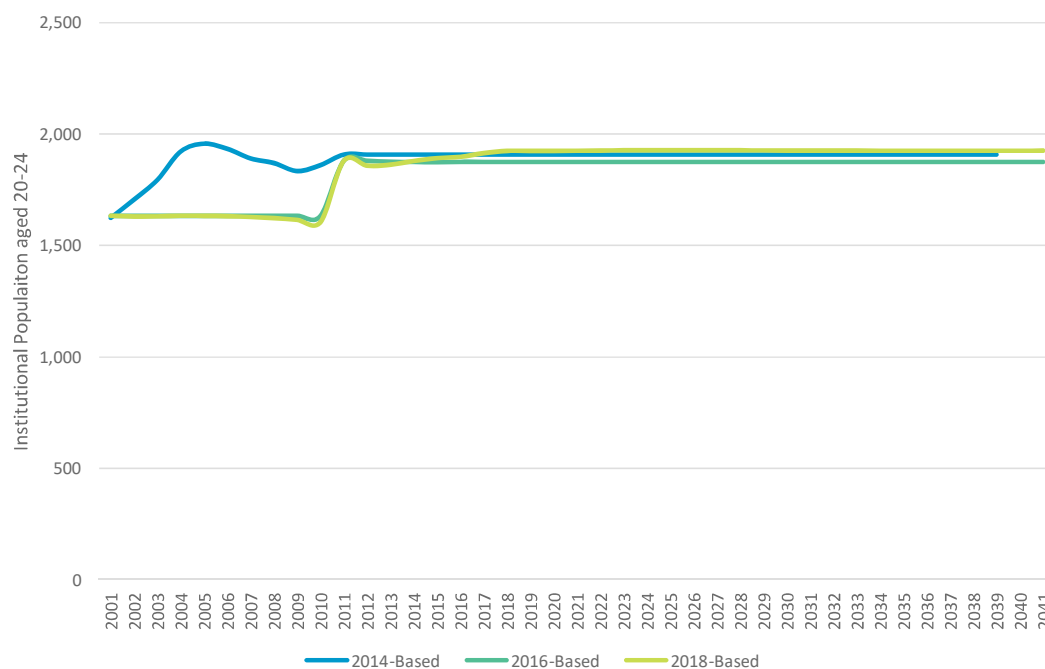
6.30 The Figure above includes growth in new student residents and also existing residents who are not in Higher Education. In an attempt to separate out the anticipated growth in

students alone in the projections, Figure 6 presents the growth of residents aged 20-24⁴⁰ living in communal establishments in the City of York up to 2039/41. Communal establishments include institutional accommodation such as residential care homes, army barracks, correctional facilities and (of particular relevancy for younger age groups) purpose-built student accommodation (i.e. halls of residence). It is therefore highly likely that most of the population aged 20-24 living in communal establishments can be considered to be students living in purpose-built C2 student accommodation.

6.31 The data indicates that post 2017, the number of residents aged 20-24 living in communal establishments is anticipated to stay constant, at 1,909 residents in the 2014-based SNHP, 1,874 in the 2016-based SNHP and around 1,925 in the 2018-based SNHP. There is therefore no change in the size of this cohort built into either set of projections over the plan period, and so growth in the numbers of students living in purpose-built accommodation clearly play no part in the ONS’s anticipated population growth for York residents shown in Figure 5.

6.32 From this, it could also be reasonably inferred that the ONS projections have not factored in the strong growth in student numbers at the 2 Universities into their projections, whether they are likely to be living in C2 student accommodation or renting in the private market. Furthermore, the projections suggest a lack of growth in the short-term, whilst growth effects later in the plan period are likely to be largely accounted for by a cohort effect rather than an increase in student migration.

Figure 6 Communal establishment population in York, aged 18-23, 2001-2035



Source: CLG 2014-based SNHP / ONS 2016-based SNHP / ONS 2018-based SNHP

6.33 Based on this analysis it is reasonable to assume that the rise in the student population would result in additional housing need over and above the need as determined by the 2018-based SNPP in isolation.

⁴⁰ The ONS / CLG data is grouped together in 5-year age cohorts including 20-24 and not 18-23 year olds; however, it is reasonable to assume that the trends exhibited for this slightly older age group represents a reasonable proxy for student growth

Additional Student Accommodation Needs

- 6.34 In GL Hearn’s 2017 Guildford analysis, 45% of new students were expected to be living in the private rental sector [PRS], based upon the University of West Surrey’s aspiration to house 50%-60% of its students within student accommodation.
- 6.35 Appendix B in The City of York Council’s 2015 *Housing Requirements Study*⁴¹ includes an analysis of the proportion of both universities’ students that are living in the PRS between 2010/11 and 2017/18. Over this period the average proportion of students living in the PRS was 56.6% of the total. This figure includes the assumptions relating to students living at home or commuting, and so must be applied to the total additional number of FT students, not just those living in York.
- 6.36 Applying this assumption to the combined university full-time student growth figure of 10,364 generates an estimated **5,866** additional full-time students likely to be living in the wider housing stock in York over the 16-year plan period, or **367** additional students per year.
- 6.37 On the basis of an average of 4 students per household (an assumption that was also used by ██████ in 2017⁴²), this equates to around **1,466** dwellings over the 16-year plan period; an average of **92 dpa** over the plan period 2016/17 - 2032/33.

Table 6.2 Additional student population requiring PRS dwellings in York 2016/17-2032/33

Measure	Total
Additional FT students	10,364
Additional FT students living in York	9,299
Additional FT students living in PRS in York	5,866
Additional dwellings needed	1,466
Additional dwellings needed p.a.	92

Source: ██████ analysis

Conclusion

- 6.38 Based on this analysis, it cannot be assumed that the growth in the 18-23 age cohort in the latest population projections includes growth in student numbers, and therefore that there is adequate provision for new student housing within the OAHN. Following this, **it is our recommendation that an additional 92 dpa be factored into the City of York’s OAHN.**

⁴¹ ██████ (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

⁴² ██████ (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

7.0 Factoring in the Backlog

- 7.1 The Explanation to Policy SS1 of the Proposed Modifications to the City of York Local Plan states that “*Following consideration of the outcomes of this work, the Council aims to meet an objectively assessed housing need of 790 new dwellings per annum for the plan period to 2032/33, including any shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.*” [paragraph 3.3]
- 7.2 According to PM21a of that document, *the Update to Table 52: Housing Trajectory to 2033 to reflect the revised OAN of 790 dpa*, this shortfall to housing provision equates to 32 dwellings annually between 2017/18 to 2032/33, or 512 dwellings in total over the 16-year Plan period.
- 7.3 Based on the Council’s *Full Year Housing Monitoring Update for Monitoring Year 2018/19* Table 6, this appears to be based on a net dwelling gain of 3,432 dwellings between 2012/13 and 2016/17, against a requirement of 3,950 (790 x 5); therefore a 518 shortfall, or 32 annually.
- 7.4 The Companies have serious concerns regarding the accuracy of this calculation. It appears that the CoYC have included a very substantial amount of C2 student accommodation in these figures, thus reducing the amount of shortfall they include in the annual housing target.
- 7.5 The Housing Monitoring reports produced by the Council seek to legitimise this approach by referring to the PPG, which states that:
- “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...*
- To establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of students living in student only households, using the published census data. This should be applied to both communal establishments and to multi bedroom self-contained student flats. Studio flats in mixed developments designed for students, graduates or young professionals should be counted as individual completions. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that full functions as an independent dwelling”⁴³*
- 7.6 Setting to one side the fact that the household projections which [REDACTED] has used to underpin its demographic modelling do not take full account of the needs of students, we are concerned that the Council’s approach is over-emphasising the contribution this source of accommodation is making to housing delivery.
- 7.7 For example, MHCLG publishes Table LT122 annually for every district in the country, which provides a robust and consistent indication of net additional dwellings. This is based on Housing Flows Reconciliation data that have been submitted by CoYC to MHCLG annually.

⁴³ ID-3-042-20180913

Table 7.1 Rate of net housing delivery in York, 2012/13-2019/20

Year	MHCLG Net Housing Completions (LT122)	Housing Delivery Test	Council's Local Plan Estimate	
			Net Dwelling Gain	+/-
2012/13	88	n/a	482	-394
2013/14	69	n/a	345	-276
2014/15	284	n/a	507	-223
2015/16	691	691	1,121	-430
2016/17	378	378	977	-599
2017/18	1,296	1,331	1,296	0
2018/19	449	451	449	0
2019/20	560	627	560	0
Total	3,815	-	5,737	-1,922

Sources: MHCLG LT122 (2021), Housing Delivery Test Results 2020 / EX_CYC_32_CYC_HFR v AMR Table 1

*Difference from HDT figure

7.8 To take an example for the year 2015/16, the Council has included an additional 579 units relating to two 'Off campus privately managed student accommodation sites'. The CoYC's Housing Monitoring Update for that year indicates that this includes 579 units on 2 developments, the Yorkshire Evening Press 76-86 Walmgate, for 361 units; and the Former Citroen Garage, 32 Lawrence Street.

7.9 Reference to the latter development (planning application reference 13/01916/FULM) indicates that not all of these units are self-contained under the MHCLG's definition:

*"The new managed student accommodation will create 58 student flats (5 and 6 person flats with communal kitchen/living/dining facilities) and 303 self-contained 'studio' flats along with a management suite (office, common rooms etc.), laundry and other ancillary facilities."*⁴⁴

7.10 Therefore, as a best case, this site should be contributing a maximum of 315 units (58/5 + 303), not 361 units – a difference of 46 units.

7.11 Similarly, the other student development included for 2015/16 on the former Citroen Garage (15/012440/FULM), also includes shared and self-contained flats:

*"The rooms therefore take a variety of forms self-contained or with shared facilities according to circumstances, to respect the heritage constraints and make the most of the accommodation."*⁴⁵

7.12 There are also other inconsistencies with the MHCLG's data; so, for example in the CoYC's 2016/17 Housing Land Monitoring Report Update, Table 3 indicates that 977 housing completions were delivered net, compared to just 378 recorded by MHCLG – a **difference of 599 units**. Yet only a proportion of this difference can be explained by the C2 student accommodation, as only 152 units are attributed to this source in Table 3, compared to 571 units from residential use class C3 approvals, plus 252 from relaxed Permitted Development Rights. It is unclear why the MHCLG's figures are so different to the Council's, given that they are both supposed to have been provided by CoYC Officers. The only explanation given by the Council⁴⁶ is that "Gaps were evident in the data as not all site completions were recorded due to time lags in receiving information from sites covered by private inspection or no receipt of any details at all."

⁴⁴ Design and Access Statement for Walmgate Student Castle Development, ref: 13/01916/FULM, paragraph 8.02

⁴⁵ Design and Access Statement for St Lawrence WMC, ref: 15/02440/FULM, paragraph 6.2.2

⁴⁶ EX_CYC_32_CYC_HFR v AMR

- 7.13 Essentially, if the MHCLG figures had been used, then instead of a 518 under supply to be made up over the remainder of the plan period from 2017 (32 dpa added onto the 790 dpa OAHN), the shortfall would be 2,440 dwellings, or 153 dpa over 16 years – a very significant uplift to the OHAN (to 943 dpa).

8.0 **Analysis of the Forward Supply of Housing**

Introduction

- 8.1 Since the Local Plan Proposed Modifications consultation in June 2019 the Council has released a Strategic Housing Land Availability Assessment [SHLAA] Housing Supply and Trajectory Update (April 2021). The 2021 SHLAA Update contains a housing trajectory which sets out the anticipated delivery rates of draft allocations. It also reviews the evidence provided in the 2018 SHLAA supporting the assumptions for strategic allocations in relation to build out rates and implementation taking into consideration the current timescale of the Local Plan examination.
- 8.2 This section critiques the assumptions which underpin the currently claimed housing land supply. It also reiterates points made on behalf of our clients on other components of the Council’s housing land supply, which have been carried forward since the previous version of the SHLAA. 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

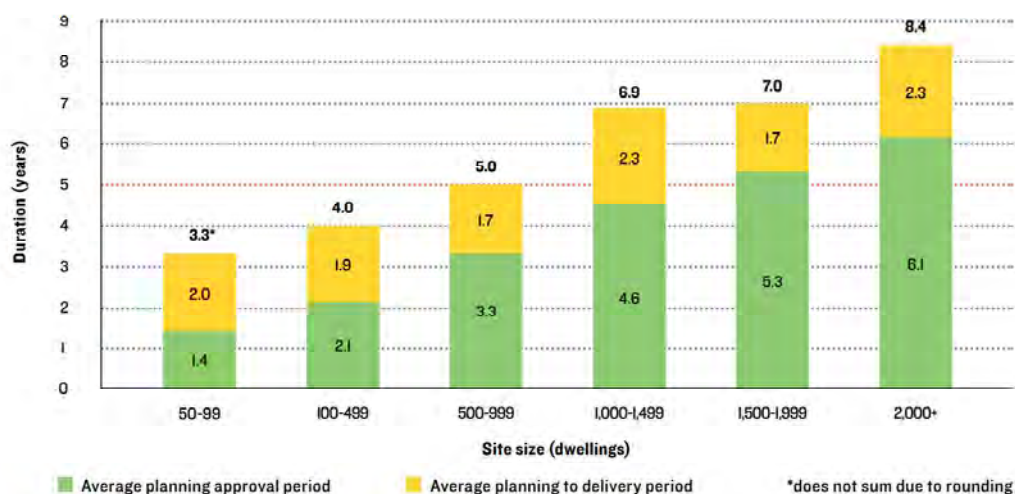
Lead-in Times

- 8.3 The timescales for a site coming forward are dependent on a number of factors such as a developer’s commitment to the site and the cost, complexity and timing of infrastructure. Whilst housebuilders aim to proceed with development on sites as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matters and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed designs for infrastructure, mobilise statutory utilities and commence development).
- 8.4 The standard lead-in times should only be applied to sites where developers are actively pursuing development on a site and preparing the necessary planning application. The standard lead-in time should not be applied universally and a degree of pragmatism and realism should be applied. Sites where developers have shown limited commitment, for example, should be identified as being delivered later in a trajectory.
- 8.5 In addition, another fundamental element in calculating appropriate lead-in times relates to the size and scale of a site. As a generality, smaller sites commence delivery before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure, which must be delivered in advance of the completion of housing units. In some cases, the lead-in time on brownfield sites can be greater given the time required for decommissioning services, demolition, dealing with ground contamination etc.
- 8.6 The 2018 SHLAA sets out the lead-in times which have been applied by the Council in respect of their housing trajectory. The lead-in times are based upon evidence contained within Annex 5 of the 2018 SHLAA (‘SHLAA Assumptions for Evidence Bases’). The Council states that smaller – medium sites are more likely to come forward within 12

months, larger and ‘exceptionally’ large sites are more likely to be 12-18 months at a minimum.

- 8.7 The Council undertook a Housing Implementation Survey in 2015 to help draw together information regarding lead-in times. Our review of these lead-in times suggest that the overall conclusions do not reflect the full extent of the process from submitting a planning application to first completions on site. The lead-in times appear to be ambitious and do not provide a robust set of assumption to base the housing trajectory on.
- 8.8 The 2021 SHLAA Update states that draft allocations without consent have been given estimated delivery assumptions based on the latest consultation responses and/or estimated lead-in times and build-out rates based on the Housing Implementation Study.
- 8.9 ██████████ has undertaken extensive research on lead-in times on a national level with the publication of ‘Start to Finish’ and its subsequent 2020 Update⁴⁷, which contains robust evidence on typical lead-in times and build-rates. These findings are quoted elsewhere within ██████████ research such as Stock and Flow⁴⁸ which the Council itself refers to in Annex 5 of the 2018 SHLAA. Whilst the Council has referenced this research it is unclear if the findings have been considered when formulating lead-in times. Whilst it is acknowledged by the Council that larger sites can have longer lead-in times it is unclear if any allowances have been made for large sites included within the housing trajectory.
- 8.10 It is considered that as a starting point the Council should consider the average lead-in times set out within ‘Start to Finish’ which are provided below:

Figure 8.1 Average Lead in Times



Source: ██████████ Analysis, Figure 4 of ‘Start to Finish’ (February 2020)

- 8.11 ██████████ has also provided commentary on lead-in times previously within previous Housing Issues Technical Papers (March 2018 and July 2019). This builds upon the findings of *Start to Finish* to provide more localised commentary. Like *Start to Finish*, an approach was taken to consider lead in times from the submission of the first planning application to the first completion on site. Table 8.1 provides a summary of these findings.

⁴⁷ ██████████ (February 2020): *Start to Finish: What factors affect the build-out rates of large scale housing sites? Second Edition*

⁴⁸ ██████████ (January 2017): *Stock and Flow: Planning Permissions and Housing Outputs*

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: [REDACTED]

8.12 Both *Start to Finish* and the assumptions set out within the *Housing Issues Technical Paper* demonstrate that the Council’s approach to lead-in times is not robust. There are examples within the trajectory which we consider demonstrate that the Council’s current assumptions are ambitious. This includes the proposed lead-in times for proposed allocations ST14 and ST15.

8.13 For example, ST14 (Land west of Wigginton Road) has a proposed capacity of 1,348 dwellings and currently there is no application being determined by the Council. The 2021 SHLAA Update (Figure 3) suggests first completions on the site in 2022/23. Assuming an outline application is submitted in 2021 and following *Start to Finish*, it would be expected that first completions would be in 2027 (6.9 years).

8.14 Similarly, ST15 (land west of Evington Lane) is a proposed new settlement with a capacity of 3,330 dwellings within the emerging plan. The 2021 SHLAA Update suggests first completions on the site in 2023/24 but indicates that no application has been submitted to date. There would be significant upfront infrastructure requirements before any housing completions took place. If an outline application is submitted in 2021, and following *Start to Finish*, it would be expected that first completions would be in 2029 (8.4 years).

8.15 It is considered that the position set out above should be adopted when considering lead-in times. The Council’s current approach does not provide a realistic or robust position when considering likely lead-in times. The Council should provide clear justification if there is a departure to these timescales.

Delivery Rates

8.16 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.

8.17 Within the 2018 SHLAA the Council has taken the approach to apply a build out rate to site allocations of 35 dwellings per outlet, per annum. This is applied in multiples as the number of outlets are likely to increase. For larger schemes the Council envisage that there could be up to four outlets after the initial infrastructure phase has been completed. This standard build-out rate has been carried forward in the 2021 SHLAA Update Trajectory (Figure 3) on sites where alternative build-out rates from site promoters have not been used.

8.18 It is considered that the Council’s approach is a reasonable starting point. However, research undertaken by [REDACTED] demonstrates that build rate assumptions are more complex. Whilst it is acknowledged that larger sites can support more outlets, this isn’t always the case and will be influenced by the size, form and housing mix of the development. Overall market absorption rates mean the number of outlets is unlikely to be a fixed multiplier in terms of number of homes delivered.

8.19 [redacted] has provided commentary on delivery rates previously with the Housing Issues Technical Papers (March 2018 and July 2019). 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 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.

8.20 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 proportionately to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.21 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 proportionately, but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

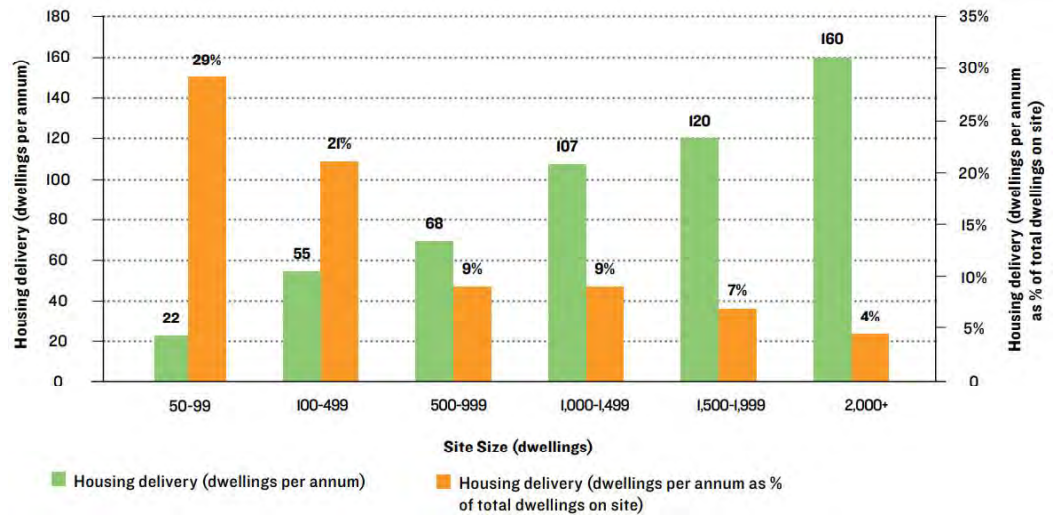
Table 8.2 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: [redacted]

8.22 Furthermore, *Start to Finish* analyses build rates based on national research. Whilst the findings shown in Figure 8.2 are average figures, it demonstrates that large sites do not necessarily deliver more homes on an exponential basis.

Figure 8.2 Housing Delivery Rates



Source: [redacted] analysis, Start to Finish

8.23 [redacted] 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

- 8.24 The 2021 SHLAA Update does not confirm what density assumptions have been used to calculate the capacity of allocated sites. However, we would reiterate our previous concerns with the assumptions identified in the 2018 SHLAA (page 22) which sets out the density assumptions for each residential archetype.
- 8.25 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.
- 8.26 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.
- 8.27 Assumptions on development densities in the absence of specific developer information should err on the side of caution and we consider that the details in the 2018 SHLAA are at variance with this principle.

Components of the Housing Supply

Allocations

- 8.28 The Framework (2012) 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 advises that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against 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 (paragraph 47).
- 8.29 The definition of deliverability as set out within the NPPF states that 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 plans. ” [Footnote 11]

8.30 The Planning Practice Guidance (PPG) sets out further guidance in respect of what constitutes a deliverable site.

8.31 It states:

“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.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-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 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply”.

8.32 When assessing a 5-year supply position, 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.

8.33 The Council should adopt a more cautious approach when seeking to include strategic allocations within the five-year supply. It is considered that a number of the proposed allocations do not have a realistic prospect of delivering housing within the next five years when applying more robust assumptions in terms of lead-in and build rates.

Sites with Planning Permission

8.34 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.

Non-Implementation Rate

8.35 In the 2021 SHLAA Update, the Council apply a 10% non-implementation rate to extant planning permissions and site allocations identified for housing development. The evidence which underpins the Council’s justification is set out within Annex 5 to the 2018 SHLAA. The addition of the non-implementation is welcomed and is in line with approaches taken elsewhere when reviewing housing delivery.

- 8.36 Figure 3 of the 2021 SHLAA Update provides a detailed housing trajectory table which applies this 10% non-implementation rate. We consider that this table should also be included in the Local Plan as it sets out in detail how the Council’s housing supply has been derived.

Windfalls

- 8.37 The Council’s position on windfall allowance is based upon the Windfall Update Technical Paper (2020) which can be found at Annex 4 of the 2021 SHLAA Update. The Council claims that 182dpa will be delivered on windfall sites from Year 3 of the trajectory (2023/24) and provides justification for their windfall allowance within the Windfall Update Technical Paper.
- 8.38 The Framework⁴⁹ sets out the local planning authorities may make allowance for windfall sites in the 5-year supply if they have compelling evidence that they will 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.
- 8.39 [REDACTED] 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. It does not account for any potential delays to the build-out of sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 6 (2025/26) onwards.
- 8.40 The Council considers that an annual windfall of 182 dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites. This is based on completion data from the last 10 years (2010/11 to 2019/20) and comprises the sum of the mean average figures for these two categories of windfall development (43 dpa and 139 dpa).
- 8.41 However, the figure of 182 dwellings has only been achieved four times over the past 10 years. In addition, there has been a steady decline of windfall completions for these two categories since a peak in 2016/17. 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.
- 8.42 In relation to the delivery on sites of <0.2ha, [REDACTED] considers 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 over recent years by the change in definition of previously developed land (June 2010) to remove garden sites. The average of 43 dwellings has only been achieved four times over the past 10 years and is skewed by an unusually high figure in 2018/19 of 103 dwellings. If this anomaly is excluded the average figure is 36 dpa.
- 8.43 In relation to the delivery from conversions, the average completion figure since 2014 is largely dependent on the changes to permitted development rights introduced in 2013. 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

⁴⁹ NPPF (2012) §48

York will not be converted. This trend can already be seen in the figures in Table 2 of the Windfall Update Technical Paper where conversions have dropped significantly since a peak in 2016/17. As such the average conversion rate from 2010/11 to 2014/15 of 68 dpa should be used.

- 8.44 Based on the above assessment it is considered that the proposed windfall allowance should be **reduced from 182 dpa to 104 dpa** 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 6 (2025/26) to ensure no double counting.
- 8.45 It is considered that the Council’s information does not adequately justify a windfall allowance of 182dpa and does not provide sufficient certainty that this figure will be achieved over the plan period.
- 8.46 Therefore, in this instance we consider that it is not appropriate that the City of York includes a windfall allowance within the first 5 years of the plan period.

Under Supply

- 8.47 The PPG⁵⁰ states that the level of deficit or shortfall should be added to the plan requirements for the next five- year period where possible (Sedgefield approach). If LPAs are minded to deal with the shortfall over a longer period (Liverpool method) the Practice Guidance advises that Local Authorities work with neighbouring authorities under the duty to cooperate.
- 8.48 The 2021 SHLAA Update states that the Council has adopted the ‘Liverpool’ method when dealing with past under delivery. Whilst the Council state there are ‘local circumstances’ which warrant a longer-term approach, it is not clear where the justification is which warrants the Liverpool method being adopted. It is considered that further information should be provided by the Council which justifies a departure from addressing the shortfall within the next five- year period.
- 8.49 In line with both the 2014 and latest 2019 iterations of the PPG, [REDACTED] considers that the Council should deal with backlog in full against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 8.50 Table 8 of the 2021 SHLAA Update provides historic housing completions for the period 2012/13 to 2019/20). The 2021 SHLAA Update states that the inherited shortfall from the period between 2012/13 – 2019/20 is 479 dwellings (37 dpa). However, in relation to this shortfall it states⁵¹:

“In considering shortfall, there is a negligible difference between the previous and latest outcomes of an additional 5 dwellings per annum. Over the remaining 13 years of the Plan, this constitutes an additional 65 dwellings.

As a result the Council consider that the proposed housing requirement of 822 dpa (790 dpa +32) should continue to be the housing requirement for York over the plan period (2017-2033). As the updated trajectory takes into consideration the completions 2017-2020, the 65 dwelling undersupply forms part of the remaining housing need to be delivered against which the supply is seeking to deliver. It is therefore considered that this will be addressed over the plan period”.

⁵⁰ Paragraph: 035 Reference 3-035-20140306

⁵¹ Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update April 2021 §§ 6.15-6.16

- 8.51 The Council has therefore applied an undersupply of 416 dwellings (32 dpa x 13 years).
- 8.52 Table 4.1 of this report shows past delivery against the Council’s possible policy benchmarks for the period 2004/05 – 2019/20. It demonstrates that the inherited shortfall could be significantly higher than current accounted for by the Council. This will have an impact on the Council’s five- year supply calculation, with the potential requirement for more sites to be identified to meet the undersupply and the housing requirement moving forward.

Application of the Buffer

- 8.53 As shown elsewhere in this report, the Council has a record of persistent under-delivery in recent years. The Council also confirms that there is a history of under-delivery within the 2021 SHLAA Update. In line with paragraph 47 of the NPPF (2012) the Council should apply a 20% buffer to provide a realistic prospect of achieving the planned supply. This is supported by the 2020 Housing Delivery Test results, which also indicate that a 20% buffer should be applied for the City of York.
- 8.54 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.

Calculating Housing Land Supply

- 8.55 The 2018 SHLAA included a five-year housing land supply calculation (in Table 6 of the document). An updated calculation to reflect the latest requirement and supply position has not been provided in the 2021 SHLAA Update. However, we set out below our understanding of the Council’s housing land supply calculation for the five-year period using data available in the 2021 SHLAA Update, including Figure 3 of that document.
- 8.56 The calculation in Table 8.3 is for illustrative purposes only and is based on the Council’s own completion figures without any amendments. We have utilised the Council’s OAHN assumption of 790 dpa and assumptions on inherited shortfall (479 dwellings over 13 years) and applied the Liverpool method from the 2021 SHLAA Update as well as the Council’s projected completions.

Table 8.3 Five year housing land supply calculation - based on figures within 2021 SHLAA Update

Five year housing land supply calculation		Dwelling Number
A	Annual housing target across the Plan period	790
B	Cumulative target (2020/21-2024/25)	3,950
C	Inherited shortfall (2020/21 - 2024/25) (Liverpool method)	184
D	20% buffer	827
E	Five- year requirement (B+C+D)	4,961
F	Total estimated completions (2020/21 -2024/25) (with windfalls and 10% non-implementation)	5,671
G	Supply of deliverable housing capacity	5.72 years

8.57 Table 8.4 sets out the Council’s 5YHLS for the period 2020/21 – 2024/25 utilising the Council’s OAHN assumption of 790 dpa but utilises the ‘Sedgefield’ approach of addressing the full backlog of 479 dwellings in the first 5 years. The windfall allowance has also been excluded for the reasons set out within this report. Again, a 20% buffer has been applied (which the 2021 SHLAA Update accepts is appropriate) and again the calculation uses the Council’s projected completions from the 2021 SHLAA Update. As a comparison, we have included a secondary column based on Lichfields’ estimated OAHN from the analysis elsewhere in this report, plus the additional backlog that would arise.

Table 8.4 Five-year housing land supply calculation - [REDACTED] OAHN

5-year housing land supply calculation		Council’s OAHN	Lichfields’ OAHN
A	Annual housing target across the Plan period	790 dpa	1,010 dpa
B	Cumulative target (2020/21-2024/25)	3,950	5,050
C	Inherited shortfall (2020/21 - 2024/25) (Sedgefield method)	479	2,239
D	20% buffer	886	1,458
E	Five- year requirement (B+C+D)	5,315	8,747
F	Total estimated completions (2020/21 - 2024/25) (with 10% non-implementation included and windfalls excluded)	5,307	5,307
G	Supply of deliverable housing capacity	5.00 years	3.03 years

Source: [REDACTED] analysis

8.58 Table 8.4 clearly shows that the Council can only demonstrate a very marginal 5YHLS when the ‘Sedgefield’ approach is applied and windfalls are excluded from the calculation. In addition, we note that this calculation does not factor in our comments on other matters in this document which would significantly reduce the Council’s supply.

8.59 For the reasons identified, we consider that the Council’s OAHN is too low and should be increased. When the OAHN is increased to a reasonable level of 1,010 dpa (virtually identical to the Government’s standard methodology figure for the Borough, which is 1,013 dpa), the Council’s 5YHLS position falls to an abject 3.0 years.

8.60 We also have concerns with the Councils approach to calculating historic completions, which may be depressing the backlog figure. The calculations above also use the Council’s evidence base in terms of projected completions from the 2021 SHLAA Update. If our comments on lead-in times and delivery rates were applied to the delivery from these sites, the supply from them would be significantly lower.

8.61 Taking these factors into consideration, we consider that the Council’s housing supply is likely to be insufficient to demonstrate a 5YHLS. An uplift in supply is required in order to meet the housing requirement.

8.62 The only way to address this shortfall is the identification of further land which is capable of delivering dwellings over the next five years of the plan period. However, the Council could easily rectify this situation by proposing main modifications to identify additional allocated sites in the Local Plan.

8.63 Lichfields reserves the right to interrogate the Council’s supply in more detail prior to the Examination should this information be provided.

Conclusion

- 8.64 I [REDACTED] has undertaken an analysis of the 2021 SHLAA Update and Proposed Modifications to the Local Plan which sets out the assumptions used to calculate the Council’s housing land supply.
- 8.65 The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. [REDACTED] has concerns that the way in which the Council has calculated historic housing completions, shown within Table 8 of the 2021 SHLAA Update is flawed and is inflated through the inclusion of privately managed off-campus student accommodation that do not meet the varied housing needs of the City’s residents. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.
- 8.66 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved.
- 8.67 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.
- 8.68 [REDACTED] reserves the right to update the above evidence as and when further information becomes available.

9.0 **Conclusions on the City of York’s Housing Need / Supply**

Introduction

9.1 In practice, applying the 2012 NPPF requires a number of key steps to be followed in order to arrive at a robustly evidenced housing target:

- The starting point for Local Plans is to meet the full objectively assessed development needs of an area, as far as consistent with the policies set out in the Framework as a whole [§6, §47 & §156].
- An objective assessment of housing need must be a level of housing delivery which meets the needs associated with population and household growth, addresses the need for all types of housing including affordable and caters for housing demand [§159].
- Every effort should be made to meet objectively assessed needs for housing and other development, and there should be positive response to wider opportunities for growth. Market signals, including affordability should be taken into account when setting a clear strategy for allocating suitable and sufficient land for development [§17].
- In choosing a housing requirement which would not meet objectively assessed development needs, it must be evidenced that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework as a whole; unless specific policies indicate development should be restricted [§14].
- Where an authority is unable to meet its objectively assessed development needs or it is not the most appropriate strategy to do so, e.g. due lack of physical capacity or harm arising through other policies, it must be demonstrated under the statutory duty-to-cooperate that the unmet need is to be met in another local authority area in order to fully meet development requirements across housing market areas [§179 & §182 bullet point 1].

9.2 It is against these requirements of the Framework which the City of York’s housing need must be identified.

Revised Housing Requirement

9.3 There are a number of significant deficiencies in the Councils approach to identifying an assessed need of 790 dpa in the HNU which means that it is not soundly based. 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.

██████████ considers these to be as follows:

- 1 **Demographic Baseline:** The 2018-based household projections indicate a net household growth of just 302 dpa between 2017 and 2033 (including a suitable allowance for vacant/second homes). Quite rightly, ██████████ then models alternative migration variants, including the 10-year trend scenario, which it then takes forward as its preferred scenario. Whilst this is generally appropriate, we consider that ██████████ should also have concerned modelling the High International variant produced by ONS, which produces a level of net international migration more

in keeping with longer term trends. It is likely that this would have increased the demographic baseline figure. We do agree with [REDACTED], however, that it is appropriate in this instance to apply accelerated headship rates to the younger age cohorts, which takes the demographic starting point to 669 dpa.

- 2 **Market Signals Adjustment:** GL Hearn’s uplift is assumed to be 15% based on their earlier reports for CoYC, although this has not been revisited in their 2020 HNU. However, for the reasons set out in Section 4.0, [REDACTED] considers that a greater uplift of at least 25%, and probably higher, would be more appropriate in this instance given that the current SM2 uplift is 25%. This should be applied to the revised demographic starting point of 669 dpa and not the 302 dpa 2018-based SNPP, which would be entirely illogical given that [REDACTED] themselves admit that the principle 2018-based projection is less robust for York. Even setting to one side the issue of whether the High International Variant projection should be used, this would indicate a need for **836 dpa**.
- 3 **Employment growth alignment:** The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by the ELR Scenario 2 (which has informed the Local Plan) and past trends. As such, and notwithstanding our concerns regarding how [REDACTED] has modelled the employment growth needs for the City, on the face of it no upward adjustment is required to the demographic-based housing need figure of 803 dpa to ensure that the needs of the local economy can be met;
- 4 **Affordable Housing Need:** The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need well above 836 dpa. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range would need to be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level of delivery is unlikely to be unachievable for York. Given the significant affordable housing need identified in City of York [REDACTED] considers that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a figure of **920 dpa**.
- 5 **Student Housing Needs:** household projections explicitly exclude the housing needs of students living in communal establishments. Furthermore, Lichfields’ critique of the projections clearly indicates that they do not adequately reflect the Universities’ student growth targets. It is calculated that meeting these growth needs would equate to around 1,466 dwellings over the 16-year Plan period, at an average of 92 dpa on top of the 920 dpa set out above (i.e. 1,012 dpa).
- 6 Rounded, this equates to an **OAHN of 1,010 dpa** between 2017 and 2033 for the City of York.
- 7 **Shortfall of housing delivery 2012-2017:** The Council is also making provision for past under-delivery between 2012 and 2017. [REDACTED] has serious concerns about how the CoYC have calculated past housing delivery. Setting to one side the very unusual and substantial discrepancies between the Council’s housing completions figures and MHCLGs, if [REDACTED]’ higher OAHN of 1,010 dpa is applied, this would result in a figure of **1,618, or 101 dpa** over the 16 year plan period, to be factored on top. **This would result in a Local Plan requirement of 1,111 dpa, which is not dissimilar to the 1,013 dpa figure that they would have been using with the current standard methodology.**

9.4 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 figure (of 1,010 dpa plus the unmet need 2012-

2017) 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.

9.5 This process is summarised in Table 9.1.

Table 9.1 Approach to OAHN for the City of York 2017-2033

	Dwellings per annum (2017-2033)
Demographic Starting Point (2018-based SNHP)	302 dpa
Adjustments to Demographic-led Needs	669 dpa
Uplift for Market Signals	836 dpa (+25%)
Employment Led Needs	766 dpa – 779 dpa
Affordable Housing Needs	1,910 dpa*
10% Uplift to demographic led needs for Affordable Housing? (rounded)	920 dpa
Uplift to address Student Housing Needs	92 dpa
Adjusted OAHN (Rounded)	1,010 dpa
Inherited Shortfall (2012-2017) annualised over the Plan period	32 dpa – 101 dpa
Annual Target (inclusive of shortfall)	1,042 dpa – 1,111 dpa

*Based on an affordable housing net annual need of 573 dpa at a delivery rate of 30%

Revised Housing Land Supply

9.6 [REDACTED] has undertaken an analysis of the City of York’s updated SHLAA (2021) which sets out the assumptions used to calculate the Council’s housing land supply. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions. The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. We also consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.

9.7 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgfield approach to backlog, it is clear that the Council cannot demonstrate a 5YHLS. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.

9.8 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.

9.9 [REDACTED] reserves the right to update the above evidence as and when further information becomes available

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

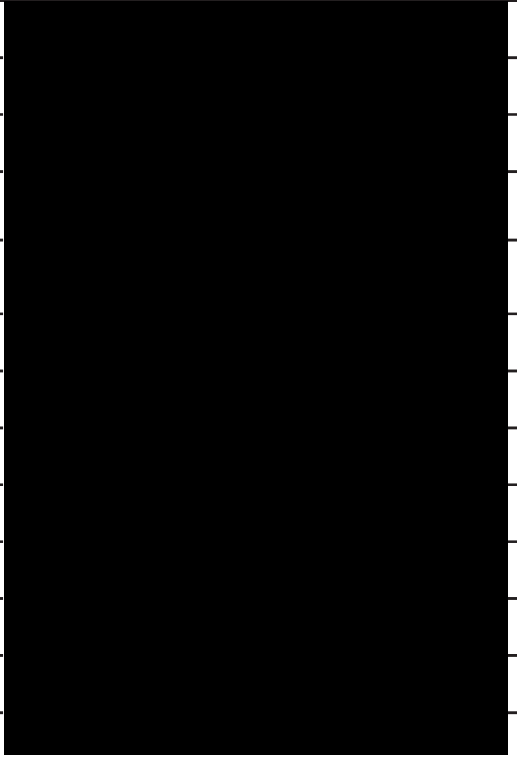
Signature

Date

7th July 2021

Part A - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- [REDACTED] Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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 Inspectors 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 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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM53

Document:

Modifications Schedule and associated evidence

Page Number:

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see the attached representations report for detailed representations.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see the attached representations report for detailed representations.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

There is the need to examine some fundamental aspects of the Local Plan. We would therefore like the opportunity to participate at the oral part of the examination.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

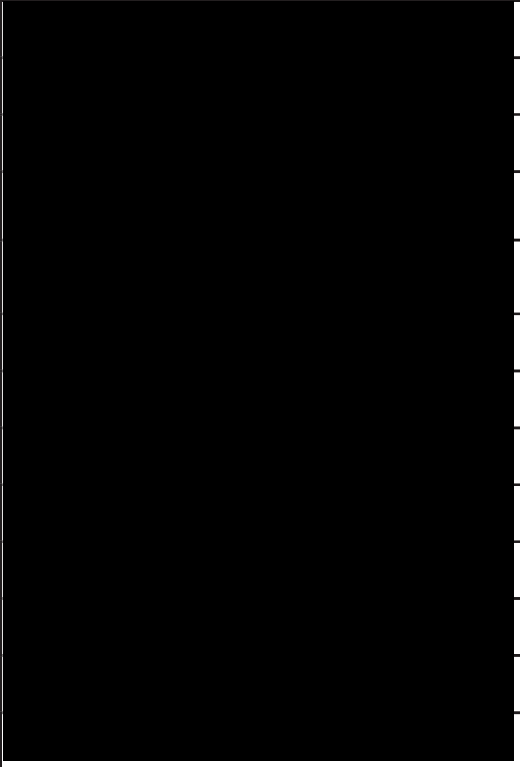
2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part A - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

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www.york.gov.uk/form/LocalPlanConsultation.

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- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
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 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
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- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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 Inspectors 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 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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM49

Document:

Modifications Schedule and associated evidence

Page Number:

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see the attached representations report for detailed representations.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see the attached representations report for detailed representations.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

There is the need to examine some fundamental aspects of the Local Plan. We would therefore like the opportunity to participate at the oral part of the examination.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

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1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

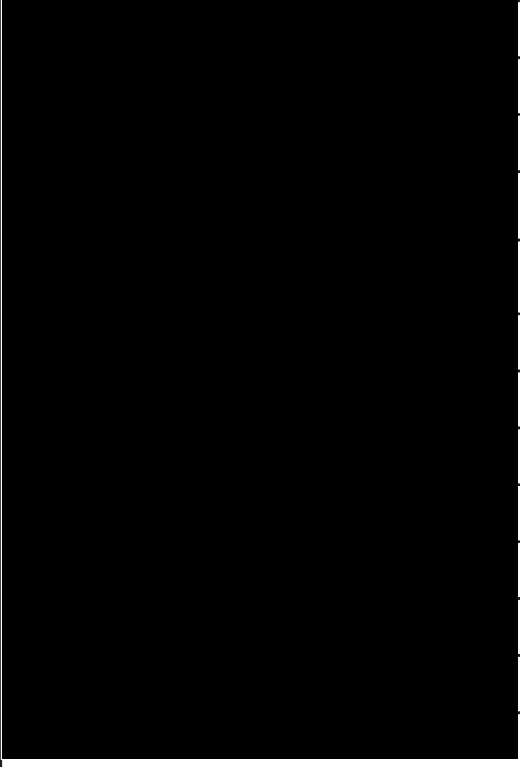
2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part A - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

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Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM50

Document:

Modifications Schedule and associated evidence

Page Number:

What does ‘legally compliant’ mean?

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6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

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Please use extra sheets if necessary

Please see the attached representations report for detailed representations.

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9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

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Representations must be received by Wednesday 7 July 2021, up until midnight.
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City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

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

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

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How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

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1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

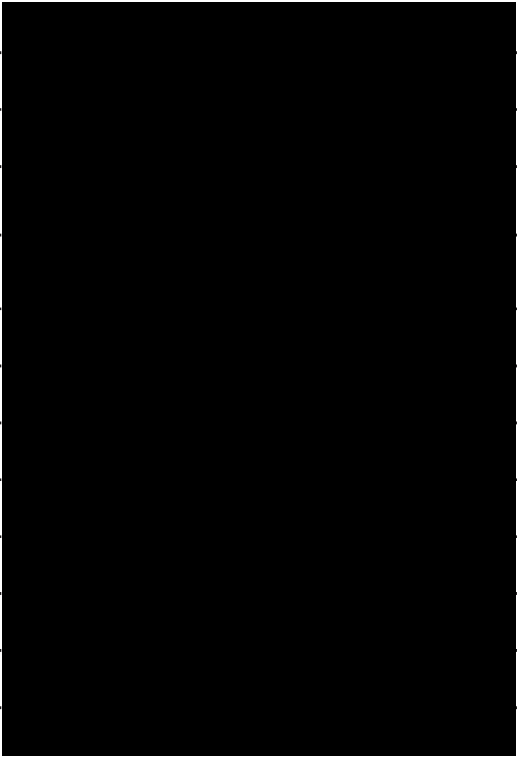
Signature

Date

7th July 2021

Part A - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

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www.york.gov.uk/form/LocalPlanConsultation.

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Do I have to use the response form?

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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Where can I view the Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

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Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM70

Document:

Modifications Schedule and associated evidence

Page Number:

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see the attached representations report for detailed representations.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see the attached representations report for detailed representations.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

There is the need to examine some fundamental aspects of the Local Plan. We would therefore like the opportunity to participate at the oral part of the examination.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

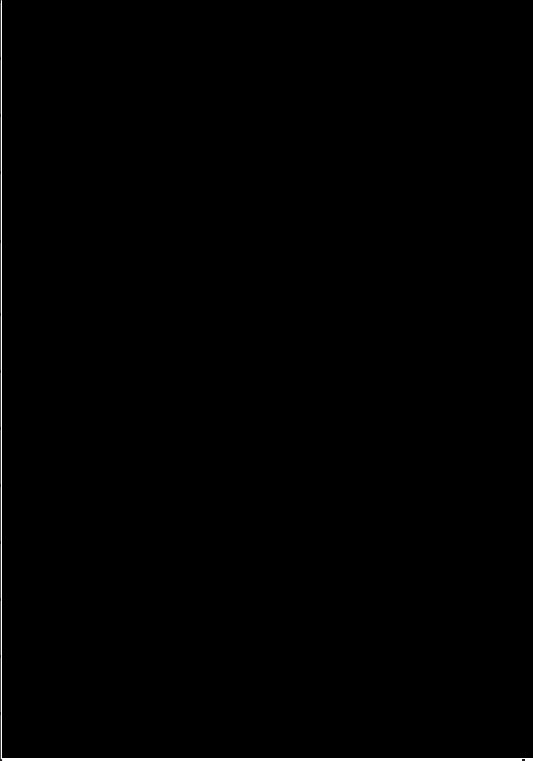
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Signatur

Date

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Last Name		
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Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM101

Document:

Modifications Schedule and associated evidence

Page Number:

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Yes

No

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1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

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Signature

Date

7th July 2021

Part A - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
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E-mail Address		
Telephone Number		

Guidance note

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- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
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 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
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 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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 Inspectors 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 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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM71

Document:

Modifications Schedule and associated evidence

Page Number:

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see the attached representations report for detailed representations.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see the attached representations report for detailed representations.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

There is the need to examine some fundamental aspects of the Local Plan. We would therefore like the opportunity to participate at the oral part of the examination.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part A - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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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 Inspectors 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 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.

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM54

Document:

Modifications Schedule and associated evidence

Page Number:

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see the attached representations report for detailed representations.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see the attached representations report for detailed representations.

9. If your representation is seeking a change at question 8.(1)

9.(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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9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

There is the need to examine some fundamental aspects of the Local Plan. We would therefore like the opportunity to participate at the oral part of the examination.

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Representations must be received by Wednesday 7 July 2021, up until midnight.
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City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

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

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



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We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

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1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

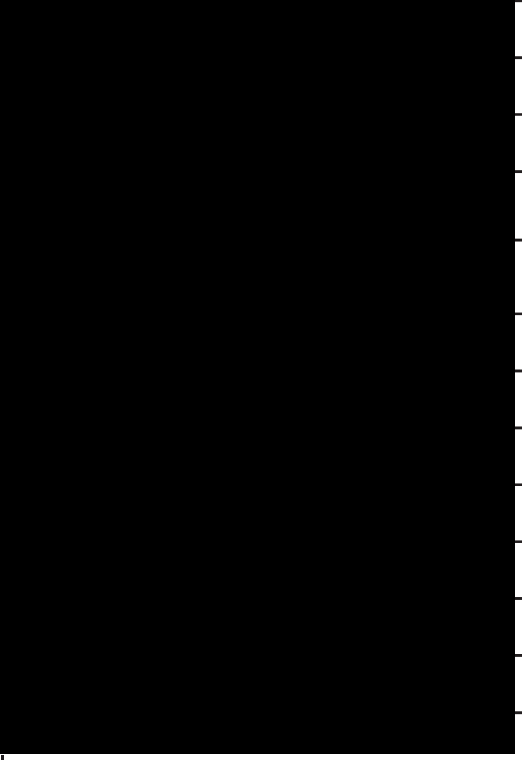
2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part A - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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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What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

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- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
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 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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 Inspectors 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 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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM55

Document:

Modifications Schedule and associated evidence

Page Number:

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

If yes, go to question 5.(3). If no, go to question 5.(2).

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Please see the attached representations report for detailed representations.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Please see the attached representations report for detailed representations.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

There is the need to examine some fundamental aspects of the Local Plan. We would therefore like the opportunity to participate at the oral part of the examination.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

From: [REDACTED]
Sent: 07 July 2021 22:50
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: Response to the Local Plan Proposed Modifications Consultation
Attachments: JRHT Proposed Mods Comments 070721.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening
I'm cutting it close to the deadline, but please now find attached our comments in response to the current consultation.

I would appreciate acknowledgement of this email and receipt of our comments.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

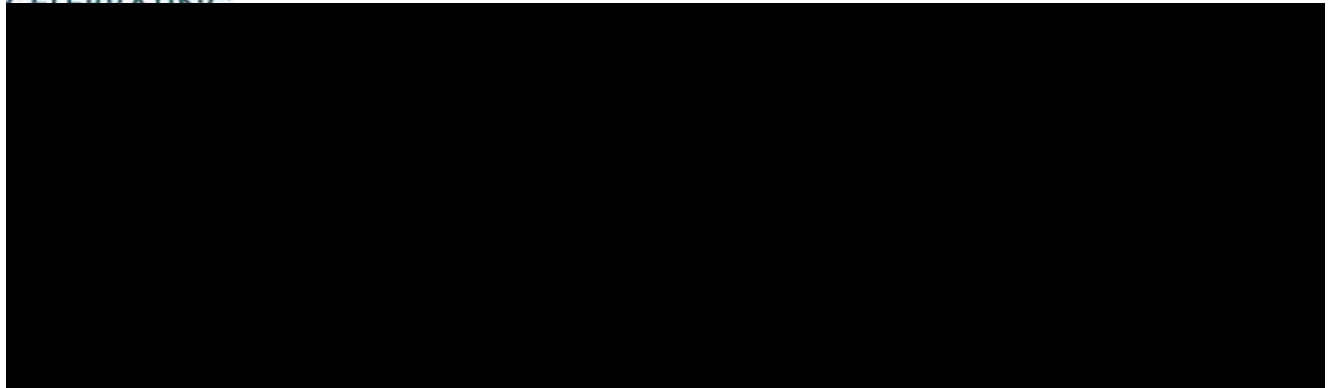
**RESPONSE TO THE PROPOSED MODIFICATIONS
CONSULTATION**

CITY OF YORK LOCAL PLAN

PREPARED ON BEHALF OF



CELEBRATING



1.0 INTRODUCTION

1.1

2.0 COMMENTS ON THE PROPOSED MODIFICATIONS

2.1 Our comments relate to the Proposed Modifications Consultation document, and the associated evidence base. Wherever possible, we have referred to the Proposed Modifications and the documents to which our comments relate.

EX/CYC/59 Topic Paper 1: Green Belt

2.2 We understand the original version of the Green Belt Topic Paper was subject to an Addendum in July 2019 in order to set out the Council's methodology for defining the inner and outer green belt boundaries. The Topic Paper and subsequent Addendum are now subject to a further Addendum and public consultation to allow for comment to be made.

2.3 Before we set out our concerns with the Council's methodology and the drawing of the boundary, we wish to raise a procedural matter. Government guidance documents and legislation on the drafting of local plans make it clear that the Government expects local plans to be drafted on the basis of an evidence base that sets out the justification for policies within the plan. On this basis, it would be reasonable to have expected the Council to have formulated the methodology and consulted upon the evidence behind the identification of the inner and outer boundaries in the same level of detail now found within the Addendums prior to the Regulation 19 consultation. Instead, the Council is relying on Addendums to a Topic Paper to form the evidence as to how decisions were reached concerning the boundaries.

2.4 Our concern is that the Topic Paper is supposed to be a summary of the journey in the policy formulation and the means by which the Council can explain how the evidence influenced the policies in the Plan. In this instance, it appears the Council has instead used the first Addendum to the Topic Paper to set out the methodology for the first time and is now attempting to revise the methodology and introduce changes to the results of the assessment through the current Addendums. This is evident because a number of Proposed Modifications are now tabled whereby changes to the methodology and a review of the assessment requires the Green Belt boundary to be updated.

2.5 Our understanding of the meaning of an 'Addendum' is that it is usually an item to be added to a document to correct an error or for clarification, but in this instance the first addendum extends to 89 pages with six appendices attached and the second addendum is 11 pages long with seven appendices. Clearly, the addendums go beyond simply clarifying a point or correcting an error. Additionally, many of the matters raised represent wholly new evidence rather than corrections or points of clarity.

2.6 Furthermore, the Council sets out how the emphasis of the assessment has been altered in the latest Addendum so as to remove emphasis on the various 'shapers' and instead focus on 'purpose four'. As such the Addendums raise new evidence at an extremely late stage in the

process that is fundamental to the Council's ability to make decisions concerning Green Belt boundaries. Also, the change in emphasis is considered to represent a 'reasonable alternative' that should have been assessed at the options stage of the drafting process. Since when has it been acceptable for the Council to decide to change the emphasis of an assessment, which in effect represents altering the preferred option on which the Plan is based during examination?

- 2.7 Quite simply, the proposed modifications to the boundaries should not need to be introduced at such a late stage in the process, as the work should have been completed before the Plan was finalised and submitted for Examination. The Plan is simply unsound due to the shortcomings of the evidence base. The Plan is also not legally compliant as all the options were not defined and assessed at the correct stage of the process.
- 2.8 By attempting to fill gaps within the evidence base, rather than simply providing greater clarity to matters previously covered in the Green Belt Topic Paper published in 2018, it appears the Council is attempting to retrospectively justify decisions previously made. Additionally, the Council is setting out evidence that should have been collated, analysed and consulted upon before such an advanced stage in the process. The NPPF (2012) makes it clear under paragraph 158 how local plans should be based on adequate, relevant and up to date evidence. In addition, paragraph 152 explains how local plans should be justified whereby reasonable alternatives have been taken into account and on the basis of proportionate evidence.
- 2.9 We therefore believe the evidence now presented through the Addendum is pertinent to decisions that were made at previous stages of the Plan process. Given that the latest Addendum changes the emphasis of the assessment and has resulted in Proposed Modifications then the Plan, as submitted, cannot be considered to have been drafted on the necessary evidence required for the Plan to be effective or justified. The implications of the Addendum are significant, especially as Green Belt policy is of national significance, so we are most concerned at the Council's less than attentive approach to date.
- 2.10 In short, events to date are not sound and not in the spirit of the process, never mind the actual requirements of the process that are set out clearly in legislation, national policy and guidance. How can retrospectively attempting to amend the methodology on which the boundaries have been drawn be considered to be sound? This point is pertinent because the Council first chose to mention 'shapers' and has now removed reference to some, which means the subsequent assessment that impacts on the drafting of the boundaries has altered (please refer to paragraph 2.14 of EX/CYC/59). We believe the Council needs to take ownership of the heavily flawed process rather than attempting to hold on to the last few bare threads.
- 2.11 If the Green Belt methodology needs to be revised with a view to eliminating or introducing 'shapers' and 'drivers' then we do not believe it is appropriate to do so through a Topic Paper. This is because the Topic Paper is not intended to be evidence on which the Local Plan has been drafted. Instead, it is simply intended to be an explanation of the process by which

decisions have been reached. Clearly, the means by which decisions should have been recorded do not exist because those decisions cannot have been taken before now.

- 2.12 We are also concerned that the Council has not taken on board some of the Inspector's initial comments expressed in the letter to the Council dated 12 June 2020 (EX/INS/15) whereby paragraph 40 explains how the most fundamental concern is in relation to the assessment against purpose three, which is *"to assist in safeguarding the countryside from encroachment"*. Under paragraph 41, the letter picks up on how the presence of a number of open space or nature conservation designations are not necessarily evidence that the land is part of the countryside. Consequently, the nature conservation or open space designation should not be included in the extent of Green Belt because whilst it would be appropriate to prevent development, Green Belt policy is not the correct policy tool.
- 2.13 With the idea that land should be considered for inclusion within the Green Belt only where there is a need to keep it permanently open because it contributes to one of the five purposes listed under paragraph 134 of the NPPF, we would like to mention a number of situations where we believe the aim of Green Belt policy has not been applied properly and the assessment has reached the wrong conclusion. This is on the basis that the methodology is flawed and application of 'shapers' is still evident.
- 2.14 Under Section 5, Boundary 11-15 East of Woodland Place to the rear of Pollard Close is shown to be a finger of greenspace that forms the river bank on either side of the River Foss that separates New Earswick from Huntington. To the north of the 'finger' is an area of mature woodland that acts to visually enclose the greenspace from the open countryside beyond.
- 2.15 In terms of the five purposes of Green Belt, the narrow finger of land does not check the unrestricted sprawl of York because the land penetrates into the urban extent of the settlement. As such, it does not serve to contain development in any respect. With regard to preventing neighbouring towns merging, it has already been concluded that York is to be viewed as one settlement and the various neighbourhoods are not a group of separate 'towns' that should not be merged. To this end, Green Belt is not the correct means by which to maintain the separation between the two districts of New Earswick and Huntington.
- 2.16 In respect to safeguarding the countryside from encroachment, the land is visually contained and does not form part of the wider countryside that requires safeguarding. If the countryside surrounding York is to be protected against encroachment, then the boundary needs to be drawn around the outer edge of the urban area rather than any of the fingers of greenspace that penetrate the urban extent of the City. With regard to preserving the setting and special character of the historic city, the Council's own assessment makes clear how this site does not aid the understanding of the historical relationship of the city to its hinterland.
- 2.17 Finally, the land is part of a river corridor so is subject to flood risk. This means that its development potential is limited so it does not need to be designated Green Belt to assist urban regeneration.

- 2.18 Furthermore, the Council's assessment within EX/CYC/59d concludes *"the land within the proposed boundary is:*
- *Not identified in the Green Belt appraisal work as being of primary importance to the setting of the historic city [SD107];*
 - *Included as amenity Green Space and Natural/ Semi Natural Open space [SD085].*
 - *Entirely within Regional Green Corridor 3 (Foss Corridor) [SD080].*
 - *Within a high flood risk zone to the eastern edge;*
 - *Not included in any nature conservation designations.*
- The open land within the proposed boundary is therefore not suitable for development in line with the Local Plan strategy."*
- 2.19 If the land is not of primary importance to the setting of the historic city and simply open space that is subject to flood risk then it appears self-explanatory that the boundary should exclude the 'finger' and be drawn across the 'mouth' to create an east / west boundary as a continuation of the outer extent of the urban area. There is absolutely no need to include the 'finger' within the Green Belt when it does not form part of the open countryside beyond the urban edge of York and there are other policies that might otherwise prevent inappropriate development.
- 2.20 A similar situation also exists in respect of Section 5, Boundary 21-27 Land to the East of Huntington and North of Monks Cross where a sliver of undeveloped land is identified to be included within the Green Belt even though it does not form part of the wider open countryside that needs to be protected from encroachment. Sections 23 to 26 of the proposed boundary should be excluded and instead the boundary should be drawn so as to form a north / south boundary around the edge of York with a view to protecting the openness of the agricultural land to the east, especially as, the 'finger' does not represent encroachment into the countryside and development would not lead to the sprawl of the urban area into countryside. Plus, the narrow corridor has not been found to be important to the setting of the historic city.
- 2.21 The proposed allocation of Land to the East of Huntington for a new settlement under allocation ST8 only serves to provide further reason as to why the narrow corridor of land is not part of the wider countryside that needs to be kept open. The new settlement allocation will visually sever the narrow corridor of undeveloped land from the wider countryside. The allocation will also result in creation of another tract of land between boundaries 22 and 27a where the narrowness of the track of undeveloped land does not contribute to the purposes of Green Belt policy and could instead be protected by other means if it were considered necessary to protect against development. For the Plan to be found sound, the boundary therefore needs to be amended to exclude the tract of land.
- PM31: Windy Ridge, Huntington**
- 2.22 The misapplication of the methodology and continued over-emphasis on 'shapers' is evident in respect of Proposed Modification PM31 which involves some of the land covered by the boundary assessment 21-27 in regard to the Land to the East of Huntington. It seems the proposed modification simply looks to exclude built development from the Green Belt, but

continues to reinforce the application of Green Belt policy to protect undeveloped land irrespective of whether or not it fulfils the purposes of Green Belt policy.

- 2.23 If the purposes of Green Belt, as defined by paragraph 134 of the NPPF are applied then there is no reason for including the narrow 'finger' of undeveloped land within the Green Belt, especially as it is not preventing towns from merging and it does not assist in the safeguarding of countryside by preventing sprawl since it is located between two districts within the extent of the urban area of York. We simply see no reason why it needs to be kept permanently open given that it will never lead to sprawling of development beyond the outer edge of the wider inner boundary proposed.

PM76: Homestead Park

- 2.24 The inconsistency in the way undeveloped land has been treated within the assessment and the impact of changing the emphasis of the assessment is evident in the Council's reassessment of Homestead Park and the proposed modification to exclude the land from the Green Belt.
- 2.25 It is absolutely right that the park should not be designated Green Belt because the current use of Homestead Park can be protected by the greenspace policies within the Local Plan. Designating the site as Green Belt is unnecessary when it is subject to other policies that place equally effective constraints on development.
- 2.26 Homestead Park was first opened in 1904 by Benjamin Seeböhm who made available the park for use by children attending York Elementary School. Since then, the park has developed with extensive formal gardens, a picnic area and a children's playground. Because of human intervention in its setting out, it is very much a space that forms part of the built environment and it is quite distinct from the character of countryside beyond.
- 2.27 Its contribution towards the City's open space provision is well documented within the Council's evidence base and it is subject to a separate designation protecting the current open space land use, as illustrated on the Policies Map. On this basis, further designations protecting the park from development are not required and serve no additional purpose.
- 2.28 Furthermore, the park does not contribute to the five purposes of Green Belt set out under paragraph 134 of the NPPF. The extent of the park has been defined for some 120 years and so the potential for it to sprawl does not need to be checked. We therefore support the Proposed Modification.

PM49: Policy SS1

- 2.29 The Proposed Modification explains how the intention is for the Plan period to run from 2017 to 2032/33 with sufficient land allocated for a further period up to 2038. We have made the point at earlier stages of the process that there should be only one plan period in respect of both policies and proposals. This is rather than the current approach where the Council is attempting to outline policies for the remaining 12-year period (from 2021) and then proposals for the remaining period of 17 years. The approach is simply unsound because it is not compliant with national policy and legislation.

- 2.30 Town and Country Planning (Local Planning) (England) Regulations 2012 sets out under Part 3, Regulation 5(1)(a)(i) how local development documents are any documents that contain statements regarding specified matters, including *“(i) the development and use of land which the local planning authority wish to encourage during any specified period.”*
- 2.31 Paragraph: 064 Reference ID: 61-064-20190315 of the National Planning Policy Guidance is clear that strategic policies should be prepared over a minimum 15-year period and a local planning authority should be planning for the full plan period.
- 2.32 Within the NPPF (2012) there are various references to the preparation of strategic policies within Local Plans, and the time frame to which policies should apply. These include paragraph 157 which states: *“Crucially, Local Plans should...be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;”* and paragraph 47 which states local planning authorities should *“identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.”* The 2019 version of the NPPF is more explicit that the plan period should endure for at least 15 years. Paragraph 22 states: *“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.”*
- 2.33 Note how the tense of the word ‘period’ in each instance is singular and not plural. On this basis, there is no legitimate reason for the Local Plan to include two different time periods, especially, as the NPPF sets out under paragraph 139 the means by which the permanence of the green belt is to be preserved, which is through the designation of safeguarded land.
- 2.34 We are extremely concerned that the Council simply intends to allocate sufficient land for a 17-year period that will then require Green Belt boundaries to be reviewed at the end. If this is the case then the boundaries will not be permanent because they will not endure beyond the end of the Plan period, as is required under paragraph 36 of the NPPF. Particularly, as the boundaries will endure for a period of less than 20 years, which is accepted as being the minimum period required for boundaries to be considered permanent.
- 2.35 These points have been consistently raised through the various stages of the process together with the reasons why the Plan is to be considered unsound as a result. We would therefore suggest that reference to two plan periods needs to be amended to refer to only one period and that land should be safeguarded for future development. The NPPF sets out how identifying safeguarded land is the correct means to ensure boundaries can endure beyond the end of the plan period, which is a point we have raised at every stage of the process to date.

PM50: Policy SS1

PM53: Policy SS1

PM54: Policy SS1

- 2.36 It appears the goal posts are being moved within the Proposed Modification. The word 'average' has been inserted into the requirement under PM50, PM53 and PM54 so the intention is now to deliver a 'minimum average annual net provision' to reach the overall housing requirement of 13,152. This is instead of delivering a 'minimum annual net provision' of 822 dwellings per annum. The implication is that there may be several years where the Council does not deliver any houses but then over-delivers in a number of other years, which then add up to the total requirement when taken as an average.
- 2.37 The implication, and our worry, is that if the Council over-delivers across a number of years and reaches the housing requirement of 13,152 in advance of the end of the Plan period then the supply tap might be turned off and applications for development refused because the overall housing requirement has been reached. If the word 'average' is eliminated then the Council would not prevent sites coming forward on the basis of past delivery rates in the event the annual target of 822 or the total of 13,152 was exceeded. This is because the original way in which the requirement was presented referred to a minimum annual provision of 822 dwellings per year, where the expectation was that any oversupply would accumulate without implication to ensuring that at least 822 dwellings are delivered each year.
- 2.38 We are concerned that the approach is no longer compliant with national planning policy because the Government does not expect a local plan to only deliver the overall requirement by the end of the plan period. Instead, the expectation is that a supply is maintained that equates to tranches of five-year periods and also a minimum number of houses is delivered in order to significantly boost the housing supply. Clearly, the intention of the Plan is only to deliver what is necessary by averaging out the annual delivery rate, which we do not believe complies with paragraph 59 of the NPPF.
- 2.39 Furthermore, we can find no explanation for the sudden introduction of the word 'average' in any of the evidence documents. There is also no assessment of its implications or whether it represents a reasonable alternative to not including the intention to only deliver on average the overall requirement. This is despite the implications of what initially appears to be an innocuous change, but in reality, has the potential to hugely stifle a continuous supply of new homes that might significantly boost the housing supply in accordance with the requirements set out in the NPPF.
- 2.40 If the Plan is to be found sound then the word 'average' needs to be deleted. Alternatively, further work and consultation is required to set out the reasonable alternative options in respect to the level of housing delivery over the Plan period and whether the emphasis is on managing the annual delivery rate, the five year land supply or the overall housing requirement.

3.0 CONCLUSION

- 3.1 Attempting to introduce changes to the Green Belt methodology that impact on the outcome of the associated assessment shows how the Plan was not sound when it was submitted.
- 3.2 Furthermore, the flaws originally identified in the initial review of the Local Plan and outlined in the Inspector's letter to the Council dated 12th June 2020 still persist. We believe the flaws are too significant for the Plan to be found sound especially as we believe the Plan is not legally compliant as a result of its shortcomings. Particularly, as there is no evidence that the Council has assessed some of the Proposed Modifications in respect of the reasonable alternative options available and on which the Plan might be based. This is important given that the changes now being proposed appear to materially impact on the emphasis of the Plan and the approach being adopted, specifically in relation to the number of new homes that might be delivered over the course of the Plan period.
- 3.3 Overall, we do not believe the Proposed Modifications make the Local Plan either sound or legally compliant, and instead introduce new issues that are not acceptable without further justification, consultation or reassessment.

From: [REDACTED]
Sent: 07 July 2021 15:54
To: localplan@york.gov.uk
Subject: York Local Plan Proposed Modifications and Evidence Base representations submission - [REDACTED]
Attachments: Local Plan Proposed Modifications Consultation Response Form 2021 (002).pdf; Askham Bryan College Local plan reps July 21 submission combined.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/ Madam, please find the attached representations on behalf of [REDACTED]

Please do not hesitate to contact me if you wish to discuss any matters arising.

Many thanks,

[REDACTED]

[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
[REDACTED]		
[REDACTED]		
[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- G L Hearn Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

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 Inspectors 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 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.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

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

Yes, you can. Where there are groups who share a common view, 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 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 B of this form the group you are representing.

Do I need to attend the Public Examination?

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. You can indicate if 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 Inspectors will use their 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 Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX/CYC/59; EX/CYC/59f; EX/CYC/46

Document:

TP1 Addendum; TP1 Addendum Annex 4; Key Diagram Update

Page Number:

Various

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

We make no representations on Legal Compliance, or on the Duty to Cooperate.

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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Washing over the College Campus as Green Belt conflicts with draft policy ED7 and the wider Local Plan strategy objectives. It would seriously constrain the College's ability to expand and enhance its facilities which would be supported by policy ED7 but would not accord with Green Belt policy

The Council's approach to justifying its Green Belt boundaries, is fundamentally flawed. The land does not serve any of the 3 Green Belt purposes relevant to York, and there is no evidence to support the Council's case that it should be kept permanently open.

The plan is not fit for purpose and does not show good judgement for the reasons set out in the attached representations. In summary:

Test 1: Positively prepared:

The Plan is not positively prepared. There has been no objective assessment of development need in relation to Askham Bryan College. This is necessary to inform Green Belt boundaries. These representations provide clear evidence that dismiss the Council's unevicenced assertions within EX/CYC/59 regarding the College's development needs

Test 2: Justified

The plan is not justified. The Green Belt boundary in relation to the College has considered no alternatives and is not the most appropriate strategy since the development needs of the College have been overlooked and there has been no assessment against Green Belt purposes or the important contribution (or otherwise) that the College campus makes to openness. The land is not open countryside, given it has been a college for over 70 years.

Test 3: Effective

The plan is not effective. There are clear contradictions within the plan itself. In relation to the College policies GB1, GB2 and GB3 conflict with ED7 and the local plan objective to contribute to making York a world class centre for education.

Test 4: Consistent with national policy

The Plan is not consistent with national policy. The Council's proposal for washed over green belt in relation to the College is contrary to NPPF paragraphs 85 and 86 and would not be permanent. The development needs of the College have been overlooked and there has been no assessment against the Green Belt purposes nor the important contribution (or otherwise) that the College campus makes to openness.

THESE COMMENTS ARE SUPPORTED IN FULL BY THE ATTACHED DETAILED REPRESENTATIONS DOCUMENT PREPARED BY [REDACTED]

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

Given the urbanised character of the College campus, its known needs within the plan period and its crucial importance to the social and economic well-being of the City and nationally, it should be inset within the Green Belt and a suitably worded positive policy formulated to control development within the built part of the campus. A proposed inset boundary is provided within these representations.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

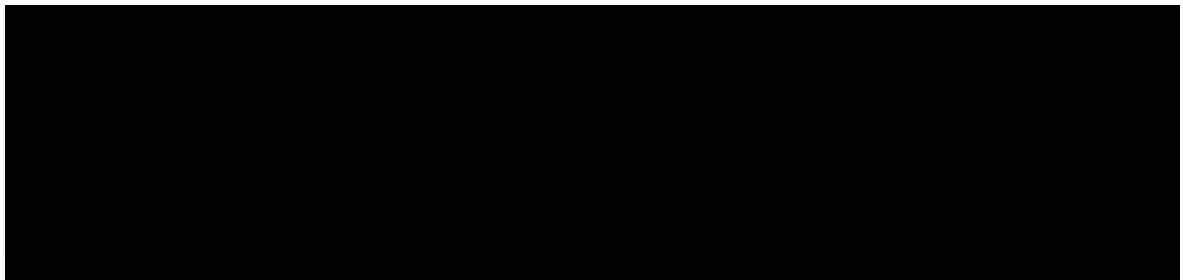
The continued success of the College is of major importance to the city and wider region. The Council's approach and evidence for its green belt boundaries in relation to the College and other education providers must be robustly interrogated, given it is critical to the future success of the College. It does not appear to be based upon even a cursory attempt to understand the needs of the College within the plan period. The College requires the opportunity to present its strong rebuttal to the Council's position regarding its development needs.

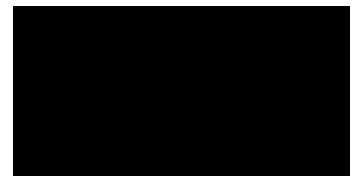
Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

CITY OF YORK COUNCIL

EMERGING LOCAL PLAN
REGULATION 19 CONSULTATION

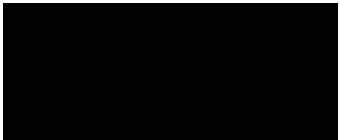
LOCAL PLAN MODIFICATIONS AND EVIDENCE
BASE CONSULTATION





EXECUTIVE SUMMARY

THE BASIS OF THE REPRESENTATIONS: SOUNDNESS AND LEGAL COMPLIANCE

- i) **These representations conclude that:**
- the Emerging Local Plan is unsound in relation to aspects relevant to Askham Bryan College York, specifically its campus being 'washed over' by green belt
- Local Plan documents EX/CYC/59 including annexes, particularly EX/CYC/59f and the key diagram EX/CYC/46 are unsound.
- Changes required: inset the College campus within the Green Belt as shown on Map 4 below, and a suitably worded positive policy formulated to control development within the built part of the campus.
- We make no representations on Legal Compliance
 - We make no representations on duty to co-operate
- ii) Our case is that including the College campus within the Green Belt does not correctly interpret and apply the requirements of NPPF 2012 para 85 and 86 in that the City Council has:-
- Not ensured consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - Failed to ensure that the Green Belt boundary will not need to be altered at the end of the development plan period;
 - Not defined boundaries around the College, using physical features that are readily recognisable and likely to be permanent;
 - Included land which is not necessary to keep permanently open; and
 - Has failed to provide any proper justification or detail about the 'important contribution' the developed College Campus makes to the openness of the Green Belt
- iii) There is a patent lack of substance and evidence underpinning key statements within EX/CYC/59 and EX/CYC/59f specifically, para 7.25 claims that "*the capacity of existing higher education sites have been assessed for their potential to meet future needs... Askham*
- 

City Of York Council
Emerging Local Plan Regulation 19 Public Consultation
Local Plan Modifications and Evidence Base Consultation July 2021

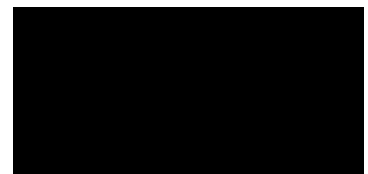
Bryan College...is anticipated to have capacity to meet its needs without the need to reduce openness” . Our evidence shows that this is definitely not the case, and it is simply not understood on what basis the Council could have arrived at this conclusion.

ASKHAM BRYAN COLLEGE PROFILE

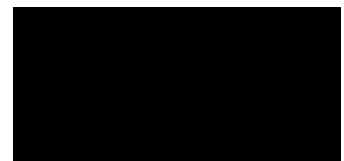
- iv) The College not only provides higher education but also further education, special educational needs and difficulties (SEND) facilities, student residences, business operations, a wildlife park and visitor attraction, amongst other facilities. The College is one of only ten independent specialist land-based colleges designated within the FE sector (out of 192 FE colleges in England) and is a national centre of excellence. It is a significant and principal provider of land-based education for York, the wider region and the North of England and works with 14 Local Authorities and 5 Local Enterprise Partnerships (LEP) regions. Importantly, the College requires a rural location for its operations and cannot be located within the urban area.

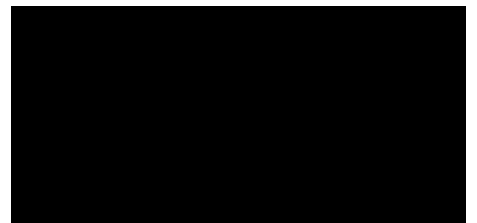
- v) In the academic year 2020/21, 3,400 students were enrolled from entry level provision to honours degrees and by 2025/26 growth forecasts are for more than 4,500 students. Existing student residences are oversubscribed and currently over 800 students are reliant on daily transport with some commutes more than 2 hours. The College has an adopted Vision to 2030 which, over the next 5-10 years, will see the College strengthen its status as a higher and further education provider, student residence provider, business incubator, and global and national centre of excellence for both the bio-economy and nature conservation respectively (see appendix 1). The College has prepared its Development of the College Estate to Meet Strategic Objectives including Masterplan document (see Appendix 1 and Map 3 below). This demonstrates that the development needs of the College require additional built form in the immediate future, in terms of footprint and volume which will undoubtedly impact on openness of the Green Belt and would be treated as inappropriate development in the green belt. This will seriously impact upon the College’s ability to continue to provide high quality education for the reasons set out in Appendix 1 and is therefore seriously counter-productive to its aims and objectives.

- vi) The BIOYORKSHIRE major initiative is a partnership between the College, University of York and FERA Science, Sand Hutton. It aims to secure capital and revenue funding



- from Government to facilitate the creation and delivery of a strategic and co-ordinated programme that will establish York and North Yorkshire as the UK's global centre of excellence for bio-economy solutions. It would contribute to York and North Yorkshire's ambition to become the nation's first carbon-negative region through innovations such as low carbon farming. This is anticipated to fund a sizable expansion of the College, along with other identified funding opportunities. It is a scheme which is understood to be strongly supported by the City Council, and yet which will be frustrated by the over-washing of the campus by green belt.
- vii) Rather than recognising the College as THE provider of high quality education on the rural economy and the environment serving the city and region, in terms of its major contribution to education, skills, economic growth and the contribution it will make to realising the Local Plan objective of making "York a world class centre for education", the Council's approach to the Green Belt is unduly restrictive and hugely constrains its potential as well as its known requirements for short term growth and redevelopment.
- viii) The local plan policies that relate to the College are confused, contradictory and not evidence based. It does not appear to be based upon even a cursory attempt to understand the needs of the College within the plan period The Council's approach to defining the Green Belt is fundamentally flawed because:
- It fails to consider the identified development needs of the College in relation to the economic and education strategy of the local plan and the major benefits and opportunities available to the city
 - it inhibits the College's ability to attract external funding due to the planning policy presuming that building projects will be inappropriate unless they preserved openness
 - There has been no attempt to define the College boundary as part of the Green Belt assessment, and the local plan education allocation boundary (as shown in Attachment A) is arbitrary and excludes important teaching areas, such as the wildlife and conservation park.
 - There has been no consideration of whether the land serves a Green Belt purpose, nor against NPPF paras 85 and 86.
 - There is no attempt to secure a site-specific policy which enables a positive policy context for infill or redevelopment within the existing built campus area, let alone decanting space or the accommodation of new development to meet known needs.





CITY OF YORK COUNCIL

EMERGING LOCAL PLAN REGULATION 19 PUBLIC CONSULTATION

LOCAL PLAN MODIFICATIONS AND EVIDENCE BASE CONSULTATION JULY 2021

EXECUTIVE SUMMARY

THE BASIS OF THE REPRESENTATIONS: SOUNDNESS AND LEGAL COMPLIANCE

CONTENTS

1. Basis of the representations
2. Askham Bryan College
3. Planning policy context
4. Evidence for the Green Belt boundaries in relation to Askham Bryan College
5. Detailed case for representations
6. Conclusion and proposed Green Belt inset boundary

MAPS

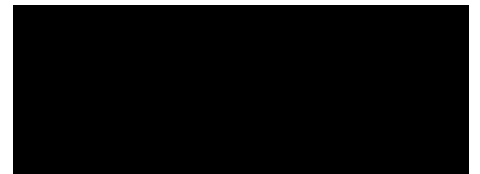
Map 1 - College Campus Boundary - Satellite View

Map 2 - The main campus of the College

Map 3 – Masterplan for the built campus

Map 4 – Proposed Green Belt Inset boundary

Map 5 - Approach to the Green Belt Appraisal (EX/CYC/59 Figure 3)



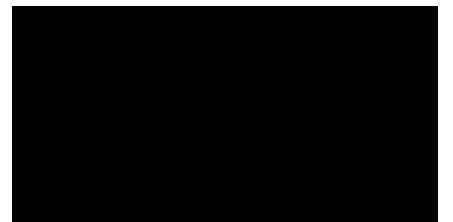
ATTACHMENTS

- A Policies Map South submission version May 2018 showing Askham Bryan College
- B EX/CYC/59f page 334 Askham Bryan College
- C Photographs of the College Campus

APPENDIX

- 1 The Development of the College Estate to Meet Strategic Objectives prepared by Askham Bryan College

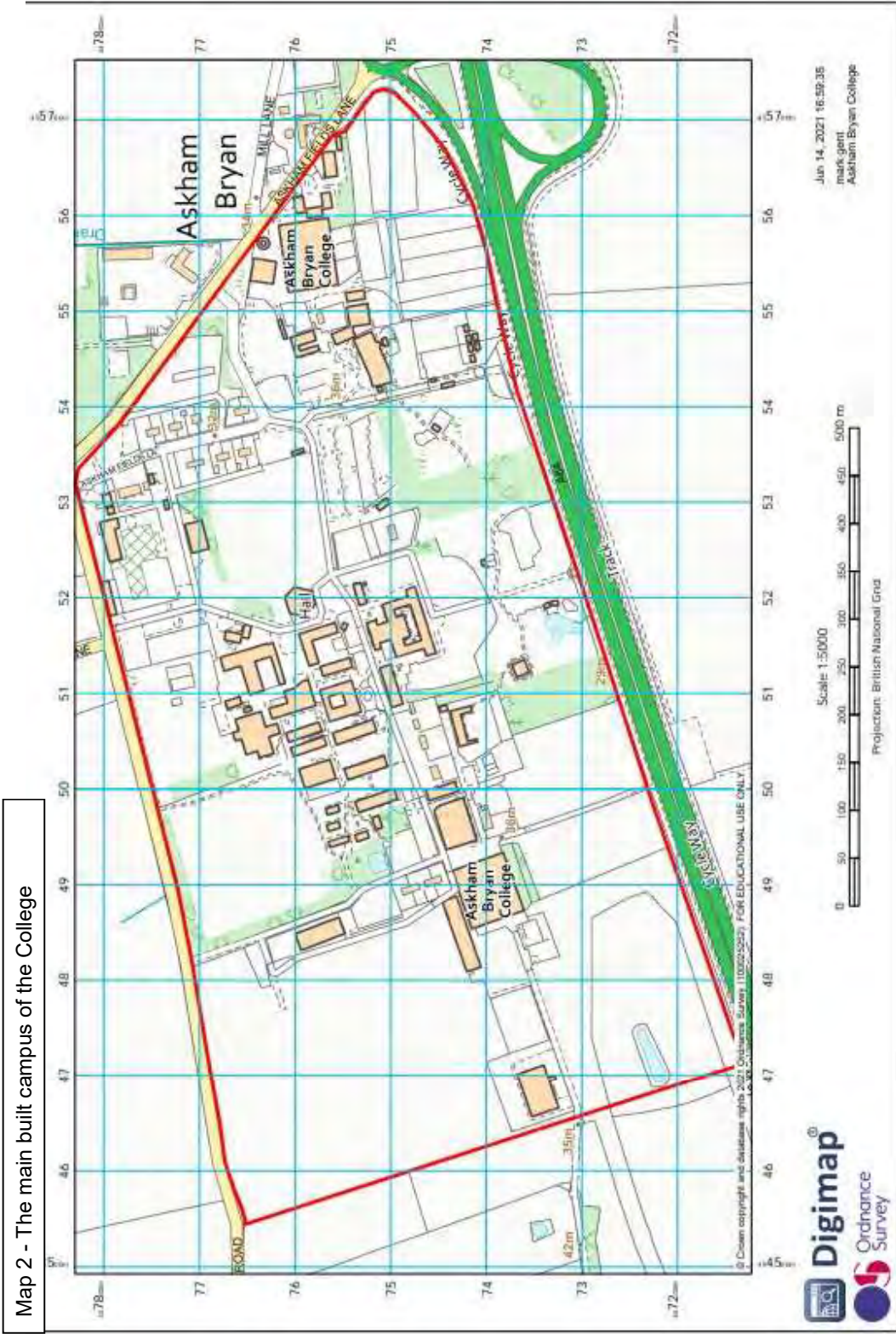
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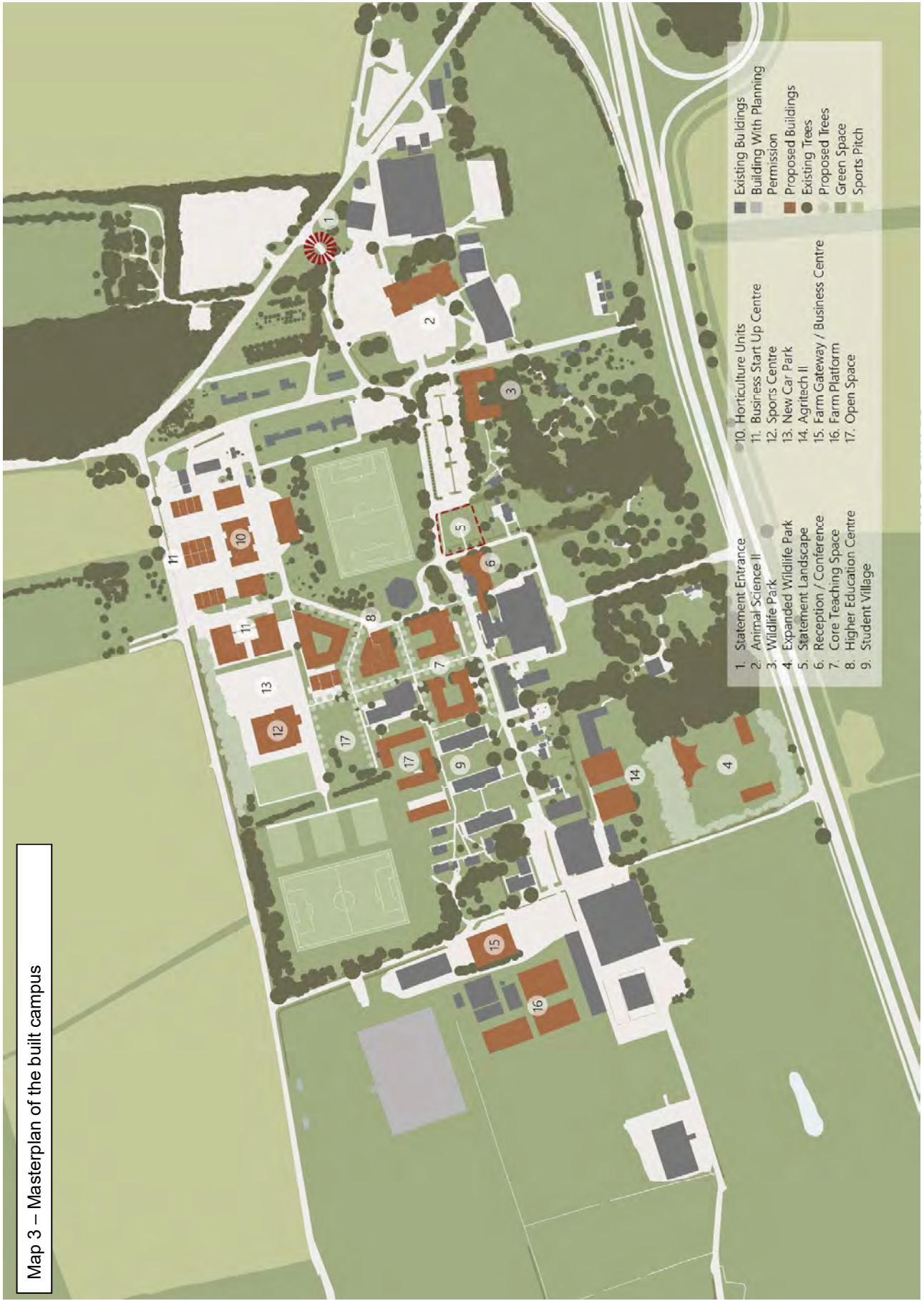
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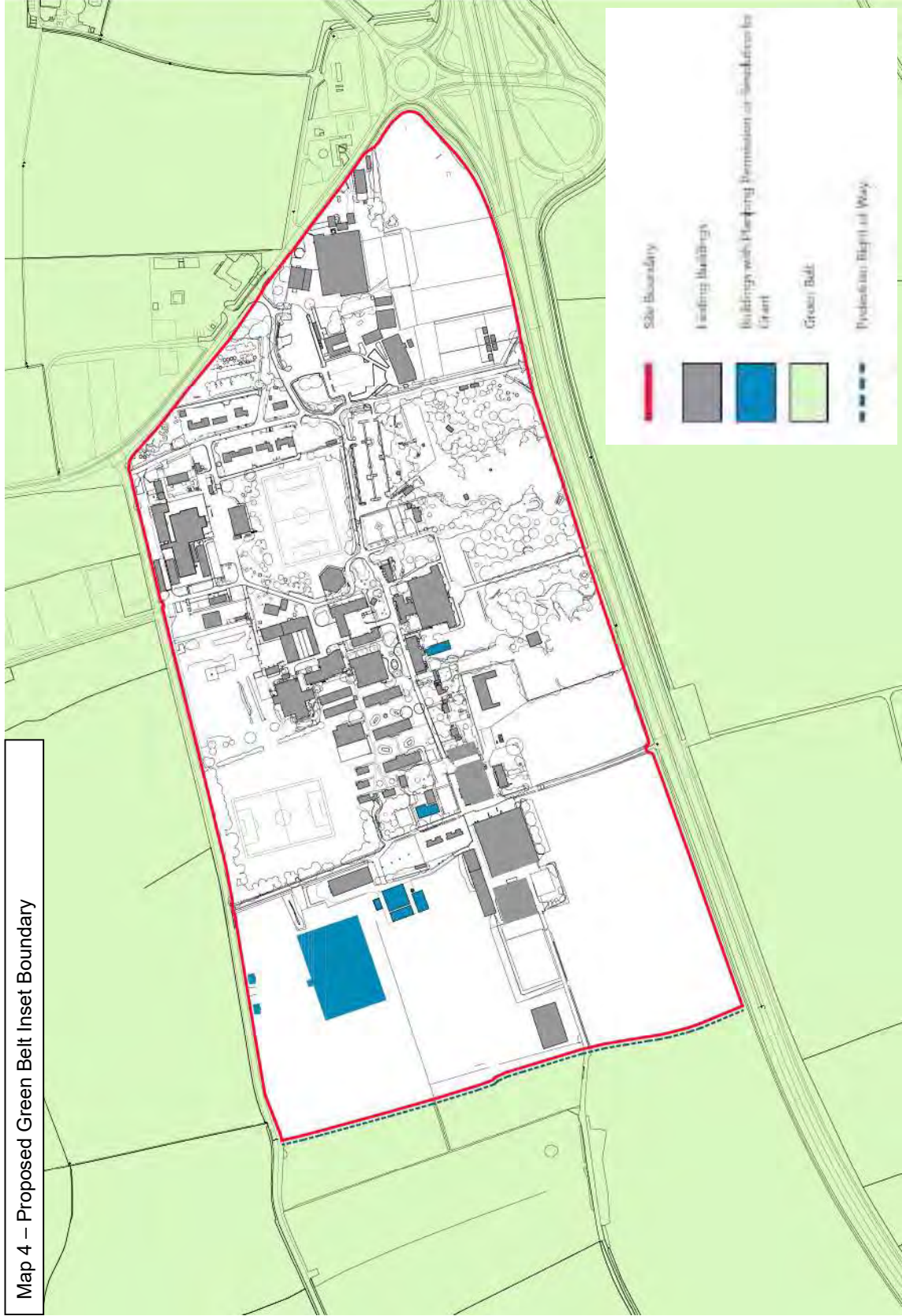
Map 1 - College Campus Boundary -Satellite View





Map 3 – Masterplan of the built campus





1. BASIS OF THE REPRESENTATIONS

1.1 These representations are made in relation to Local Plan documents EX/CYC/59, key diagram EX/CYC/46 and EX/CYC/59f on behalf of Askham Bryan College. The Green Belt proposed by the City Council washes over the campus of the College, as a result, these representations take issue with the flawed justification for this approach to defining the Green Belt boundaries in relation to the College for the following reasons:

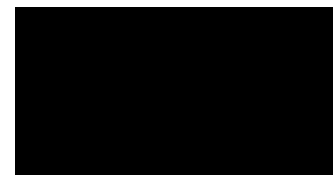
- Washing Green Belt over the entire College campus seriously constrains its ability to facilitate its known needs to facilitate sustainable growth and redevelopment during the plan period, in order to meet the legitimate needs of the College during the extended local plan period to 2038. This approach is not evidence based and does not comply with NPPF para 85 or 86 and frustrates the College as a centre of academic excellence.
- Council policies GB1, GB2 and GB3, and its approach to designating boundaries of the Green Belt fails to reconcile the constraints on activities which the Green Belt imposes with the aspirations and objectives of the local plan, that is the local plan strategy. This is apparent in its approach to educational institutions which are adjacent to or within Green Belt. Specifically, the approach to the Green Belt in relation to Askham Bryan College contradicts Policy ED7 and would unduly restrict the College's ability to evolve its curriculum and access existing and future funding opportunities and the educational enhancements that would follow.

1.2 There is a clear conflict with the Council's Local Plan claimed objective to contribute to making York a world class centre for education. The College has ambitious plans to continue to play a pivotal role as part of a centre of excellence for the rural and bio-economy benefiting the whole North of England. That is especially so given the importance of the agri-industry to the economic success of the region, for which Askham Bryan is the premier such educational facility in the North. The landscape of Yorkshire provides for unrivalled rural diversity in terms of farming and methods. Askham Bryan Collage is ideally located to capitalise on these opportunities and deliver long term economic benefits to the North and the UK.

- 1.3 The College has an adopted Strategic Plan and Vision to 2030 which is a public document, however, the Council appears not to have considered the foreseeable growth of the College and the extent to which any consideration has been given to recent trends in student numbers is unknown, including whether any data is recent. The College anticipated a significant rise in student numbers over the next ten years, and its existing student accommodation is hugely oversubscribed. As a result, hundreds of students travel in daily from a wide catchment to the College.
- 1.4 Our objection is that including the College Campus within the Green Belt does not correctly interpret the requirements of NPPF 2012 para 85 and 86 in that the City Council has:-
- Not ensured consistency with the Local Plan strategy for meeting identified requirements for sustainable development within the plan period
 - Included land which it is unnecessary to keep permanently open
 - Not satisfied themselves that the Green Belt boundary will not need to be altered at the end of the development plan period
 - Not defined boundaries around the College, using physical features that are readily recognisable and likely to be permanent
 - Has not assessed whether the land makes an important contribution to openness

2. ASKHAM BRYAN COLLEGE

- 2.1 Askham Bryan College is an land-based education institution providing further and higher education. The college was originally known as the Yorkshire Institute of Agriculture, which opened in 1948 with 40 students. It became Askham Bryan College of Agriculture and Horticulture in 1967. Over the years it has gone from strength to strength. It now includes equine management, animal management, land management, business, food production, engineering and bioscience and also has ambitious plans for the future to create a centre of excellence for the rural and bio-economy serving the North of England. It already has regional and national significance, offering rural and land based vocational, technical, and professional training as one of only ten such colleges in the Country. approximately 3,400 are currently enrolled.
- 2.2 The College, in partnership with industry and other education institutions including BP, Ocado, FERA and the University of York propose that York becomes a centre of



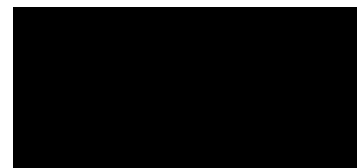
excellence for the bio-economy and the environment. Funding received from the Bio-Yorkshire initiative alone, to develop skills and expertise, business start-ups and growth, is likely to see the higher education student numbers increase by circa 1000 within the plan period.

2.3 Students are taught using the latest technologies, providing a valuable supply of highly skilled, flexible members of the future workforce, contributing positively to the wider economy, environment, and broader sustainable development objectives. Its activities and its estate has evolved and will continue to do so from aspects such as:

- Its role as a global centre of excellence for the bio-economy;
- Its role as a national centre of excellence for nature conservation, and wildlife park visitor attraction (25,000 visitors per annum);
- Demand for student places and student residences;
- Research and Development needs;
- Business start-up initiatives e.g. incubator space, sharing expensive machinery with start-ups, up scaling production;
- Showcasing innovation and 'best practice' demonstrator for industry;
- Available funding regimes;
- Requirements of the courses/ training offered and the changing curriculum;
- Buildings becoming no longer fit for purpose from physical condition, capacity, location etc; and
- Increasing running costs: energy efficiency, availability of natural lighting, natural ventilation, insulation etc.

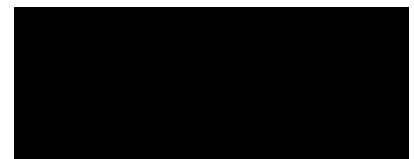
2.4 Appendix 1 'Askham Bryan College – The Development of the College Estate to Meet Strategic Objectives provides an up-to-date overview by the College of its character and strategic vision. Its vision is directed towards securing external funding and improving facilities so that they match up to changing requirements of the curriculum, the needs of the student community and to meet new agenda such as energy efficiency and sustainability.

2.5 The College is a specialist land-based education provider with a unique ability to provide technical and professional training to meet the current and future needs of related industries and address the profound challenges this part of the UK economy faces. The College requires a rural setting for much of its activities and requires space to meet the



changing demands on its estate. Brexit and impact of the Covid pandemic have major impacts on this sector and the need for the continued success of the College is obvious.

- 2.4 The College needs flexibility and space to consolidate its existing position and to realise its vision for the York site which is particularly important due the unique way the College is funded and the associated bidding processes. Its aim over the next five years is to deliver a sustainable campus for the future, retaining elements of the existing estate, and developing a re-envisaged campus in accordance with the College's strategic plan. The vision goes well beyond simply maintaining existing buildings, many of which will require significant investment and instead encompasses a programme to enable the development of appropriate technical and vocational teaching space aligned to proposed curriculum and facilities development.
- 2.5 Practically, to replace an existing building requires decant space such as a site for the new building and later demolition of that being replaced. New capacity also needs space to locate a building. In order to accommodate the proposed new development there is a need for wide clearances around the construction site to allow the College to function safely during the construction period. Construction site compounds will be required and storage.
- 2.6 To include the entire College site within Green Belt grossly inhibits its abilities to meet its needs for sustainable development to accommodate known development needs within the plan period. This is particularly inequitable as other tertiary education institutions located in urban locations are not so burdened and given the nature of the College it must be located within a countryside context.
- 2.7 Map 3 is a masterplan for the next 10 years of the College to accompany their Vision 2030 document. Along with the College's Development of the College Estate to Meet Strategic Objectives document, it illustrates that a significant number of projects are proposed which all have been individually justified but implementation is reliant upon securing external funding.



3 PLANNING POLICY CONTEXT

- 3.1 The emerging Local Plan Submission Version May 2018 addresses education in Section 7. It states at para 7.1:

“Building on recent years’ investment in the city’s education facilities, to contribute to making York a world class centre for education it is vital to provide the quality and choice of learning and training opportunities to meet the needs of children, young people, adults, families, communities and employers. The Council has a key role in supporting parents and families though promoting a good supply of strong educational facilities whether this is schools, academies or free schools which reflect the aspirations of local communities. It is also important to ensure that facilities at the City’s further education establishments and two universities meet the requirements of modern education institutions”

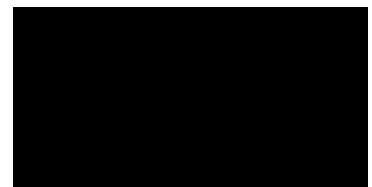
- 3.2 Policy ED7 specifically references Askham Bryan College. It states:

“The continued success of York College and Askham Bryan College is supported, including any further expansion of their teaching, administration, research operations and student accommodation at their existing campuses as shown on the Proposals Map.”

- 3.3 Para 7.24 states:

“Askham Bryan College specialises in a wide range of subject areas, across a variety of sectors; offering entry level courses, apprenticeships, diplomas at a range of levels through to BSc degrees with Honours. It lies within the Green Belt. Policy ED7 supports the College in developing its operations, however, at the same time it is important to maintain the land’s Green Belt status. In doing so any future development must not have a greater impact on the openness of the Green Belt than the existing development. For more information on the plan’s approach to the Green Belt please see Section 10: Managing Development in the Green Belt”

- 3.4 Policies GB1, GB2 and GB3 would be applicable to development of the College site and each of these policies adds an additional layer of development constraint that goes beyond the openness test specified in the supporting text of policy ED7. The logic of



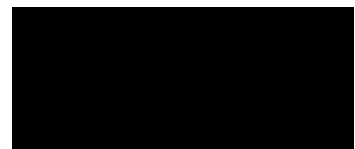
the Plan is that it professes express support for necessary development at the College, whilst also treating such development as 'inappropriate development' in the green belt, and requiring, by inference, the proving of very special circumstances.

- 3.5 There are patent conflicts between these policies and its supporting text such that the Council's policy approach is confused and contradictory. This is highlighted by the Council's consideration of the most recent planning application submitted by the College 20/01923/FULM which engaged the 'very special circumstances' test to clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt and the harm to the visual character and amenity arising from the proposed development. Such uncertainty and constraint evidently restrict the College's ability to access funding invest and thereby deliver education enhancements.

4 EVIDENCE FOR THE GREEN BELT BOUNDARIES IN RELATION TO ASKHAM BRYAN COLLEGE

- 4.1 The topic paper TP1 is titled Approach to defining York's Green Belt (EX/CYC/59) addendum January 2021 and para 2.5 reiterates the conclusion of the Local Plan Inspectors that it is not required to demonstrate 'exceptional circumstances' to inset existing urban areas.
- 4.2 Section 4 addressed the local plan strategy and development needs, in compliance with NPPF 2012 para 85 which requires local councils to ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development. Para. 4.51 of EX/CYC/59 considers further and higher education need it states: -

"Establishing need for higher education is a more complex process and work to understand the expansion opportunities of these establishments has focused on discussions around recent trends in student numbers and the associated business expansion plans of these organisations as well as an understanding of the type of land uses required and their suitability to fit with the Green Belt. It is at yet difficult to assess what effect the Covid -19 pandemic and Brexit will have on further and higher education and student populations and therefore no allowance is made for this....."



- o York College - anticipated growth at York College and the need for the continued delivery of its facilities on the existing site, in a sustainable location on the edge of the main York urban area, will require additional land that is currently within the green belt to allow the expansion of the existing built development beyond the existing site boundary. Sufficient land will need to be identified to facilitate the future growth of the college and the continued delivery of facilities at one location.
- o Askham Bryan College's site is located within the Green Belt. It is considered important to maintain the current Green Belt status of the land and any future development must not have a greater impact on the openness of the Green Belt than the existing development." (emphasis added)

4.3 Section 7: Methodology: Channelling Development to Urban Areas is again high level related to higher and further educational provision. Para 7.25 claims that there has been a properly robust assessment to consider future needs and current site capacity, which is said to underpin the Council's understanding as to how the College's need have been considered. However, no such work has ever been provided in the public domain, this is a gross failure to justify a key part of the plan. The plan states that:

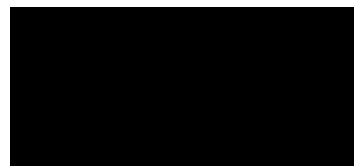
"The capacity of existing higher education sites has been assessed for their potential to meet future needs as follows...:

- Askham Bryan College is a rural college, which is not considered to be within the urban area and is anticipated to have the capacity to meet its needs without the need to reduce openness" (emphasis added)

4.4 Section 10: Enduring Boundaries and Safeguarding addressed educational provision again at high level in Paras. 10.26.

4.5 The justification for 'washing over' the College Campus within the Green Belt is contained EX/CYC/59f at page 334 which is limited to a brief description of the area and conclusion as follows:

"Character of the area: Located to the south of Askham Bryan village, set back from the A64, the development of Askham Bryan College is surrounded by open



agricultural fields and there are large areas of open space within the college which add to its open nature and rural feel.

This urban area exhibits a high degree of openness, and contributes to the openness of Green Belt. It is recommended that Askham Bryan College be included within the Green Belt.

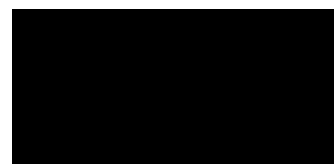
***Strategic Performance:** The long term strategic permanence of the Green Belt is determined by its ability to endure over the lifetime of the Plan and beyond. This settlement should be washed over within the Green Belt due to the important contribution which the open character of the settlement makes to the openness of the Green Belt.”*

4.6 This singularly failures to assess and balance development needs over the plan period, let alone consider what the effect of the proposed designation would be, despite describe the characteristic of the campus as an ‘urban area’.

4.7 Subsequently, the Council has resolved to approve a planning application, subject to referral to the Secretary of State (reference 20/01923/FULM – resolution dated 1st July 2021) the erection of 2 cattle buildings, 1 hay/straw storage building, 1 enclosure, 2 tanks, and hardstanding for use as a beef rearing unit. The proposed 3 buildings are sizeable and would create floor space (1,116sq.m). The Council concluded that the proposal would have a harmful effect on the openness of the Greenbelt noting that whilst they were agricultural in nature they were intrinsically linked to the provision of education. This is a facility which would otherwise be considered to be not inappropriate development in the green belt had its function been purely for agriculture and not as part of a teaching institution, and yet the application is treated as inappropriate development in the green belt and is referred to the Secretary of State as a departure from the plan. This illustrates the serious constraint effected by the designation, despite a positive consideration by the Council as local planning authority.

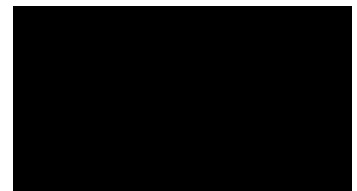
5. DETAILED CASE FOR MAKING REPRESENTATIONS

5.1 The Council's approach to defining the Green Belt boundaries in relation to Askham Bryan College is fundamentally flawed and should be revised. A revised proposal for the Green Belt boundaries is included as part of these representations.



The Council's assessment of openness in relation to the College

- 5.2 The basic premise of the Council's case is that the College site should be washed over within the Green Belt due the site (which is described as an 'urban site') exhibiting a high degree of openness, and its contribution to the openness of the Green Belt. However, EX/CYC/59f does not include any details of what evidence or even the most basic assessment underpins these conclusions i.e. there appears to be no consideration of openness in terms of visual impacts, its spatial dimension, nor consideration of the whether the land serves a Green Belt purpose, and there no engagement with what level of need would arise over the plan period (see below). The inference is that further development would unacceptably erode that high degree of openness.
- 5.3 Given the urbanised character of the College campus, its known needs within the plan period and its crucial importance to the social and economic well-being of the City and beyond that it should be inset within the Green Belt and a suitably worded positive policy formulated to control development within the built part of the campus. The Council's evidence base shows the College site was considered for insetting and the justification for 'washing over' the College Campus within the Green Belt is said to be contained within topic paper TP1: Approach to defining York's Green Belt, Annex 4: Other Densely Developed Areas in the General Extent of the Green Blet EX/CYC/59f at page 334. However, this supposed justification is no more than a brief and inadequate description of the area and conclusion. There is no consideration of whether the land serves a Green Belt purpose for example, let alone any assessment of the needs of the College.
- 5.4 A further concern is the inconsistency in the Council's approach to the College site and other sites which have similar characteristics which have been inset, most notably: -
- Elvington Airfield Industrial Estate
 - Elvington Industrial Estate
 - Murton Industrial Estate/ York Auction Centre
 - Northminster Business Park
 - Towthorpe Lines
 - York Designer Outlet (McArthur Glen)



It is bizarrely inconsistent that such sites have been chosen to be inset, but the College has not

The Council's assessment of the College development needs

- 5.5 Most importantly, the Council has not taken account of the undisputed evidence as to the education, research and business needs in relation to the College in its approach to defining these Green Belt boundaries.
- 5.6 The Council has not considered up-to-date information on future student numbers nor business expansion plans held by the College. It is unknown how the Council has considered the development needs of the College and as such paragraph 4.51 of EX/CYC/59 is misleading in relation to the College i.e.

“work to understand the expansion opportunities of these establishments has focused on discussions around recent trends in student numbers and the associated business expansion plans of these organisations as well as an understanding of the type of land uses required and their suitability to fit with the Green Belt.”

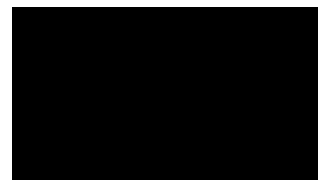
The senior management team at the College is not aware of there being any dialogue between the College and the Council's local plans team regarding student numbers and business expansion plans in the last 5 years, and it has not had sight of any evidence which seeks to address this point.

- 5.7 Para 7.25 of EX/CYC/59 provides an indication as to how the College's development need has been considered. It states that: -

“The capacity of existing higher education sites has been assessed for their potential to meet future needs as follows...:

- *Askham Bryan College is a rural college, which is not considered to be within the urban area and is anticipated to have the capacity to meet its needs without the need to reduce openness.”*

- 5.8 It is unclear how the Council has arrived at this conclusion. In fact, the Council's assertion that the College *“is anticipated to have the capacity to meet its needs without the need to reduce openness”* (Para. 7.25 of EX/CYC/59) does not appear to be evidence based.



These representations provide up-to-date evidence to rebut the Council's position, specifically the College's Development of the College Estate to Meet Strategic Objectives document in Appendix A of these representations provides strong counter evidence.

The Council's Local Plan objective for higher and further education

- 5.9 Washing over the College campus within the Green Belt presents a clear conflict with the Council's approach to the Green Belt and its claimed Local Plan objective to contribute to making York a world class centre for education. Paragraphs 4.46 and 4.51 of EX/CYC/59 considers education need, as follows:

Para 4.46

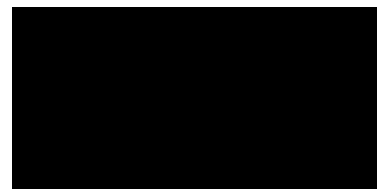
"To contribute to making York a world class centre for education it is vital to provide the quality and choice of learning and training opportunities to meet the needs of children, young people, adults, families, communities and employers. The Local Plan has a role to help meet this vision by providing sufficient land to for educational facilities to reflect the aspiration and needs of local communities."

Para. 4.51

"Establishing need for higher education is a more complex process and work to understand the expansion opportunities of these establishments has focused on discussions around recent trends in student numbers and the associated business expansion plans of these organisations as well as an understanding of the type of land uses required and their suitability to fit with the Green Belt."

- 5.10 The importance of the College was acknowledged throughout the local plan consultation. Unfortunately, the Council's approach to the Green Belt with regards to Askham Bryan Collage has entirely overlooked the evidence and consultation response cited in Cd013b – Annex 1 City of York Local Plan Sustainability Appraisal Appendix K – Policy and Site Audit Trail (February 2018) for example:

Preferred options June 2009 consultation response



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“The approach should acknowledge the significance of Askham Bryan College as it provides specialist land-based education and training of national and regional importance.”

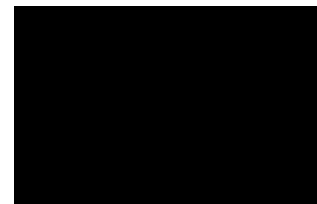
Local Plan Preferred Options – June 2013 evidence and approach

“The continued success of all further and higher education institutions is supported, including any further expansion of their teaching and research operations, other facilities and student accommodation at their existing sites and campuses”

Local Plan Preferred Options – June 2013 Consultation response

“Envisage a policy for Askham Bryan College similar to that for the University which would guide the type, form and location of new development within the settlement limits”

- 5.11 Furthermore, within EX/CYC/59 there are notable differences in the Council's approach to Askham Bryan College compared with York College, York St John University, and the University of York, given the anticipated growth and development needs of these other institutions is expressly acknowledged, e.g. para 4.5.1 for York College.
- 5.12 The Council's confused approach is highlighted by the fact that none of the most recent development management decisions (planning application references 20/02400/FUL dated 16/02/2021; 20/00394/FUL dated 06/04/2021 and; 20/01923/FULM – resolution dated 1st July 2021) considered the proposals with reference to policy GB2: 'Development in Settlements within the Green Belt' yet EX/CYC/59f defines the College as a 'Densely Developed Area in the General Extent of the Green Belt' and refers to the College as a "settlement" (page 334).
- 5.13 Para 5.10 of EX/CYC/59 confirms the relevant Green Belt purposes (NPPF (2012) paragraph 80) for York as:
- Purpose 4 Preserving the setting and special character of historic towns (primary importance for York)
 - Purpose 1 Checking unrestricted sprawl
 - Purpose 3 Safeguarding the countryside from encroachment



- 5.14 The local plan evidence base contains no assessment of the College site against these purposes. Our appraisal is set out below:

PURPOSE 4

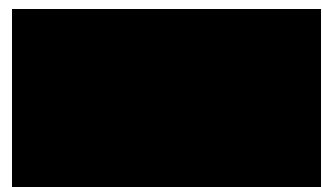
Preserving the setting and special character of historic towns is acknowledged as a strong factor in defining the inner boundaries of the city's Green Belt. The Council produced its Approach to the Green Belt Appraisal Map (Figure 3 in EX/CYC/59 as shown below) to aid in the identification of those areas surrounding the city that should be kept permanently open. The College campus is not identified on this map. This map also demonstrates that development on the Campus site would be unlikely to affect the setting of the historic village of Askham Bryan. The key view corridor from the A64 towards the Minster identified from the A64 would be unaffected by the College campus. From the A64 there is visual severance by virtue of the dense vegetation along this boundary.

PURPOSE 1

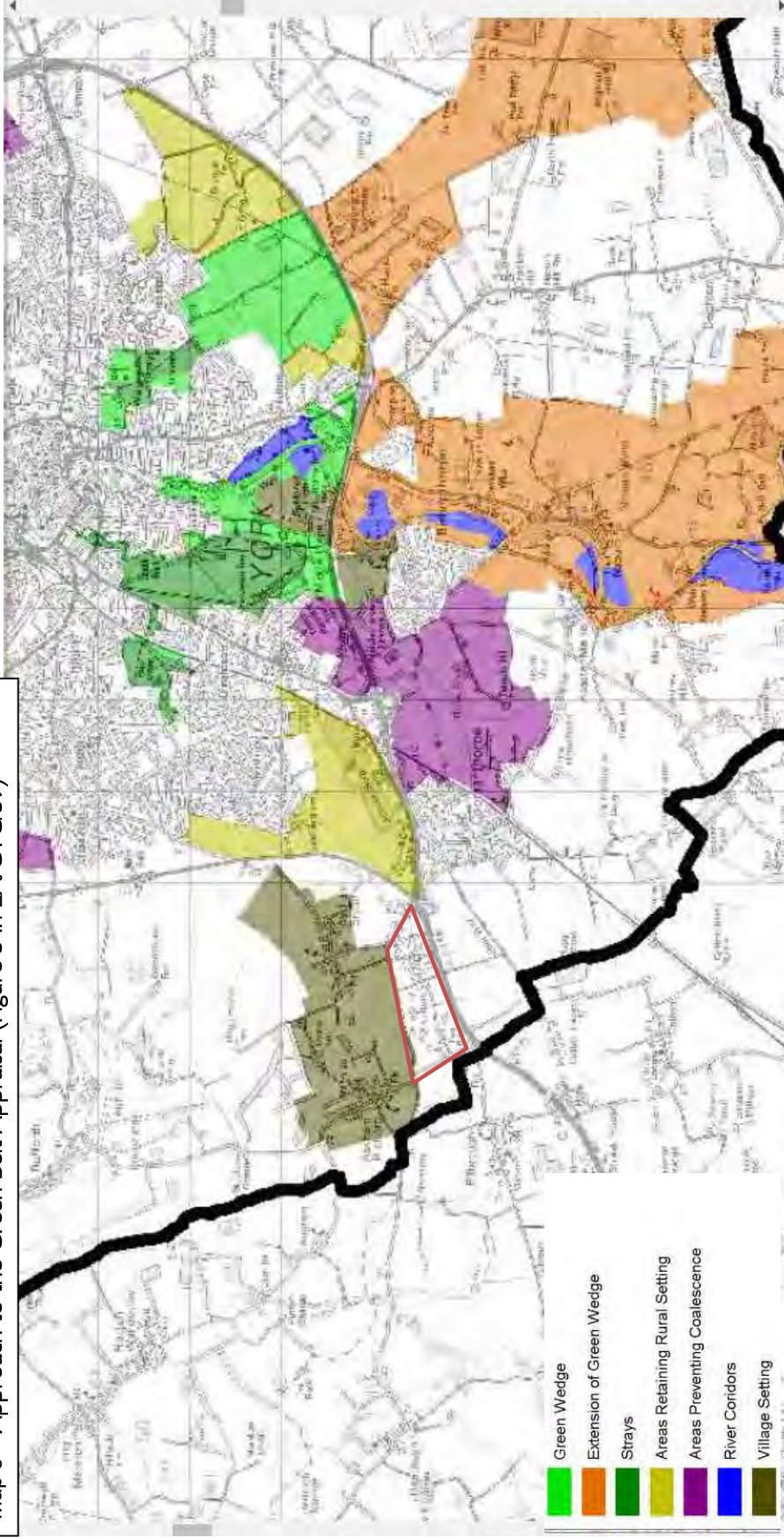
Educational development on an existing education site cannot be considered as threatening unrestricted urban sprawl. This is a defined site with a specific use and readily recognisable boundaries. Indeed, the very nature of an inset within the Green Belt prevents urban sprawl beyond the inset.

PURPOSE 3

A college has existed on this site since 1948. The Council's own land characterisation study considers the land to be 'institutional'. The main campus is not open countryside and has not been since 1948. It is densely urbanised for the most part which is reflected in the Council's consideration of the site in EX/CYC/59f. The College is an active, busy College campus with facilities for its 3,400 students and associated operations.



Map 5 – Approach to the Green Belt Appraisal (Figure 3 in EX/CYC/59)



Consideration against NPPF paragraph 85 and 86 (2012)

5.15 Para 85 and 86 of the NPPF 2012 advises on the defining of Green Belt boundaries. This advice is not followed by the Council.

- **Ensuring consistency with the Local Plan strategy:** The Council's approach to defining the Green Belt boundaries in relation to Askham Bryan College campus and its inclusion within the Green Belt has taken no account whatsoever of the legitimate needs of the College to replace and augment their current built estate nor the need for decant space to develop additional floorspace yet keep the College operational throughout. Instead, it has wrongly asserted that any needs which arise can be accommodated in some way without impacting further upon the openness of the Green Belt – presumably based upon a position of nil growth. The Local Plan policy ED7 supports new and enhanced educational facilities at the College so there is inconsistency with the Local Plan strategy.
- **Not include any land which is unnecessary to keep permanently open:** EX/CYC/59f makes no attempt to define the College campus, there is no critical assessment of whether it is necessary to keep the College land open, and it does not consider openness in terms of visual impacts, its spatial dimension, nor consideration of the whether the land serves a Green Belt purpose. It is unclear what Green Belt purpose is served by keeping the College campus within the Green Belt.

The Council's own evidence defines the College as a 'Densely Developed Area in the General Extent of the Green Belt' and refers to the College as a "settlement", (EX/CYC/59f page 334). The Council first produced its Approach to the Green Belt Appraisal Map in 2003 (as shown below) to aid in the identification of those areas surrounding the city that should be kept permanently open. The College campus is not identified on this map.

In fact, the core College campus (as shown on Map 2 above) does not exhibit a “high degree of openness”, and therefore does not contribute to the openness of Green Belt. As shown on in the photographs in Attachment C, the site has an urbanised character and is compact in nature, centred around the original 1940’s College building. It comprises the original 1940’s college buildings including extensions, modern teaching blocks, several student residences (up to 3 storeys in height), large agricultural sheds and structures, and associated car parking and access roads. While the campus is surrounded by fields the main campus itself is compact and reads as a dense collection of buildings and structures from all angles. From the A64 there is visual severance by virtue of the dense vegetation along this boundary.

- **Ensure permanence in the boundaries proposed:** The proposed Green Belt boundary inhibits the scope of the College to cater for its legitimate growth and enhancement, thus pressure to revise the Green Belt boundaries to allow such growth will become immediate. This threatens the permanence of the boundaries. The Council’s assessment of the Strategic Performance (EX/CYC/59f at page 334) of the College site (i.e. *“The long term strategic permanence of the Green Belt is determined by its ability to endure over the lifetime of the Plan and beyond”*) is significantly challenged.

This is already apparent given recent planning permissions which add to the built footprint of the College. In its determination of planning application 20/01923/FULM the Council has unequivocally accepted that the economic and educational benefits, together with the location constraints of the College, when considered cumulatively, amount to ‘very special circumstances’ that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt. Furthermore, the amendments to Part 7 class M of the GPDO (2015) which came into force on 21 April 2021 allows for extensions etc to colleges by up to 25% of their April 2021 footprint without planning permission provided that the works are not located on playing fields.

- **Define boundaries clearly using physical features that are readily recognisable and likely to be permanent:**

If the arguments above are accepted there is a requirement to define the Green Belt boundaries in relation to the College since the Council's position that the College should be washed over by Green Belt is entirely unsustainable.

The most apparent options in terms of defining the boundary of an inset within the general extent of the Green Belt are as follows:

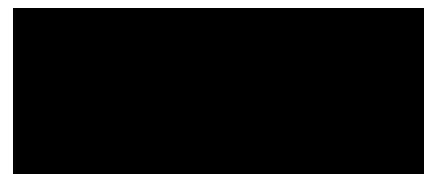
- 1) Rely on the Council's education allocation boundary for the College (see attachment D below) but this is arbitrary since it excludes important teaching areas and lacks a readily recognisable and permanent boundary to the south.
- 2) Refer to the main College campus (see Map 2 and Map 4 above). The main campus is bounded on three sides by roads which provide a readily recognisable physical features which are likely to be permanent, namely the A64 to the south, Askham Fields Lane to the east, and York Road to the north, and taking in the ribbon development up to the public right of way (route codes 21/4/10 and 2/8/10) as the western boundary.

5.16 The College campus fulfils none of these purposes and therefore there is no case to keep it permanently open and the main college campus should be inset within the Green Belt.

5.17 NPPF (2012) Para 86 states:

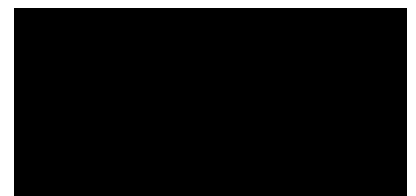
"If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt."

The Council has not followed its own methodology as set out in paras 6.26-6.31 in EX/CYC/59. Page 334 of EX/CYC/59f provides a short character assessment of the College with reference to EX/CYC/59 para 6.26 but fails to provide any justification or detail about the 'important contribution' the College Campus makes to the openness of the Green Belt with reference to EX/CYC/59 para 6.28.



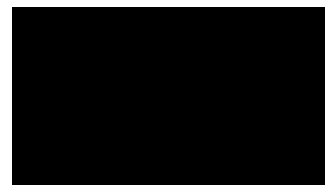
6 CONCLUSION AND PROPOSED GREEN BELT INSET BOUNDARY

- 6.1 The Council's approach to the Green Belt boundaries has not correctly identified sustainable development needs of York. Our evidence clearly shows that in order to implement the local plan strategy for further and higher education, Askham Bryan College must be excluded from being in permanent Green Belt.
- 6.2 This position is endorsed by the Council's recent planning decision in relation to planning application 20/01923/FULM. The Council accepted that the economic and educational benefits, together with the location constraints of the College, when considered cumulatively, amount to 'very special circumstances' that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the Green Belt.
- 6.3 Given the above evidence, the main College campus should be inset within the Green Belt, and a suitably worded positive policy formulated to control development within the built part of the campus. The proposed boundary is shown on Map 4 above.



ATTACHMENTS

- A Submission Version Proposals Map South showing Askham Bryan College
- B EX/CYC/59f page 334 – consideration of Askham Bryan College
- C Photographs of the Campus



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ATTACHMENT A

Local Plan Submission Version Proposals Map South showing Askham Bryan College



Local Plan Publication Draft Policies Map February 2018 Key

Key to Proposals Map


- City of York Boundary
- City Centre Boundary
- See Separate Inset Map
- Spatial Strategy**
- Indicative Strategic Site Access
- Economy and Retail (Section 4)**
- District Retail Centre
- Strategic Employment
- General Employment
- Mixed Use
- Housing (Section 5)**
- Strategic Housing
- General Housing
- Student Housing
- Residential Extra Care (C3b)
- Existing Gypsy and Traveller Site
- Proposed Travelling Showpeople Site
- Health and Wellbeing (Section 6)**
- Existing Health Care Facilities
- Proposed Health Care Facilities
- Education (Section 7)**
- Educational Establishment (including Playing Fields)
- Asham Bryan and York Colleges
- Existing University Campuses
- Placemaking, Heritage, Design and Culture (Section 9)**
- Conservation Areas
- Area of Archeological Importance
- Historic Parks and Gardens

- Green Infrastructure (Section 9)**
- Existing Openspace
- Proposed New Openspace
- Sites of Importance to Nature Conservation
- Sites of Local Interest to Nature Conservation
- Nationally Significant Nature Conservation Sites
- Managing Appropriate Development in the Green Belt (Section 10)**
- Greenbelt
- Waste and Minerals (Section 13)**
- Household Waste and Recycling Sites
- Transport and Communication (Section 14)**
- Proposed New Railway Stations
- Existing Park and Ride
- Existing Park and Ride with Potential for Relocation
- Existing Park and Ride with Potential for Expansion
- Potential New Bridge/Enhancement
- Proposed Roundabout Junction Improvements
- Proposed Strategic Junction Improvements
- Land Safeguarded for Potential Future Transport Schemes
- Strategic Pedestrian/Cycle Corridor Improvements



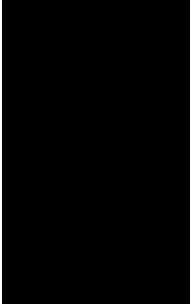
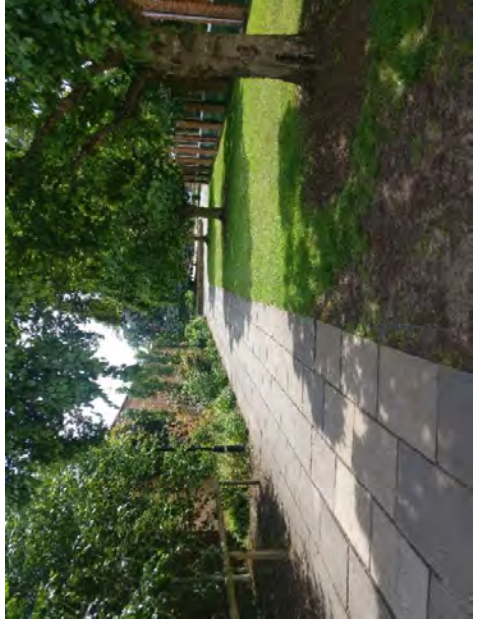
ATTACHMENT B

Askham Bryan College

	 <p>ASKHAM BRYAN COLLEGE</p>	 <p>ASKHAM BRYAN COLLEGE</p>
<p>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. City of York Council. Licence No. 1000 20816</p>		
<p>Character of the area</p>	<p>Located to the south of Askham Bryan village, set back from the A64, the development of Askham Bryan College is surrounded by open agricultural fields and there are large areas of open space within the college which add to its open nature and rural feel.</p> <p>This urban areas exhibits a high degree of openness, and contributes to the openness of Green Belt. It is recommended that Askham Bryan College be included within the Green Belt</p>	
<p>Detailed inner boundary</p>	<p>N/A</p>	
<p>Strategic Permanence</p>	<p>The long term strategic permanence of the Green Belt is determined by its ability to endure over the lifetime of the Plan and beyond. This settlement should be washed over within the Green Belt due to the important contribution which the open character of the settlement makes to the openness of the Green Belt.</p>	



ATTACHMENT C – PHOTOGRAPHS OF THE CAMPUS



APPENDIX 1

'THE DEVELOPMENT OF THE COLLEGE ESTATE TO MEET STRATEGIC OBJECTIVES'
ASKHAM BRYAN COLLEGE



**ASKHAM BRYAN
COLLEGE**

Learning is in our Nature.



**The Development of the College
Estate to Meet Strategic Objectives**

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Appendix F – Building Condition on the York Site	20



A. The College

01. In 1936, the Yorkshire Institute (West Riding) of Agriculture was established at Askham Bryan just outside York. Over many decades, the Institute has developed and evolved into Askham Bryan College ('the College'), now one of the largest providers of land-based education in the UK and one of only ten such providers in England. Its importance to the rural economy of Yorkshire and the North cannot be understated.
02. The College has been delivering education programmes for over 70 years. The College opened its doors for its first cohort of students of 40 students in 1948, delivering its first programme in higher level technical skills in 1972, an HND in Landscape and Horticulture Technology. At that time the focus was upon agriculture alone, but since then the focus of the College has expanded.
03. The land-based curriculum now delivered by the College is now wide and more diverse than agriculture alone. Animal science and conservation make up 50% of the total student numbers, agriculture and horticulture 20%, veterinary nursing and science 10%, a further 12% of students are studying sport and public services and 8% foundation learning. Further Education (FE) provision is examined under the City and Guilds assessment board. Whilst its Higher Education (HE) provision is validated by three university partners; Harper Adams University (since 2009), Royal Agricultural University (since 2013) and Leeds Trinity University (since 2017).
04. In addition, the College plays a key role in providing specialist land-based teaching and learning to students with special educational needs and difficulties (SEND) on a range of programmes from within the York region. These children are placed with the College by the City of York Council and we have an enviable record in their educational attainment.



Yorkshire Institute of Agriculture 1948

05. The College is an independent organisation, incorporated in 1992. The Corporation was established under the Further and Higher Education Act 1992 for the purpose of conducting the College and is an exempt charity for the purposes of Part 3 of the Charities Act 2011.
06. The College is one of only ten independent specialist land-based colleges in England designated within the FE sector (192 FE colleges). The College is a crucially important provider of land-based education for York, the Yorkshire region and indeed nationally. It works with 14 Local Authorities and 5 Local Enterprise Partnerships (LEP) regions. The College is graded good by Ofsted for the Common Inspection Framework, Outstanding by Ofsted for the Social Care Common Inspection Framework and Bronze for the Teaching Excellence Framework.
07. The College enrolled 3,400 students in the academic year 2020/21 from entry level provision to honours degrees and by academic year 2025/26 student numbers are forecast to grown to more than 4,500. Currently the College supports around 1,500 learners with SEND each year on a range of programmes.



Higher Education Graduation, York Minster 2019

08. The College has an established Foundation Learning department which has been purposely developed to meet the needs of the community it serves and is closely in line with the York local agenda. The Foundation Learning department specifically supports learners from Pre-Entry Level through to Level 2 across a wide range of land-based programmes.
09. The College works in partnership with a number of local schools creating bespoke learning packages, for example St John's Catholic School for the Deaf and Applefields School. With the support of York Council in 2019, Askham Bryan College and Applefields School created this first of its kind provision supporting learners with highly complex needs who require personalised programmes within a post 16 organisation. This partnership ensures the highest quality education provision with a completely smooth transition into the next phase of their education or adult life; something that is not currently available elsewhere within the York area.
10. The College also has substantial residential accommodation, with 337 rooms across twelve buildings, with students drawn from across the UK in residence during the academic year. Residential accommodation for the forthcoming academic year is hugely oversubscribed, and there is an immediate need to expand its residential provision in order to be able to offer more students the opportunity to stay in residential accommodation to benefit from the student experience that College has to offer.

11. The College operates, through third party suppliers, a significant and expansive student transport network enabling over 800 students to travel to the College daily to study from across Yorkshire. Some of these students have a commute of over 2 hours to the College and many would not have access to specialist learning without this service, underscoring how rare and important this provision is to the North of England economy.
12. Over the last five years the College has undertaken rationalisation and specialisation in its resources and curriculum. The College's curriculum delivers training, skills and the development of higher-level graduates, closely linked to the strategic priorities of the LEPs that it sits within.
13. The College is implementing nationally important strategic agendas, particularly those focused around agriculture, food security and environmental management and sustainability and the College recognises the role the estate plays in defining the character of the College and in providing the students with industry leading teaching and learning facilities and resources.
14. The College is clear about its specialist niche provision and its wider importance to a sustainable and economically vibrant country and is engaged comprehensively with economic and local authority, government and quasi government partners. Underlying all the Colleges partnerships present and future is a clear belief and commitment to the wider economy.
15. The importance of developing educated and creative people, with a fundamental understanding of science technology and the natural environment, is at the core of the Colleges four strategic themes set out in Appendix A. The College strategy is underpinned by four plans - curriculum, estates, people and finance, and is the roadmap to achieving the Colleges ambition to develop talent and ensure students are highly skilled, flexible members of the future workforce, contributing positively to the wider economy and environment.

B. Current and Future Curriculum

16. The curriculum is specifically designed to deliver technically and vocationally competent learners to meet the needs of the land-based industry sectors the College, the physical practical resources for such delivery are significant.
17. Curriculum development is informed via industry involvement and advice; this is primarily seen through the regular Technical Advisory Groups that are run by the College. These groups enable full and detailed conversations and dialogue to be established and are at the heart of developing and evolving curriculum that is fit for industry purpose and aligns with regional economic needs and prioritises. The College currently has over 2,000 employers that it uses for the placement of its students for work experience and the delivery of work-based learning apprenticeships. Work experience forms an integral part of the vast majority of the Colleges FE study programmes and HE provision with over 95% of the Colleges learners between level 2 and 5 being placed in working environments during their programmes.
18. The College curriculum is an evolving process and is continually updated and developed in line with the changing needs of the College stakeholders, as a result the estate must change and adapt to these developments to ensure appropriate resources are available to learners.

C. The Future College Estate

19. The current College estate is seriously in need of investment, expansion and refurbishment. The College is a national centre of excellence and it is a major concern that its designation in the emerging local plan would mean that any new build development within its campus would be treated as being inappropriate development in the Green Belt, requiring proof of very special circumstances for each and every additional built development that is needed. Given that funding for such investment is overwhelmingly dependent upon confidence of the grant of planning permission this is a major concern to the College. Moreover it is, to say the least disappointing, that no effort appears to have been made by the City Council to engage with the College to understand and address its immediate needs and those which will inevitably arise during the plan period.
20. The College has a clear vision to be achieved over the next fifteen years to deliver a sustainable campus for the future, retaining elements of the existing estate, and developing a re-envisioned campus meeting the College's strategic plan. The vision for the future campus site at York goes beyond maintaining existing buildings and will require very significant investment to enable the development of appropriate technical and vocational teaching space aligned to the evolving curriculum, facilities development and student number growth. The inclusion of the campus within the green belt will essentially frustrate that ambition.
21. The College is committed to the environmental sustainability and carbon reduction and to adopting college wide environmental excellence supporting the Government's net zero emissions by 2050 target as set out in the Climate Change Act 2008. The College has made a commitment to reduce and manage the impact of carbon on the environment and the ability to undertake projects that to replace aged, and poor condition buildings at York site with fit for purpose facilities is key. This will necessarily involve a transformation of its current estate.
22. A strategic master plan has therefore been developed which will deliver an outstanding inspirational student environment and ensures the appropriate shape of communal spaces, central teaching zone, student support services and corporate support space needed to support the future College and is included in Appendix B, as well as accommodating likely growth in student numbers within the next decade.
23. Additional and aligned to the core needs of the physical estate is the necessity to develop specialist land-based technical and vocational facilities including the farm resource for the delivery of skills, training, applied research, student experience and profitability to the College through commercial farming activities, including fast paced technological changes.
24. The strategic vision of the estate relies on the ability to attract external funding. The College is currently working in partnerships and close co-operation with external stakeholders to seek opportunities for co-location, collaboration, innovation and funding, which will support community aspirations and employment opportunities within catchment area of the College. In undertaking this collaborative approach, the College will also continue to work closely with organisations at a national level to identify and deliver opportunities. Based upon the considerable work which has taken place to date the College has considerable confidence that funding will be available for it's the delivery of its masterplan, provided that there is sufficient certainty within the planning policy context that such proposals will be supported. Should the campus not be excluded from the green belt then that confidence is seriously undermined.
25. In undertaking this collaborative approach, the College will continue to work closely with organisations at a national level to identify and deliver opportunities. One obvious example of this is the continued work with BioYorkshire. The BioYorkshire initiative is a collaboration between Askham Bryan College, the University of York and Fera Science and aims to secure capital and revenue funding from Government to deliver a strategic and co-ordinated programme that will establish York and North Yorkshire as the UK's global centre of excellence for bio-economy solutions which would contribute to York and North

Yorkshire's ambition to become the nation's first carbon negative region through innovations such as low carbon farming. Through smart investment in infrastructure it is hoped that BioYorkshire can accelerate the next generation of world class businesses which will deliver the resilient, productive, low carbon economy of the future. City of York are aware and supportive of this project and it is surprising therefore that as local planning authority it is taking steps to frustrate this objective by washing over the campus with a green belt designation rather than inseting it and proposing a site-specific policy to positively facilitate the proposed masterplan.

D. Review of Existing Estate

26. The College predominately operates (85%+ of provision) from its main site in York with a number of smaller delivery centres in Middlesbrough, Newcastle, Wakefield and Saltaire.
27. In addition, the College presently operates from a site in Penrith (Newton Rigg campus). However, following an independent review by the Further Education Commissioner will close in July 2021. The College is now in the process of disposing of the Newton Rigg estate. Following the closure of the Newton Rigg site the College will continue to operate as a specialist land-based college from the main site at York and other smaller centres.



28. The site at York is situated to the northern side of the A64, on the outskirts of the York, a plan of the existing campus site is shown in Appendix B. The combined total site area of the York campus extends to circa 254 ha and comprises of the main College campus together with surrounding land of Westfield Farm and Home Farm. The main operational buildings on-site extend to approximately 300,000 sq ft (gross internal area - GIA). The main campus that it is proposed should be inset into the green belt is approximately 48 hectares and is shown in Appendix C.
29. The site encompasses teaching and learning blocks, a learning resource centre, specialist buildings to service the requirements of departments such as animal management, equine, horticulture, motorsport, and agriculture with two farms offering a diverse range of agricultural resource, together with twelve student residential accommodation blocks.
30. The College has been heavily investing in the campus and between 2015 and 2020 the capital investment has been in excess of £12m aligned to the core mission as a specialist land-based provider. Current developments in the course of construction include the £1m extension of the existing learning resource centre to create a Digital Skills Academy providing the College with a purpose-built environment to teach essential digital literacy skills to students grant funded by the York and North Yorkshire LEP and the creation of an Institute of Technology with an investment of £1.7m focussed on a high welfare precision beef rearing unit with associated classroom facilities grant funded through the Yorkshire and Humber Institute of Technology. Importantly however, where such investment has required the grant of planning permission it has been treated as comprising inappropriate development in the green belt. Whilst the City of York in exercising its development management functions has been positive in consenting such development, the reality is that the green belt designation means that no certainty can be given to potential funding decision makers that schemes which are proposed will actually be consented in the future. This uncertainty will seriously undermine the ability of the College to secure such funding opportunities going forwards.



Animal science and Conservation Centre, completed 2016



Lance Gilling Agri Tech Centre, completed 2018

31. The York site has however various challenges to overcome and a strategic estates plan has been developed to address these matters which should ensure together with other key strategic plans the delivery of the Colleges vision. The main challenges are:

(i) Functional Suitability

32. Functional suitability is a comparative measure of whether the accommodation is fit for its intended purpose. It considers a range of interrelated factors which, when considered holistically, provides an indication of the suitability of the accommodation to support its existing function. The factors which have been considered include the location, layout and internal environment, the flexibility and servicing, energy performance and user perception.

33. A large part of the site is considered by the College to be no more than “fair” in this regard (the space provides a reasonable environment for current functions in many respects, but has a number of shortfalls)

or “poor” (the space fails to support current functions and /or is unsuitable for current use), with limited student social and larger communal spaces.

34. A number of older buildings have significant DDA issues as a result of poor accessibility with the current layout providing only first floor classrooms without any means of suitable DDA access and no level access to workshops.
35. It is a matter of the upmost regret to the College that in providing education in the twenty-first century that a number of temporary portable buildings also form part of the estate, five blocks containing nine teaching classrooms and two blocks of portable accommodation containing thirty-two student bedrooms.



'Jervaulx' - portable accommodation blocks of 32 student bedrooms

36. Developments in land-based engineering and technology necessarily rely on large workshops to enable effective practical teaching. Whilst the new facilities at the Lance Gilling Agri Tech Centre facilitate learning for certain students, engineering and welding workshops are dated and were not designed with space metrics that support an enhanced teaching and learning experience. The physical location of practical facilities requires further development to ensure logical positioning within the campus site.
37. Appendix E provides a pictorial view of building functionality on the York site.

(ii) Maintenance and Condition

38. The College recognises it has a number of seriously substandard and deteriorating buildings which need to be addressed to ensure the effective delivery of teaching and learning. A recent independent visual, non-intrusive condition report identified main areas of weakness across the site and essential condition work that needs to be undertaken which is estimated to cost in the region of at least £2.7m. Typically those substandard buildings are also difficult and expensive to heat and are inefficient to run, thereby undermining the business case for their retention in any event.

39. In order to bring the existing buildings into a fit condition from where the buildings could be successfully managed through routine maintenance, the costs of refurbishment and repair including the upgrading of services with associated asbestos removal are substantial. In many instances the complete refurbishment of buildings some of which are low quality and no longer fit for purpose does not provide value for money in the longer term.
40. It is a priority of the College to rectify the critical condition and suitability of key buildings at the heart of the York campus which is fundamental to the strategic transformation and vision of the site.



An auxiliary building at the north of the site in poor condition category D

41. Appendix F outlines the building condition on the York site.

(iii) Meeting Future Needs

42. In addition to the above issues, the College needs to accommodate sufficient space to accommodate its anticipated increase in students, as well as providing the following additional accommodation:
43. The College estate incorporates a Wildlife and Conservation Park (the Wildlife Park) which is home to the College arboretum that includes many fascinating specimen trees including giant redwood, dawn redwood, twisted hazel, Indian horse chestnut and an avenue of Hungarian oaks and over 120 species of animals. The Wildlife Park is a member of BIAZA (the British and Irish Association of Zoos and Aquariums), the professional body representing the best zoos and aquariums in Britain and Ireland and is an outstanding resource used for curriculum delivery and research for both York based students and students from other centres operated by the College. Conservation is at the heart of all work which takes place at the Wildlife Park and during weekends and non-term time the park is open to the public educating younger people and their families about the animals, plants and their environment and the impact of climate change and what they can do to help sustainability and the future environment. Pre COVID-19, the annual visitors amounted to 25,000 people.

44. It is of utmost importance to the College to obtain EAZA (European Association of Zoos and Aquaria) status and to be more actively involved in European endangered species programmes which would require the wildlife park to further develop the animal enclosures and type of animal species that are housed. EAZA status would significantly raise the national profile of the College and provide students access to a wider variety of zoological animals supporting their journey to employment where a large proportion of students access careers in zoo keeping, management and conservation. The expansion plans for the park ensure that the arboretum is preserved and not negatively impacted by the increased space requirements and animal enclosures, it is imperative this approach is taken to protect the tree collection.
45. It is a high priority of the College to improve the health and well-being of staff and students and the local community through activity using outdoor spaces of the estate. The Colleges sports curriculum has a land-based focus of outdoor adventure preparing students for employment opportunities including mountaineering and kayaking, unformed public services students undertake fitness regimes as part of their study programmes utilising the current limited on-site facilities. The dated sports facilities of the estate are no longer fit for purpose and are at the end of their design life which is now significantly impacting on the competitive nature of student enrolment. The College is a proud partner of Leeds United Football Club as an Official Sports Hub however it recognises it must now urgently invest in the development of facilities and requires space to expand. New and expanded sports facilities would provide an opportunity to engage with the community, supporting local sports clubs and associations providing access to 3G pitches which in the local area are highly sought after.
46. It is a priority that the College estate meets the future needs of the bio economy particularly that focused around sustainable food production. Graduates of the College will need to be equipped with the very latest knowledge and applied technical skills in order for them to meet the significant future food production demands, this will only be delivered through highly functional and appropriate teaching and learning space alongside spacious and suitable practical learning areas. Support for business and integration of entrepreneurial start up support for business is forecast to be a key driver and demand from College students and the local businesses alike. The College will need to develop and build resources that support these demands within its campus, commencing with the construction of 20 business start-up units specially designed for applied practical and technical businesses. Business units would provide uniquely outside 'dirty' space focusing on environmental sustainability and management as well as more traditional office and desk top space. The units would focus on the development and retention of graduate talent within the bio economy for the North of England.

E. Conclusion

47. The York site creates a beautiful aesthetic environment and is an attraction to many students and visitors and the continuous improvement of the site and facilities is core to the strategy. As outlined above the current York site will not meet the objectives of the College's vision and strategic plan without appropriate transformational change including redevelopment and reconfiguration and it is essential for the future success of the College that this is possible without additional constraints.
48. The College recognises it is faced with a short term significant investment requirement in order to ensure its estate is fit for purpose in the coming decades and continues to work in partnerships with external stakeholders to identify and deliver all funding opportunities to support the improvement and further development of the site whilst remaining committed to environmental sustainability and carbon reduction. The delivery of its masterplan will be seriously undermined if the built area of the campus were to be constrained by green belt designation rather than being inset with a site specific policy.



View of the York site from Askham Fields Lane to the east

Appendix A - Strategic Plan (2020 – 26) and 2030 Vision

The five-year 'roadmap' Strategic Plan has four strategic themes with supporting strategic objectives, delivery aims and outcomes, and each of the four strategic themes serves the 2030 Vision.

The Strategic Plan directs the four key overarching delivery plans: Curriculum, Estates, Finance, and People, and all other operational plans and projects across College.

Strategic Theme 1:

Technical and professional land based curriculum which is high quality, industry-relevant and enhances our students' employability.

Vision 2030: We will be a leading college nationally for animal science and conservation, and sustainable food production.

Our investment in focused curriculum areas will enable us to build resources and capacity of the highest standard in the UK.

We will:

- Expand the wildlife park.
- Build an applied farm research platform.
- Commercial partner buildings.
- Invest in our Farm developing our agritech facilities.

Strategic Theme 2:

Outstanding resources that deliver an exceptional and inclusive student experience.

Vision 2030: We will re-purpose our campuses to be environments combining natural beauty with ground-breaking practices and digital technologies.

Central to Askham Bryan 2030, is the creation of a 're-visioned' campus environment creating a truly 'take your breath' away place of study, from the moment you set foot on our College grounds. Our environment will connect nature with a state-of-the-art teaching and learning environment.

We will:

- Reimagine entranceways and grounds, incorporating amphitheatre, wild flower meadows, living walls, pedestrian zones and cycle pathways.
- New student services, recreational and social space.
- Expanded digital skills centre.
- New arboretum.

Strategic Theme 3:

Engagement bringing people and place together, to build mutually beneficial relationships and celebrate successes.

Vision 2030: We will be a national hub for skills, training and knowledge exchange with a specialist focus on bio-economy, including incubation of related start-up businesses.

We will become recognised regionally as the destination for skills, knowledge, training and professional development for businesses and the wider community.

We will:

- Construct a 'gateway' building as a hub for bioeconomy, and local community.
- Develop incubator start up units assisting our graduates.

Strategic Theme 4:

Sustainability and wider contribution to the circular economy is embedded into College

Vision 2030: We will be financially vibrant, enabling us to invest in exemplar sector practices and innovations, informed by our commitment to our natural capital.

Sustainability will be central to our people, attitude and culture. We will be able to invest significantly in our core educational mission, balanced with our commitment to circularity, sustainability and the environment.

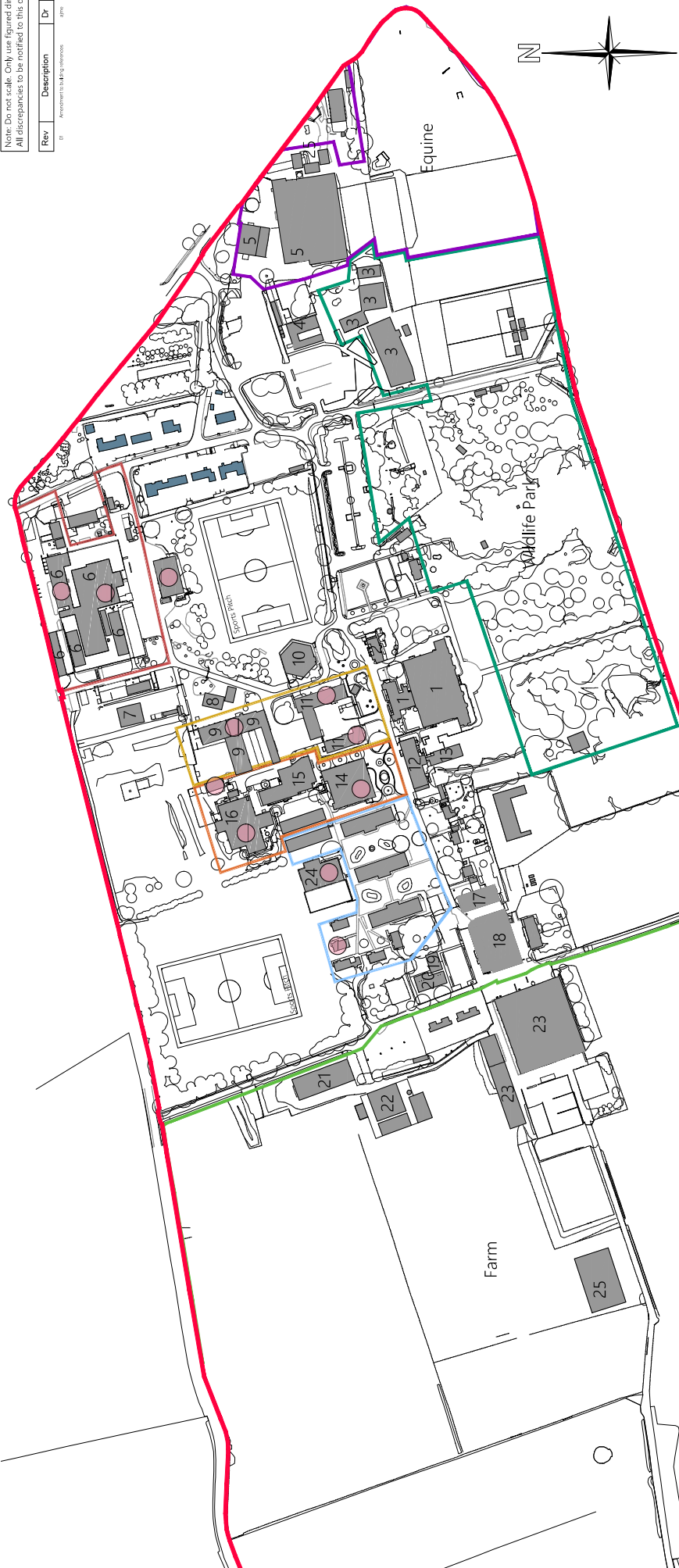
We will:

- Be carbon neutral by 2050.
- Achieve internationally recognised accreditation for sustainability.
- Generate at least a 2% surplus, investing back in our core curriculum and campus environment.

Appendix B – Plan of Existing Campus

Note: Do not scale. Only use figured dimensions. All discrepancies to be notified to this office.

Rev	Description	Dr	Date
01	Approved for Planning	SW	7.11.21



STATUS	MASTERPLAN		
CLIENT	ASKHAM BRYAN COLLEGE		
PROJECT	Campus Masterplan		
TITLE	Existing Campus		
DRAWN BY	CHECKED BY	DATE	REV
SW	EMA	June 2021	01
SCALE	PROJECT NUMBER		
NIS @ A1	2125		
DRAWING NUMBER			
MP02			

Key

- Site Boundary
- Accommodation Village
- Teaching & Science
- Horticulture
- Wildlife/Animal Park
- Engineering
- College Farm
- Equine
- College Property
- Private Housing
- Buildings to be Demolished

Askham Bryan College Existing Plan

1. Main building – staff offices / refectory / HE / student accommodation
2. Reception
3. Animal management / veterinary nursing / Wildlife Park
4. The Hive – café
5. Equine – stables and indoor arena
6. Horticulture / arboriculture / floristry
7. Landscape and estates skills
8. Foundation learning (portable buildings)
9. Motorsport
10. Conferencing
11. Engineering – workshops and classrooms
12. Learning resource centre
13. Digital skills extension due to commence construction July 2021
14. Teaching block – general classrooms
15. Stable building – sports and public services / lecture theatre / gym
16. Science block
17. Dismantling – workshop and classrooms
18. Agricultural building – workshop and classrooms
19. Westfield classrooms (portable building)
20. Precision beef classrooms – currently being constructed
21. Beef shed
22. Precision beef shed – Resolution for Planning Permission
23. Dairy and cattle sheds – housing rapid exit parlour and robotic parlour
24. Sports hall
25. Silage clamp

Appendix C - Main Campus Proposal for Insertion into the Green Belt

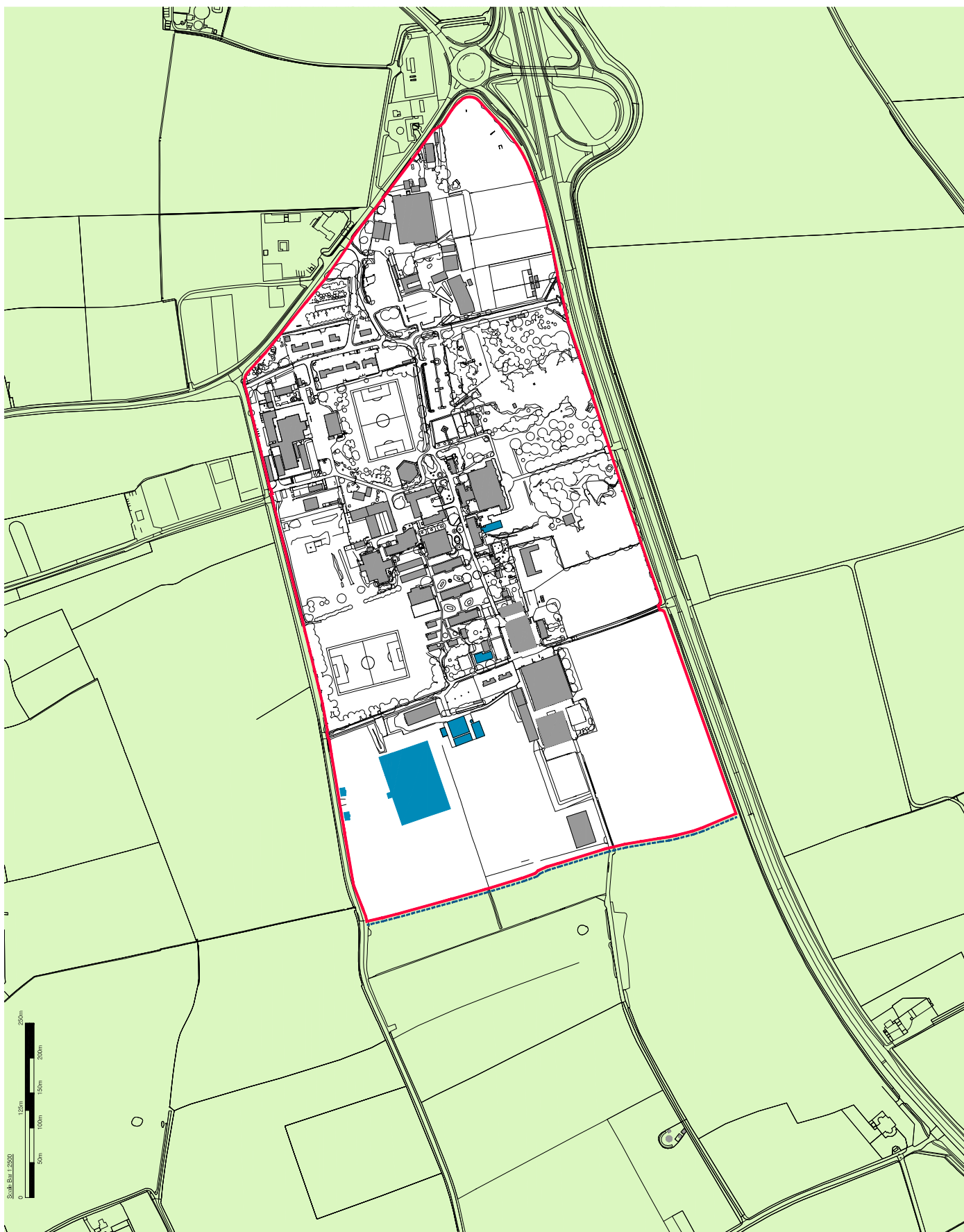
Note: Do not scale. Only use figured dimensions. All discrepancies to be notified to this office.

Rev	Description	Dr	Date
01	Boundary as per A1 of the masterplan	ES	03 July 2021

- Site Boundary
- Existing Buildings
- Buildings with Planning Permission or Reservations
- Green Belt
- - - Protection Edge of Way



STATUS	MASTERPLAN		
CLIENT	[Redacted]		
PROJECT	ASKHAM BRYAN COLLEGE		
	Campus Masterplan		
TITLE	Proposed Green Belt Inset Boundary		
DRAWN BY	CHECKED BY	DATE	
SW	EMA	July 2021	
SCALE	PROJECT NUMBER		
1:2500 @ A1	2125		
DRAWING NUMBER	REV		
MP05	01		



Appendix D – Campus Strategic Master Plan

Note: Do not scale. Only use figured dimensions.
All discrepancies to be notified to this office.

Rev	Description	Dr	Date



STATUS	MASTERPLAN		
CLIENT	[REDACTED]		
CLIENT	ASKHAM BRYAN COLLEGE		
PROJECT	Campus Masterplan		
TITLE	Proposed Development		
DRAWN BY	CHECKED BY	DATE	
SW	EMA	June 2021	
SCALE	PROJECT NUMBER		
NTS @ A1	2125		
DRAWING NUMBER	REV		
MP01	00		

Appendix E – Pictorial View of Building Functionality on the York Site

Note: Do not scale. Only use figured dimensions. All discrepancies to be notified to this office.

Rev	Description	Dr	Date
01	Approved for Construction	ABC	7.10.21



STATUS: MASTERPLAN

CLIENT: ASKHAM BRYAN COLLEGE

PROJECT: Campus Masterplan

TITLE: Building Functionality

DRAWN BY: SW	CHECKED BY: EMA	DATE: June 2021
SCALE: NTS @ A1	PROJECT NUMBER: 2125	
DRAWING NUMBER: MP04	REV: 01	

- Key
- Site Boundary
 - Functions Well - CAT 1 and 2 - Excellent and Good
 - Fair Functionality - CAT 3 - Less than Ideal
 - Poor / Unsuitable - CAT 4 - Extremely Difficult
 - Other ABC Buildings
 - Private Housing

- Askham Bryan College Existing Plan
1. Main building – staff offices / refectory / HE / student accommodation
 2. Reception
 3. Animal management / veterinary nursing / Wildlife Park
 4. The Hive – café
 5. Equine – stables and indoor arena
 6. Horticulture / arboriculture / floristry
 7. Landscape and estates skills
 8. Foundation learning (portable buildings)
 9. Motorsport
 10. Conferencing
 11. Engineering – workshops and classrooms
 12. Learning resource centre
 13. Digital skills extension due to commence construction July 2021
 14. Teaching block – general classrooms
 15. Jubilee building – sports and public services / lecture theatre / gym
 16. Science block – specialist science teaching facility
 17. Arts building – rehearsal and classrooms
 18. Artisan building – kitchen and classrooms
 19. Wellfield classrooms (portable building)
 20. Precision beef classrooms – currently being constructed
 21. Beef shed
 22. Precision beef shed – Resolution for Planning Permission
 23. Dairy and cattle sheds – housing rapid exit parlour and robotic parlour
 24. Sports hall
 25. Silage clamp

Appendix F – Building Condition on the York Site

Note: Do not scale. Only use figured dimensions. All discrepancies to be notified to this office.

Rev	Description	Dr	Date
01	Approved for planning	SW	7.18.21



STATUS: MASTERPLAN

ASKHAM BRYAN COLLEGE

PROJECT: Campus Masterplan

TITLE: Building Condition

DRAWN BY: SW	CHECKED BY: EMA	DATE: June 2021
SCALE: NTS @ A1	PROJECT NUMBER: 2125	
DRAWING NUMBER: MP03	REV: 01	

Key

Red line	Site Boundary
Green	Good Condition - CAT A and B
Orange	Fair Condition - CAT C
Brown	Poor Condition - CAT D
Blue	Rented Temporary Building
Grey	Other ABC Buildings
Dark Grey	Private Housing

- Askham Bryan College Existing Plan
1. Main building – staff offices / refectory / HE / student accommodation
 2. Reception
 3. Animal management / veterinary nursing / Wildlife Park
 4. The Hive – café
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 20. Precision beef classrooms – currently being constructed
 21. Beef shed
 22. Precision beef shed – Resolution for Planning Permission
 23. Dairy and cattle sheds – housing rapid exit parlour and robotic parlour
 24. Sports hall
 25. Silage clamp

[Redacted]

From: [Redacted]
Sent: 05 July 2021 10:18
To: localplan@york.gov.uk
Subject: (6a) City of York Local Plan: Proposed Modifications (Post Submission) SA Consultation
Attachments: Consultation-Response-PPO-012-080-335.docx

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Forward Planning team

Following the policy consultation on 25 May 2021, please find attached our comments relating to the above policy.
If you would like to discuss any of the issues raised, please contact us.

Regards

Planning and Local Authority Liaison team

[Redacted]

[Redacted]

[Redacted]

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From: [Redacted]
Sent: 05 July 2021 14:20
To: localplan@york.gov.uk
Subject: City of York: Strategic Housing Land Availability Assessment Consultation
Attachments: Consultation-Response-PPO-012-080-336.docx

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Dear Forward Planning team

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Regards

Planning and Local Authority Liaison team

[Redacted]

[Redacted]

[Redacted]

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From: [Redacted]
Sent: 05 July 2021 15:31
To: localplan@york.gov.uk
Subject: (6) City of York Local Plan: Proposed Modifications (Post Submission) Consultation
Attachments: Consultation-Response-PPO-012-080-334.docx

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Planning and Local Authority Liaison team

[Redacted]

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From: [REDACTED]
Sent: 07 July 2021 20:26
To: localplan@york.gov.uk
Subject: Local Plan Modifications - representations on behalf of Galtres Garden Village Development Company

Attachments: [REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

Please find attached representation on the Proposed Modifications on behalf of [REDACTED]. Should you have any queries please get back to me.

Kind regards

[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

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What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

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1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature



Date

7 July 2021

²Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
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Guidance note

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Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

EX/CYC/59: Topic Paper 1: Approach to Defining York's Green Belt: Addendum; EX/CYC/59g: Topic Paper 1: Green Belt Addendum (January 2021): Annex 5: Freestanding sites; Annex 1: Evidence Base EX/CYC/59a

Page Number:

Various

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

In our representations on the 2019 modifications, we highlighted outstanding concerns from adjoining authorities – Hambleton; Leeds City Region LEP; Ryedale Council and Harrogate Council. We cannot find any information in the proposed modifications evidence base that answers those concerns.

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.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

- 1 The Plan is not **Positively Prepared** because it makes inadequate provision for the housing needs of the City; the Green Belt boundaries are tightly drawn around the urban area; Consequently, the permanence of the Green Belt beyond the plan period is not guaranteed.
- 2 The plan is not **justified** because elements of the evidence base are incorrect. For example, the housing supply trajectory over-estimates the amount of housing in the Plan period
- 3 The Plan is not **effective** as it does not make adequate land provision for housing or employment needs;
- 4 The Plan is not **consistent with national policy** as it does not provide a permanent Green Belt Boundary; The Plan is not consistent with national policy for meeting identified and known requirements for sustainable development including housing development.
 - i. Our view is that a substantial amount of additional housing land will need to be allocated if the Council is to meet its identified housing requirements and confirm a permanent Green Belt for York. The proposed Green Belt boundaries are therefore not defensible.
 - ii. Our case further states that the Council’s approach to justifying the Green Belt boundaries, and its assessment on the contribution that the Galtres Garden village site can make to housing supply is fundamentally flawed.
 - iii. The Green Belt boundaries in the emerging Local Plan therefore do not correctly interpret and apply the requirements of NPPF 2012 para 85, in that the Council has:-
 - not ensured consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - failed to ensure that the Green Belt boundary will not need to be altered at the end of the development plan period;
 - included land which is not necessary to keep permanently open

Our comments are set out in more detail in our representation document. Ref. 210707.gvdc.modreps

Representations received after this time will not be considered duly made.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

To make the Plan sound the following changes should be made:

- The housing requirement should be increased to 1,026 dwellings per annum for the Plan Period;
- The housing delivery trajectory set out in PM63a and PM63b should be altered to reflect what is likely to happen;
- Galtres Garden village site should be identified as a free standing settlement;
- Safeguarded land should be identified to a level that will ensure the Green Belt boundary will not need to be altered at the end of the development plan period.

Justification for our changes are set out in more detail in our representation document. Ref. 210707.gvdc.modreps

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

[Redacted area]

Please note: the Inspectors 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.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

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Signature

Date

7 July 2021

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Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
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Part C -Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

PM 48; PM 49; PM 50; PM 52; PM 53; PM 54; PM 55; PM 56

Document:

EX/CYC/36: Affordable Housing Note Final; EX/CYC/37: Audit trail of Sites 35-100 Hectares; EX/CYC/43a: Housing Needs Update (September 2020); EX/CYC/56: Strategic Housing Land Availability Assessment Update; EX/CYC/58: Composite Modifications Schedule; EX/CYC/46: Key Diagram Update.

Page Number:

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No

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Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

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7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

1	The Plan is not Positively Prepared because it makes inadequate provision for the housing needs of the City; the Green Belt boundaries are tightly drawn around the urban area; Consequently, the permanence of the Green Belt beyond the plan period is not guaranteed.
2	The plan is not justified because elements of the evidence base are incorrect. For example, the housing supply trajectory over-estimates the amount of housing in the Plan period
3	The Plan is not effective as it does not make adequate land provision for housing or employment needs;
4	The Plan is not consistent with national policy as it does not provide a permanent Green Belt Boundary; The Plan is not consistent with national policy for meeting identified and known requirements for sustainable development including housing development.

Our comments are set out in more detail in our representation document. Ref. 210707.gvdc.modreps

representations received after this time will not be considered duly made.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

To make the Plan sound, the following changes should be made:

- 1 The Local Plan period should be reset to a date that will correspond to the adoption date of the Plan. April 2023 could be considered as an appropriate start date for the Plan. This would have obvious consequential changes for other policies and site allocations in particular.
- 2 The housing requirement should be increased. We suggest the Standard Method figure of 1,026 as the OAN for the Plan.
- 3 Additional strategic sites that can deliver substantial affordable housing and other benefits should be allocated in the Plan to deliver the **Substantial Boost** to housing supply sought by the NPPF. To achieve this objective the **Galtres Garden Village Site** (Site Ref 964) should be included as an allocation in the plan.
- 4 Table 1a in PM55 presents an exaggerated representation of housing supply - particularly supply from Strategic Housing sites and should be revised to reflect more realistic delivery from these sites. A more realistic trajectory is set out in Table 3a in Appendix 4 of our representation document Ref. 210707.gvdc.modreps included with this form.
- 5 Changes should be made to the wording of PM64 as follows

The timescale of each site is an indication of when we think **the Council considers** the site is likely to come forward **based on the assumption that the plan was adopted in April 2017** and reflects the timescale put forward by the landowner or developer in the discussions referred to above,...

- 6 PM70. Changes should to made to the wording of proposed policy G12a b)ii on the grounds it is not positively worded. We suggest the following alternative wording:

Proposals for other housing development which are not within plan allocations ~~will not be permitted unless it can be demonstrated~~ **must demonstrate** that they will have no adverse effects on the integrity of the SAC. ~~either alone or in combination with other plans or projects.~~ Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy G16.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

The Galtres Garden Village Development Company was represented at the phase 1 hearings. We wish to continue to participate in the hearings to afford us the opportunity to put across our views to the Inspectors.

Please note: the Inspectors 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.

CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS MAY 2021

GALTRES GARDEN VILLAGE
(LAND NORTH EAST OF HUNTINGTON)

SUBMISSION ON BEHALF OF:

[REDACTED]

REPRESENTATIONS IN SUPPORT OF
AN ALLOCATION FOR A NEW SETTLEMENT

July 2021

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EXECUTIVE SUMMARY

- i. These representations are made on behalf of [REDACTED] in relation to the Proposed Modifications and Evidence Base consultation on the emerging City of York Local Plan. They relate to the following documents:

- EX/CYC/36: Affordable Housing Note Final (February 2020)
- EX/CYC/37: Audit trail of Sites 35-100 Hectares (June 2020)
- EX/CYC/43a: Housing Needs Update (September 2020)
- EX/CYC/46: Key Diagram Update (January 2021)
- EX/CYC/56: Strategic Housing Land Availability Assessment Update (April 2021)
- EX/CYC/58: Composite Modifications Schedule (April 2021)
- EX/CYC/46: Key Diagram Update (January 2021)
- EX/CYC/59: Topic Paper 1: Approach to Defining York's Green Belt: Addendum (January 2021)
- EX/CYC/59g: Topic Paper 1: Green Belt Addendum (January 2021): Annex 5: Freestanding sites (March 2021)

Site

- ii. The representations concern a proposal for a new settlement of 1,753 units of which 1,403 will be market and affordable dwellings, 286 retirement dwellings in a mixture of houses, bungalows and extra care apartments and a 64-bed care home. The development area comprises 77.37 hectares with an additional 15.6 hectares available for a country park. Detailed representations have been made during consultation on the various stages of the emerging Local Plan which have resulted in the council accepting the site is suitable for residential development (EX/CYC/37, Table 1 site ref 964). For reference the site masterplan is included again at Appendix 1.

Housing Supply

- iii. The representations on proposed modifications EX/CYC/58 conclude that the plan is **fundamentally unsound** for number of significant reasons:
- by the time the Plan is adopted at least 6 years of the Plan period will have passed. This makes the Plan, effectively, a 10-year plan. This has significant consequences for the permanence of the Green Belt – see below;
 - the Council's overall assessment of its housing requirement remains fundamentally flawed, and does not make adequate provision for housing land supply;
 - the Plan is over-reliant on a small number of strategic housing allocations to meet housing need and affordable housing need in particular;

- the proposed housing allocations simply will not deliver the housing the City needs. In particular the strategic housing allocations which cannot deliver the number of dwellings identified in the Plan Period because of the delay in the adoption of the plan;
- the delivery of affordable housing will fall significantly short of what is required to meet this acute need in York because completions on strategic sites – the most significant source of supply – will occur later in the Plan period than anticipated by the Council;
- changes are required to make the plan sound these include:
 - a reset of the plan period so that the start of the Plan period is more closely aligned with the likely adoption date of the Plan;
 - The housing requirement must be increased to more accurately reflect the housing needs of the City. We suggest that the Standard Method requirement of 1,026 dwellings per annum is a good starting point;
 - Additional strategic allocations that have potential to deliver significant affordable housing should be included in the Plan housing allocations to provide not just the amount of housing required but flexibility to respond to changing circumstances.

Green Belt Strategy

- iv. In relation to the Council's approach to defining the Green Belt, the representations conclude that:
 - the Emerging Local Plan is unsound in relation to the proposed boundaries for freestanding settlements;
 - Local Plan document EX/CYC/59 including Annex EX/CYC/59d, and the Key Diagram EX/CYC/46 are unsound;
 - changes are required to identify the Galtres Garden Village site as an allocated freestanding settlement site as previously set out in our representations on the Regulation 19 consultation in April 2018 and in our representations on the first set of Modifications in July 2019.
- v. Realistically, adoption of the plan is not likely until 2023. This will give an operational Plan date of 10 years. The Council assert they have made provision for development in the 5 years after the end of the Plan period. Beyond that Green Belt boundaries will have to be reviewed meet the development needs of the City from 2038. In all likelihood the Green Belt boundaries will have to be reviewed before that date because at the first review of the Plan the significant shortfall in housing land supply that we have identified in these representations would become apparent. This would mean the Green Belt boundaries would only endure for 15 years or less. This is not a permanent Green Belt as required by the NPPF.

- vi. Our view is that a substantial amount of additional housing land will need to be allocated if the Council is to meet its identified housing requirements and confirm a permanent Green Belt for York. The proposed Green Belt boundaries are therefore not defensible.
- vii. Our case further states that the Council's approach to justifying the Green Belt boundaries, and its assessment on the contribution that the Galtres Garden village site can make to housing supply is fundamentally flawed.
- viii. The Green Belt boundaries in the emerging Local Plan therefore do not correctly interpret and apply the requirements of NPPF 2012 para 85, in that the Council has:-
 - not ensured consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
 - failed to ensure that the Green Belt boundary will not need to be altered at the end of the development plan period;
 - included land which is not necessary to keep permanently open;
- ix. In this context, there is a case for the allocation of the Galtres Garden Village site for housing in accordance with our previous representations which confirm;
 - The site continues to represent a viable and deliverable housing site and would provide a significant level of housing including affordable housing and housing for older people, to make a valuable contribution to York's housing need.
 - The site has willing landowners committed to making it available in the short- to medium-term, contributing to housing delivery within the first 5 years of the allocation being confirmed in an adopted Plan.
 - Development of the site would not have an adverse impact on the setting and special historic character of York.

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- 3 Scenario Tables 1, 2 and 3
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1.0 BASIS OF REPRESENTATIONS

- 1.1 The Galtres Garden Village promoters wish to create a new settlement for York which echoes the "garden village" ethos of New Earswick and Derwenthorpe, with housing set in well landscaped surroundings with local facilities as part of a low-carbon development. The Garden Village proposed in these representations will deliver that vision - a high quality, sustainable residential environment that will provide 40% of its dwellings as affordable housing.
- 1.2 Galtres Garden Village Development Company (GVDC) has made representation at all stages of the Local Plan Preparation including the Further Sites Consultation document in 2016 and on the Pre-Publication stage of the Local Plan in October 2017. The representations were reported to the Local Plan Working Group on January 23rd 2018. Although there were some minor residual concerns, the officer conclusion in the report was that the site could **be considered as a potential new housing allocation**.
- 1.3 Representations were subsequently submitted in April 2018 on the Regulation 19 Publication Draft Local Plan updating the case for the allocation of the site and, following that, on the first set of Modifications to the Plan in July 2019. In December 2019 the GVDC was represented at the opening sessions of the Local plan Examination (Examination Phase I hearings).
- 1.4 This representation addresses the latest (second set) of proposed modifications to the Draft Local Plan and reinforces the conclusions of our representations made in 2018 and 2019 that:
- The housing requirement figure is not justified and that the Draft Local Plan housing allocations are inadequate to meet anticipated housing needs:
 - The Councils has wrongly interpreted National Planning Policy when defining Green Belt Boundaries. Green Belt boundaries are not defensible because insufficient land has been excluded from the Green Belt to meet development needs during and beyond the 16-year Plan period.
- 1.5 The scale of the deficit in housing land supply is significant as explained in the body of these representation and in our previous representations. The table below summarises our conclusions on housing land supply for the five years of the plan 2020/21- 2024/25.

Assessment of Five year land supply 2020/21-2024/25

	Estimate based on Council's requirement of 790	Galtres Village Development Company Estimate based on Standard Method 1,026
5-year land supply including Local Plan allocations in 5-year period 2021/2024/25	6.25	2.16

- 1.6 The Galtres Village scheme will address these shortcomings. It proposes a new settlement of 1,753 units of which 1,403 will be market and affordable dwellings, 286 retirement dwellings in a mixture of houses, bungalows and extra care apartments and a 64-bed care home. At least 40% of the dwellings will be affordable units. The development area comprises 77.37 hectares with an additional 15.6 hectares available for a country park.
- 1.7 In keeping with the Garden Village ethos, the new settlement will be set within a landscaped environment that will include generous planting around the boundaries of the settlement and large areas of open space through its core.
- 1.8 The Galtres Development Company will deliver affordable housing in an innovative way that will provide significant benefits for the City. The development company proposes to deliver major tranches of affordable housing in the early years of the scheme. The scheme will also facilitate an element of self and custom build housing. In addition, the developers are open to working with the Councils housing development company.
- 1.9 Our objective is to provide affordable housing at a cost that makes early and significant delivery of units feasible.
- 1.10 The proposed vehicular accesses off North Lane to the site can be delivered in such a way that the highway network is not compromised. The scheme will be designed to provide easy access for public transport early in the scheme development.
- 1.11 Community facilities such as a primary school, retail and other outlets will provide a significant benefit to the residents of the development and to the local population who will access the site. Generous provision of public open space, including a sports field and country park, will also increase the benefit to the locality.
- 1.12 The Galtres Development Company has involved Oakes Energy Services Limited to help deliver low and zero carbon energy solution for the scheme.

- 1.13 The land is available, the development is achievable, and the scheme can deliver 1,753 residential units in a range of affordable and market housing and retirement units that will make a significant contribution to addressing the three major housing issues facing the City of York for the foreseeable future:
- The shortage of housing
 - The shortage of Affordable Housing
 - The shortage of Housing and care home provision for older people
- 1.14 Without additional major sustainable housing allocations such as Galtres Village these requirements will continue to go unmet and the housing needs of the people of York and their children will not be served.
- 1.15 At the end of the Phase 1 hearings in December 2019, the Inspectors asked the Council to provide additional information to aid their understanding of the justification of the Policies in the Plan, in particular the approach to Green Belt. The Council undertook to provide the additional information by the end of March 2020.
- 1.16 It is disappointing therefore that it has taken an additional 15 months and a suggestion from the Inspectors to the Council that the Plan should be withdrawn, to elicit the information requested in December 2019. We appreciate that the Council has been operating under the restrictions imposed by COVID and the tragic loss of the head of the Local Plan team, but as the Country emerges from the constraints of the Pandemic and begins to adjust to challenging economic circumstances, having an adopted Local Plan in place is needed more than ever.
- 1.17 However, that Local Plan must be fit for purpose. In particular the past year has emphasised that flexibility and the ability to respond quickly to changes in economic and social circumstances should be an essential principle of the Local Plan and its Policies. However, for the reasons we set out in our representation GGVDC's view is that these important attributes are absent from the plan.
- 1.18 Our representations on the modifications are short, primarily because most of the points we made in our representations at the Publication stage of the Plan in 2018 and the first set of modifications in 2019 have not been answered and therefore remain outstanding.
- 1.19 So that all our current and previous representations are to hand in one document we attach our representations on the 2019 Modifications at Appendix 2.

- 1.20 In drafting our representations on the proposed modifications, we are mindful that the Draft Plan is being examined under the transitional arrangements and the relevant National Planning Policy is the NPPF March 2012.

2.0 REPRESENTATIONS ON PROPOSED MODIFICATIONS

2.1 Table 1 below set out our response to the proposed modifications. Additional commentary on our response to each modification is set out after the table.

Table 1- Summary of our response on the Proposed Modifications and Suggested changes to make the plan sound

Proposed Modification	Response	Change required to make the Plan sound
PM 48 Clarification of the Plan period being 2017-2032/33 and provision beyond the Plan Period to deliver a permanent green belt.	We object to the proposed modification	The Local, plan period should be reset to a date that will correspond to the adoption date of the Plan. We suggest 1 st April 2023 as an appropriate start date for the plan. This would have obvious consequential changes for other policies and site allocations in particular.
PM 49 Clarification of Plan period and provision beyond the Plan period to deliver a permanent green belt	We object to the proposed modification. It is likely that 5 years of the plan period will have elapsed at the time it is adopted. With 10 years of the plan period remaining and 5 additional years the Council say they have provided allocation for, a review of the Green Belt is likely after 15 years. This does not constitute a permanent Green Belt Boundary.	The Local, plan period should be reset to a date that will correspond to the adoption date of the Plan. We suggest 1 st April 2023 as an appropriate start date for the plan. This would have obvious consequential changes for other policies and site allocations in particular. Additional strategic sites that can deliver substantial affordable housing and other benefits should be allocated in the Plan. Our representation in 2018 and 2019 explained why Galtres Garden Village should be allocated. Table 1a in PM55 presents an exaggerated trajectory of housing supply - particularly supply from Strategic Housing sites and should be revised to reflect more realistic delivery from these sites.
PM 50 Policy SS1: Clarification of the housing requirement over the Plan period	We object to the proposed modification. The allocations are inadequate to meet the housing needs of the City	The trajectory presented in our Scenario Tables 1, 2 and 3 at Appendix 3 and table 3a at Appendix 4 provides a more realistic delivery trajectory.
PM 52 Amend Policy wording to clarify the Council approach to phasing in relation to brownfield land and sustainable location of development.	We object to the proposed modification. The modification is not necessary	
PM 53	We object to the proposed modification.	

Clarification of housing requirement over the Plan period	The allocations are inadequate to meet the housing needs of the City	
PM 54 Clarification of housing requirement over the plan period including an allowance for a shortfall in provision	We object to the proposed modification. The allocations are inadequate to meet the housing needs of the City.	
PM 55 Amend Policy wording to clarify the Council approach to phasing in relation to brownfield land and to clarify range of sites delivered within the Spatial Strategy	We object to the proposed modification. Table 1a presents a gross exaggeration of the housing supply	
PM 56 To better relate Key Diagram to the spatial strategy	We object to the proposed modification	
PM 63 – to PM 63b	We object to the proposed modification. The estimated yield from some strategic housing allocations is unrealistic given that 4 years of the plan period have already elapsed.	Our Scenario Tables 1,2 and 3 at Appendix 3 table 3a at Appendix 4 rework Table 5.2 and provide a more realistic delivery trajectory based on a realistic assessment of when strategic sites will begin to deliver housing. Table 5.2 of PM63b should be updated accordingly in accordance with our Scenario Table 3.
PM 64 Policy HI Explanation	We object to the proposed modification We object to the proposed wording and suggest alternative wording.	Our alternative wording is: The timescale of each site is an indication of when we think the Council considers the site is likely to come forward based on the assumption that the plan was adopted in April 2017 and reflects the timescale put forward by the landowner or developer in the discussions referred to above,...
PM70 New Policy G12a	New Policy G12 a. We do not disagree with the policy in principle but object to the proposed wording.	Our alternative wording is set out in Section 2 (iv)

(i) **PM'S 48 AND 49 - PLAN PERIOD**

- 2.2 PM 48 clarifies that the plan period is 1st April 2017 and extending to 31st March 2033 – 16 years. PM 49 clarifies that to ensure Green Belt permanence beyond the Plan period, sufficient land is allocated for development to meet a further minimum period of 5 years to 2038. We will deal with issue of Green Belt permanence later in this representation.
- 2.3 Our representations on the first set of modifications in July 2019 expressed our concern that, at that time, two years had elapsed since the start of the plan period and in the absence of the adopted plan, there has been little if any development activity on any of the large strategic housing sites.
- 2.4 We are now two years advanced from July 2019 and little has changed, other than the situation with regard to housing supply has worsened. The last set of housing completion figures for 2019/20 (521 dwellings)¹ demonstrates, yet again, the continuing trend of completions falling significantly short of the Councils housing requirement of 790 dpa (Notwithstanding we consider the 790 figure to be inadequate to address the housing crisis in York).
- 2.5 In our July 2019 representations we said that, optimistically, the Plan would not be adopted until mid or late 2020 and realistically, probably not until early to mid-2021. In the current circumstances adoption of the plan is unlikely until 2023 at the earliest – 6 years after the start date of the Plan.
- 2.6 We now have a situation that goes to the heart of the soundness of the Plan. Paragraph 157 of the NPPF (2012) advises that local plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon, taking account of longer-term requirements, and be kept up to date. Common sense would suggest that at the point of adoption the local plan should be at, or close to, (within a year or two) of its start date, not six years out. This common-sense point is now set out in the 2019 NPPF which, at paragraph 22, advises that Strategic policies should look ahead over a minimum 15-year period from adoption² and that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years³ (NPPF 2019 para 33). The situation in York, therefore, is

¹ (560 less 39 student units)

² Strategic policies should set out an overall strategy for the pattern, scale and quality of development (See para 20 of NPPF 2019 for details of the scope of development considered for strategic policies)

³ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

that at the point of adoption, the Council will have failed in its legal duty to have undertaken first review of the Plan.

2.7 The Council is now facing a position where, at the point of adoption, 6 years of the plan period will have elapsed with no housing development of any significance on strategic housing sites.

2.8 To ensure a sound Plan and legally compliant Plan, the plan period must be reset so that the start of the Plan period is at, or close to, the point of adoption.

(i) PM49 – GREEN BELT PERMANENCE BEYOND THE PLAN PERIOD

2.9 Our response on previous representations have addressed this issue in some detail (see Section 3 of our July 2019 representations at Appendix 2).

2.10 We are pleased to note that the inspectors and now the Council have accepted our arguments put forward in our 2018 and 2019 representations that the Local Plan does not need to demonstrate exceptional circumstances when defining Green Belt Boundaries, including those relating to the proposed housing allocations. This is because the question of the need for exceptional circumstances is only engaged in respect of the alteration to established Green Belt boundaries, which is not the case with this Plan (para 2.5 of Topic Paper TP1 January 2021). This is exactly the point we made in our representations in 2016, 2017, 2018 and 2019.

2.11 One of the consequences of the delay in adopting the Local Plan is that the Plan period is reduced by at least 6 years (assuming an adoption date sometime in 2023). The 15-year plan period becomes, in practice, a 10-year plan period. With the additional 5 years beyond the plan period, the Green Belt would only be in place for 15 years after adoption of the plan. This falls well short of the permanence for Green Boundaries that National Planning Policy requires.

2.12 The likelihood is that at the first review of the Plan, the Council would have to make provision for an additional housing beyond 2038 which in turn would likely give rise to a Green Belt review. As set out in our July 2019 representations this failure of the Plan can be addressed by allocating additional land for housing development now and identifying Safeguarded Land in accordance with the advice in paragraph 85 of the NPPF.

**(ii) THE HOUSING REQUIREMENT AND SUPPLY - PM50, , PM53, PM54, PM55, PM56
PM63-63B**

2.13 In our previous representation we addressed the issue of the housing requirement and supply in some detail. Our criticisms of the Council's approach to the housing requirement and supply trajectory remain unchanged – if anything our criticisms have been born out by the continued underperformance of housing supply in York as demonstrated by completion figures available since the Phase I hearings.

2.14 We remain unconvinced about the Council's approach to calculating the Objectively Assessed Need (OAN) for housing for the reasons set out in paragraphs 2.4 to 2.16 of our July 2019 representations which can be summarised as:

- (i) The use of 2016 population and household projections is contrary to Government Guidance. In the face of what is recognised as a housing crisis in York, the continued use of the 2016 projection flies in the face of the need of housing in the City. This issue is addressed in more detail in our 2019 representations. Given the persistent under delivery of housing and in particular the major failings in affordable housing provision in the City a more pro-active and aggressive approach to the housing requirement is required. The use of a higher housing requirement figure is justified and the more relevant figure is the standard method requirement of 1,026 as set out in section 4 of the Council's Housing Need Update.
- (ii) The housing requirement calculation is too low for the reasons set out in (iii) (iv) and (v) below.
- (iii) The calculation of completions since 2012 is too high (i.e. the Council's estimate of backlog is too low). It is generally accepted there is a housing crisis in York resulting from persistent under delivery and above average increase in house prices. Table 2 below updates table 3 of our July 2019 representations and indicates that the backlog in housing completions since 2012 is 2,030 – or 135 dwelling per annum added to the housing requirement over the remaining 13 years of the plan period (using the Council OAN of 790 dpa). If the Standard method OAN of 1,026 dpa is used for the first three years of the plan period (i.e. the period 2017/18-19/20), the backlog would be 2,741 dwellings or 211 dwelling per annum added to the housing requirement over the remaining 13 years of the plan period.

Table 2 - Backlog assuming OAN of 790 dpa for period 2012/13 to 2019/20

Year	Net Dwellings Added (Council Figures)	Less student units	Net C3 Dwelling units	Local Plan Mods OAN	Backlog/ Surplus	Housing delivery test indicator
2012/13	482	0	482	790	-308	61.0%
2013/14	345	0	345	790	-445	43.7%
2014/15	507	0	507	790	-283	64.2%
2015/16	1121	579	542	790	-248	68.6%
2016/17	977	152	825	790	35	104.4%
2012-17	3432	731	2701	3950	-1249	
2017/18	1296	637	659	790	-131	83.4%
2018/19	449	40	409	790	-381	51.8%
2019/20	560	39	521	790	-269	65.9%
2017-20	2305	716	1589	2370	-781	
Total 2012-20	5,737	1,447	4,290	6,320	-2,030	63.0%

- (iv) Outstanding commitments include student housing that should be excluded as they do not meet housing need or contribute to affordable housing. This is highlighted by Table 5 below for the Years 2015/16 to 2017/18 which demonstrates the low percentage delivery of affordable dwellings in years when high levels of student units are included in housing completions.
- (v) The Council have not adequately explained the use the ONS ratios or made the necessary adjustments to include student housing in the completion and supply figures. There are apparent inconsistencies in the figures. Table 1 of the updated SHLAA has a figure of 1,296 net dwelling gain for 2017/18. The text at paragraph 2.5 of the updated SHLAA explains that the relevant ONS ratios have been applied. However, Table 3 of the Housing Monitoring Update May 2018 included at Annex 3 of the SHLAA indicates that the net dwelling gain of 1,296 includes 637 units of student accommodation to which no ratio seems to have been applied.
- (vi) The assumptions on windfalls are questionable and should not be treated as a component of the Plan. This is particularly the case given the significant shortfall in affordable housing delivery which adds even greater emphasis to the

requirement to **significantly boost** the supply of housing. Windfall completions deliver relatively little affordable housing.

- (vii) This analysis confirm our previous comments in 2019 and 2018 that the Plan housing requirement has been underestimated - because shortfall has not been properly accounted for – and consequently the allocations proposed in the Plan are inadequate to address the housing needs for the Plan Period.

Affordable housing

- 2.15 The Council's Strategic Housing Market Assessment (SHMA) identified a need for 573 affordable homes per annum (accepting that this need model includes existing households who may require a different size or tenure of accommodation rather than new accommodation).
- 2.16 Assuming an annual housing requirement of 822 dwellings, we would expect an average of 25% affordable provision (205 dpa) – mid way between the brownfield 20% and greenfield 30% targets. Over the 16-year lifetime of the plan this should deliver **3,280** affordable units (205 x 16).
- 2.17 The Council's Affordable Housing note (Table 10) is predicting the following housing and affordable delivery during the plan period based on delivery assumptions at 1st April 2017:

Table 3 – Anticipated affordable housing delivery (Council's Assessment)

	Total Delivery	Affordable	Affordable per annum
Strategic Housing sites over 5ha	11,067	2,534	158
Sites under 5 ha	1,452	429	27
Affordable from extant consents	3,578	380	24
Housing Delivery Programme		70	4
Housing sites approved since 2017		12	1
Older persons programme		83	5
Windfall Projections		31	2
Total	16,097	3,539	221

Data from Council's affordable housing note

2.18 However, because of the delays with the Plan, development of strategic sites has been pushed further back into the Plan period. Our estimate is that strategic sites will only deliver 6,983 dwellings in the plan period (Allowing for 10% non Implementation), which would reduce affordable delivery from this source to 1,599 dwellings and total delivery to **2,591** or 162 affordable dwellings per annum over the plan period. This figure is at the lower end of what should be achievable in a city that is experiencing significant house price inflation and when there is huge pressure on the limited supply of affordable housing.

Table 4 – Our Estimate of affordable housing delivery with revised trajectory

	Anticipated percentage (Paras 11-21 Affordable housing note)	Total Delivery	Affordable	Affordable per annum ⁴
Affordable Housing delivery 2017-2020 ¹			141	47
Strategic Housing sites over 5ha ²	22.90%	6,983	1,599	123
Sites under 5 ha	29.50%	1,529	451	28
Affordable from extant consents ³		3,578	204	13
Housing Delivery Programme			70	
Housing sites approved since 2017			12	
Older persons programme			83	
Windfall Projections			31	
Total		12,090	2,591	162

Data from Council's affordable housing note

- 1 Table 12 from Affordable Housing Note and our estimate of 51 affordable completions in 2019/20
- 2 Our estimate of completions from Strategic sites plus 10% non implementation
- 3 380 as at 1/4/2017 less 176 completions 2017-20
- 4 Figures for Housing sites assume 13 years of plan remaining. Total affordable is divided by 16 years

2.19 Furthermore, the recent record of affordable housing delivery does not give us any confidence that even this modest rate of 162 dwellings will be achieved. In recent years the record of affordable housing delivery has been very poor. Table 12 from the Council's Affordable Housing note shows that between 2013/14 and 2018/19 only 461 affordable dwellings in total were delivered, or 77 dwellings per annum.

2.20 But even these 461 affordable dwellings over the past 6 years has done little to ease the affordable housing crisis when the impact of right to buy is factored into the

calculation. Table 14 from the Affordable Housing note shows that between 2013 and 2019 there were 384 RTB sales in York – resulting in a net addition to the affordable stock of just 77 dwellings or 13 dwellings per annum see table 5 below. Between 2014/15 and 2018/19 the Council purchased 85 affordable homes with commuted funds, but that only increases the net addition to the social housing stock to 27 dwellings per annum for the 6 year period.

**Table 5 –
Actual Affordable housing delivery and net change in affordable stock 2013-2019**

Year	Net Housing Completions*	All affordable Housing Completions (resulting from planning consent)	% of All AH Completions Compared to All Net Housing Completions	Right to buy sales	Net change in affordable housing stock
2013/14	345	43	12.46%	53	-10
2014/15	507	129	25.44%	52	77
2015/16	1121	109	9.72%	68	41
2016/17	977	90	9.21%	79	11
2017/18	1296	45	3.47%	72	-27
2018/19	449	45	10.02%	60	-15
Totals 2013-18	4695	461	9.82%	384	77

* Councils figures include student housing

- 2.21 It is clear from the Council's own analysis that the greatest potential for delivery of affordable housing is from strategic greenfield sites. Student housing, communal establishments and windfalls simply will not deliver the scale of affordable housing required to address the City's housing crisis. If there is to be a step change in affordable housing delivery, more consideration should be given to increasing the potential for additional greenfield strategic housing allocation to address the shortfall in supply generally and the shortfall in delivery of affordable housing in particular.
- 2.22 In the course of the consultation on these modifications, press reports highlighted the significant increase in house prices in 2020/21 (see Appendix 5). The Council's own Housing Needs update confirms that in 2019 the median workplace ratio for York was 8.2 (i.e. median house prices are 8.2 times the median earnings of those working in the district)

The Barwood Appeal

- 2.23 The Council's poor record on housing delivery was picked up by Inspector Clark who considered a recovered appeal against the Council's refusal of outline planning permission for a 516 unit residential scheme at Moor Lane, Acomb, York (The Barwood Appeal Ref. APP/C2741/W/19/3233973). For the purposes of the appeal

the appeal site was considered to fall within the Green Belt. The Appeal decision was issued in May 2020 and although the appeal was dismissed, Inspector Clark made some telling observations regarding housing land supply in the City.

2.24 At Paragraph 340 of his report he notes that that:

“All parties are agreed that there is a housing crisis in York, with a wholly inadequate identified Housing Land Supply.”

2.25 He went on to say at paragraph 342 that:

“Housing supply, of itself, does not represent very special circumstances for permitting development harmful to the Green Belt. But housing supply in the face of a marked and intractable shortage of housing land supply, may do so.”

2.26 The paragraph continued:

“The five-year housing land requirement is for 5,345 dwellings. The anticipated undersupply (shortage) for the next five years is 2,500 dwellings. This proposal therefore represents just under 10% of the total five-year requirement, or about 20% of the currently identified shortage. That is a considerable benefit which could contribute towards a finding of very special circumstances.”

2.27 Inspector Clark noted that York has an affordability problem in both home ownership and rental which is more acute than the national average. Affordable housing supply is well below need. In considering the 35% provision of affordable housing proposed in the scheme, he noted, at Paragraph 344, that:

“Although a very commendable benefit, the excess over the record of the Council’s recent achievements (13.31%) should not amount to an argument in favour of declaration of very special circumstances because policy required a benefit of 30% in any event.”

2.28 Significantly, however, Inspector Clark commented at paragraph 345 that:

“What can be considered towards a declaration of very special circumstances is the 5% excess over policy. The Council’s disparagement of this excess should not detract from its value in terms of national policy, even though there is a history in York of delivery falling short of promises.”

2.29 Inspector Clark considered that the considerable benefit from the supply of housing in a situation of crisis and the modest excess contribution to the supply of affordable housing may be given disproportionate value because of the overall deficiency of supply. These benefits combined with net ecological diversity gains and contributions towards open space deficiencies in the local area could be considered to amount to

very special circumstances but in this instance the benefits were outweighed by the potential harm to Askham Bog SSSI.

- 2.30 The Secretary of State agreed with the Inspectors decision but noted in paragraph 22 of his letter that:

“All parties are agreed that there is a housing crisis in York and that a five-year supply of housing land cannot be demonstrated. The Secretary of State agrees with the Inspector at IR342 that the provision of housing would be a considerable benefit of the proposal. He has also taken into account that the proposal would provide 35% of the dwellings as affordable units, above a policy requirement of 30%, and agrees that this has value in terms of national policy, particularly in the light of the overall deficiency of supply.”

- 2.31 All of this evidence suggests that if York is to “...**boost significantly**...” the supply of housing to address the current housing crisis, significant additional housing land allocations are required.
- 2.32 With regard to the Barwood appeal we would highlight the weight the Inspector gave to the 5% additional affordable provision above the required 30% and would remind the Examination Inspectors that the Galtres Garden Village scheme offers 40% affordable housing provision.

REVISED HOUSING TRAJECTORY

- 2.33 There are clearly many scenarios to the housing trajectory for the Plan period depending on assumptions that are made about the delivery from housing sites; use of student completions; windfalls; and the use of non implementation rates. To test the robustness of the Plan’s housing requirement we have run three scenarios using a modified version of the Council’s update to Table 5.2 (PM 63b) on page 30 of the composite modifications schedule using data and assumptions from Figure 3 from the SHLAA Housing Supply and Trajectory Update. These 3 scenarios are illustrated in Scenario Tables 1, 2 and 3 at Appendix 3:

Scenario 1

Scenario table 1 sets out the detailed housing trajectory but the housing delivery for ST sites has been adjusted to reflect our assessment of when completions are likely to occur assuming the Plan is adopted in 2023. Our detailed adjusted trajectory is illustrated in Table 3(a) at Appendix 4. The Council’s other assumptions are also incorporated. They are:

- Housing target (790 dwellings);
- Shortfall (32 dwellings pa between 2020/21-2032/33)
- Delivery of anticipated strategic and general housing site allocations incorporating the assumptions (including 10% non-implementation rate);
- The anticipated delivery of extant planning permissions (including a 10% non implementation rate;
- Windfall assumptions from year 2023/24 of the plan period;

SCENARIO 1 OUTCOME Housing requirement exceeded by 2,279 dwellings

Scenario 2

In scenario table 2 the housing delivery for ST sites has been adjusted to reflect our assessment of when completions are likely to occur assuming the Plan is adopted in 2023. The adjusted trajectory is illustrated in Table 3(a) at Appendix 4. However, in Scenario Table 2 we have also adjusted the assumptions on shortfall, windfall and communal and educational establishments. They are:

- Housing target (790 dwellings);
- Shortfall (78 dwellings pa between 2017/18-2032/33 – student accommodation excluded from calculations)
- Delivery of anticipated strategic and general housing site allocations incorporating the assumptions (including 10% non-implementation rate);
- The anticipated delivery of extant planning permissions (including a 10% non implementation rate;
- No windfall included;
- Communal and student establishments excluded from supply;

SCENARIO 2 OUTCOME Housing requirement shortfall of 1,801 dwellings

Scenario 3

In Scenario table 3 the housing requirement adopts the Standard method figure of 1,026. The housing delivery for ST sites has been adjusted to reflect our assessment of when completions are likely to occur assuming the Plan is adopted in 2023. The adjusted trajectory is illustrated in Table 3(a) at Appendix 4. However, we have adjusted the assumptions on shortfall, windfall and communal and educational establishments. They are:

- Housing target (1026 dwellings);

- Shortfall (78 dwellings pa between 2017/18-2032/33 – student accommodation excluded from calculations)
- Delivery of anticipated strategic and general housing site allocations incorporating the assumptions (including 10% non-implementation rate);
- The anticipated delivery of extant planning permissions (including a 10% non implementation rate;
- No windfall included;
- Communal and student establishments excluded from supply

SCENARIO 3 OUTCOME Housing requirement shortfall of 5,577 dwellings

Table 6 – Summary of Scenario outcomes on Housing Trajectory

Council Local Plan Position - Oversupply	5,268*
Scenario 1 - Oversupply	2,279
Scenario 2 – Shortfall	-1,801
Scenario 3	-5,577

*This does not allow for 10% non implementation

- 2.34 What this scenario testing demonstrates is the sensitivity of the Local Plan housing supply to small changes in the trajectory of the strategic sites and a 10% allowance for non-implementation (Scenario 1). When a more robust position to housing supply is taken (Scenarios 2 and 3) a significant shortfall is evident highlighting the need for the Local Plan to take a robust, pro-active approach to significantly boosting the supply of housing by including additional allocations in the Plan.
- 2.35 Table 6 below provides our updated assessment of 5 year land supply in the first 5 years of the Plan Period.

Table 7 Year land Supply Calculation 2020/21 to 2024/25

		Assessment using Councils Housing requirement of 790 and Council assumptions on Supply trajectory		Galtres Assessment using Standard method figure 1,026 and our revised trajectory and 10% non-implementation	
A	Requirement	(5x790)	3,950	(5x1026)	5,103
B*	Plus Shortfall 2012-2020	(7x32)	224		2,030
C	Sub total		4,174		7,380
D	20% buffer	(C x .2)	834.8	(C x .2)	1,476
E	Total 5-year Requirement	C+D	5,009	C+D	8,856
F	Annual requirement	(E ÷ 5)	1,002	(E ÷ 5)	1,771
G**	Supply (Commitments)		5,896		3,713
H	Windfall		364		0
I	5-year supply	(G+H) ÷ F	6.25		2.16

* Galtres backlog is calculated using the 790 OAN. See Table 2

** For the Council assessment the Figure is the projected delivery for years 2020-2024/25 from the Updated SHLAA Figure 2. The Galtres figure is for the same time period "All projected Housing Completions" from our Scenario Table 2 at Appendix 3 and includes a 10% allowance for non-implementation.

2.36 What this analysis demonstrates is that whilst the optimistic supply trajectory assumed by the Council results in a supply of 6.25 years, a more realistic assumption about commitments and a more robust approach to the housing requirement results in a supply of only 2.16 years, highlighting the need to make additional housing allocations.

(iii) **PM 52 - PHASING IN RELATION TO BROWNFIELD**

2.37 Whilst we support the emphasis on development of brownfield land, in the York context the proposed change to insert an additional bullet point that says "Prioritise making the best use of previously developed land" is not required for the following reasons:

- The modification duplicates guidance in paragraph 17 of the NPPF 2012 and paragraph 117 of the NPPF 2019
- York does not have a legacy of heavy industry that would give rise to significant brownfield sites.
- All the major brownfield sites identified in the Plan (British Sugar; Nestle; York Central; Terrys) have planning consent;
- There can be genuine obstacles to development of brownfield sites that can delay development coming forward for several years (a good example is the 3-5 years required to remediate the British Sugar site). In that time development of sustainable greenfield sites could be held back because of this policy;
- Owners of brownfield sites cannot be forced to develop them (although in York this does not appear to be a problem);
- This additional emphasis on brownfield sites could accelerate the loss of employment land that is also occurring in the city centre;
- Brownfield sites do not deliver the same level of affordable dwellings as greenfield sites
- The evidence indicates that brownfield sites in York are aggressively developed even when development on greenfield sites is taking place. For example, the Terry's site and more recently the former Heworth Gas Works site are being developed while development is occurring on greenfield sites at Germany Beck and Derwenthorpe

2.38 For these reasons we conclude the suggested text should not be included in the Plan.

(iv) NEW POLICY G12A STRENSALL COMMON – PM 70 PM71

2.39 The modifications propose a new policy to address potential impact on Strensall Common from new development. The Habitat Regulations Assessment 2020 has established residential that development within 5.5 Km of the Common is likely to lead to an increase in recreational pressure which will require mitigation in the form of suitable natural greenspace and other such measures as may be considered necessary to prevent adverse effect on the integrity of the Common.

2.40 Galtres Garden Village is 1.4 km from Strensall Common but our masterplan scheme has already been designed to take into account the potential impact on the Common as follows:

- As required by proposed policy G12a our masterplan includes substantial areas of greenspace over - 15 hectares in the form of a Country Park which will include the areas of natural greenspace;
- With the residential zones substantial areas of formal and informal green space are proposed surrounded by significant structural landscaping;
- The scheme can easily provide multiple walking loops in excess of 2.5km providing an attractive and varied alternative to Strensall Common and to discourage use of the footpath on the east boundary of the site;

2.41 An Assessment of Recreation Impact is included with our representations at Appendix 6. This indicates that the proposed development can be accommodated and with the appropriate mitigation measures will not have an adverse impact on Strensall Common.

2.42 We object to the wording of the G12a b)ii on the grounds it is not positively worded. We suggest the following alternative wording:

X Proposals for other housing development which are not within plan allocations ~~will not be permitted unless it can be demonstrated~~ **must demonstrate** that they will have no adverse effects on the integrity of the SAC. ~~either alone or in combination with other plans or projects.~~ Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy G16.

3.0 EVIDENCE BASE – EX/CYC/59: TOPIC PAPER 1: APPROACH TO DEFINING GREEN BELT ADDENDUM (JANUARY 2021)

- 3.1 The Council has produced an extensive Addendum to Topic Paper 1 ('TPI Addendum'). The document revises and replaces the 2019 TPI Addendum (EX/CYC/18) and seeks to provide further evidence explaining its approach to defining York's Green Belt Boundaries.
- 3.2 As part of the approach taken in the 2019 TPI Addendum, the Council had produced a series of maps (Figures 3-6) to illustrate land associated with each purpose of the Green Belt (excepting Purpose 5 re. urban generation). These maps informed an overall composite map (Figure 7) which identified "Strategic Areas to keep permanently open". The 2019 Figure 7 plan did not include our client's Galtres Garden Village within the strategic areas deemed necessary to be kept open.
- 3.3 At Para 4.17 of the 2019 TPI Addendum, the Council stated in relation to Purpose 4 that *"areas not identified on the appraisal maps could still be important to the historic character and setting [of York]"*. This was considered by Inspectors to be one of several areas of potential weakness in the Council's evidence. Paragraph 5.15 of the 2021 TPI Addendum states in response that *"this was not intended to indicate that other areas remained unassessed: rather, more detailed assessment had been taken into account by reference to the Heritage Topic Paper."*
- 3.4 The January 2021 TPI Addendum aims to clarify the methodology developed and applied to the proposed establishment of York's Green Belt boundaries in response to concerns raised by the Inspectors, including ensuring that the local assessment criteria have a clear and unequivocal connection to Green Belt purposes. The Addendum confirms that the Council consider the following purposes as being appropriate to York's Green Belt:
- Purpose 4 – Preserving the historic setting of York
 - Purpose 1 – Preventing unrestricted sprawl
 - Purpose 3 – Safeguarding the countryside from encroachment
- 3.5 The TPI Addendum sets out how the *"more detailed assessment"* has been undertaken through evaluation to the Green Belt as set out in Annexes of TPI, and as informed by the key evidence documents of the Approach to Green Belt Appraisal (2003, and Updates 2011 & 2013) and the Heritage Topic Paper (2014).
- 3.6 The Addendum further confirms that the Green Belt assessment is informed by the Local Plan strategy, which is framed around meeting York's development needs and spatial principles (Policy SSI) and which states that the *primary purpose* of the Green

Belt in York is to safeguard the setting and the special character of York whilst delivering the spatial strategy.

- 3.7 Leaving aside our concerns set out in sections above that the Local Plan does not meet identified requirements for sustainable development, in principle this seems an appropriate approach to defining Green Belt boundaries.
- 3.8 However, the failure of the Council to take this opportunity to allocate safeguarded land to meet identified development needs beyond the plan period a major shortcoming of the Plan.
- 3.9 We believe there remain fundamental issues with the way the Green Belt methodology has been applied in the assessment of local detailed boundaries. In particular, we consider that the Council has taken an overly restrictive approach in their evaluation to the boundary sections set out in Annexes 2, 3 and 4 and in the assessment of freestanding settlements in Annex 5. This evaluation seems intent more on serving a pre-established conclusion that land not allocated to meet the Plan's growth requirements must be designated as Green Belt, rather than providing a critical analysis of whether it is necessary to keep the land permanently open.
- 3.10 In this respect, **we object** to the Council's assessment of Green Belt boundaries relating freestanding sites.
- 3.11 With regard to the assessment of potential freestanding settlements we have set out the case for Galtres Garden Village in our previous representations. We note that in Table 1 of the *Audit Trail of Sites Between 35 and 100 hectares Submitted and Assessed* (EX/ CYC/37 , Galtres Garden Village (site ref 964) is considered to be a reasonable site for residential development.

4.0 CONCLUSIONS

4.1 These representations have responded to the proposed modifications but should be considered in the context of the representations we have previously made on the Regulation 19 Consultation in 2018 and on the first set of modifications in July 2019.

4.2 The latest modifications do not change the fundamental case for the allocation of Galtres Garden village set out in those previous representations that the plan is **unsound** because:

- The housing requirement of 790 dpa does not address the housing needs of the City. This could be addressed by adopting the Standard Method figure of 1,026 as a starting point in estimating the housing requirement.
- The housing allocations are inadequate to meet housing needs – particularly affordable housing needs. This shortcoming can be addressed by including additional allocation in the plan. Specifically, the Galtres Garden Village should be identified as a housing allocation.
- The proposed Green Belt boundaries are drawn excessively tightly and are not consistent with the Local Plan strategy for meeting identified and known requirements for sustainable development.

4.3 To make the Plan sound the following changes should be made:

- The housing requirement should be increased to 1,026 dwellings per annum for the Plan Period;
- The housing delivery trajectory set out in PM63a and PM63b should be altered to reflect what is likely to happen;
- Galtres Garden village site should be identified as a free standing settlement;
- Safeguarded land should be identified to a level that will ensure the Green Belt boundary will not need to be altered at the end of the development plan period;

APPENDIX I

Masterplan

Galtres Garden Village



Parental Straw Bale Construction for Future Community Buildings



Trim Trails



Green Routes and Public Rights of Way



Sustainable Drainage Systems (SuDS)



Local Centre

DESIGN SCALE
All drawings to be provided on one and A3 sheets to be
notified of any discrepancies prior to commencement
DESIGNER'S RISK ASSESSMENT
RESIDENTIAL WORK



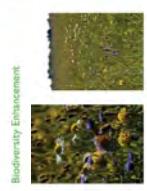
Biodiversity Habitat (Information Pavilion)



Allotment Gardens



Outdoor Classrooms



Biodiversity Enhancement



Retirement Living



Community Courtyards



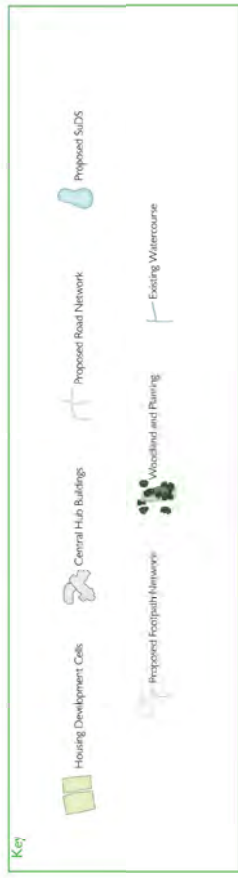
Community Orchard



Zone	Area (Hectares)
A	8.99
B	16.86
C	18.80
Proposed Total (SuDS)	43.65
Greening Core (including SuDS)	2.64
School	1.50
Community Buildings	3.49
Total SuDS Area	12.17

Capacity
4182 no. of Dwellable Units
at 23.24m² x 1803 units
Retirement Community = 750 units
Total Proposed Development = 1333 units

- Potential Features**
1. Pedestrian and cycle links between Entrails and Hintongrays
 2. Green buffer around perimeter of the site to usually contain the development
 3. Recreational routes / Trim Trails
 4. Galtres Garden Village Country Park
 5. New roundabouts to provide access from North Lane
 6. Multifunctional green spine running through the middle of the site to incorporate SuDS and buffer to housing
 7. Village Hubs, including school, community buildings and village green
 8. Continuing Care Retirement Village
 9. Green corridors running north to south forming a green grid throughout the design
 - 10.



Project Name: Galtres Garden Village
Client: Galtres
Location: Galtres, North Yorkshire
Date: 28.10.2017
Drawing No: N81-2484
Scale: 1:5000
Author: PL002
Check: PL002
Date: 28.10.2017
Project No: N81-2484
Drawing No: PL002

APPENDIX 2

Representations on 2019 Modifications

Provided as a separate document

CITY OF YORK LOCAL PLAN

PROPOSED MODIFICATIONS JUNE 2019

GALTRES GARDEN VILLAGE
(LAND NORTH EAST OF HUNTINGTON)

SUBMISSION ON BEHALF OF:

[REDACTED]

REPRESENTATIONS IN SUPPORT OF
AN ALLOCATION FOR A NEW SETTLEMENT

July 2019

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EXECUTIVE SUMMARY

- i. The Galtres Garden Village promoters wish to create a new settlement for York which echoes the “garden village” ethos of New Earswick and Derwenthorpe, with housing set in well landscaped surroundings with local facilities as part of a low-carbon development. The Garden Village proposed in these representations will deliver that vision - a high quality, sustainable residential environment that will provide 40% of its dwellings as affordable housing.
- ii. Representations have been made on the Further Sites Consultation document in 2016 and on the Pre-Publication stage of the Local Plan in October 2017. The representations were reported to the Local Plan Working Group on January 23rd 2018. Although there were some minor residual concerns, the officer conclusion was that the site could **now be considered as a potential new housing allocation**.
- iii. Representations were subsequently submitted in April 2018 on the Regulation 19 Publication Draft Local Plan updating the case for the allocation of the site. This representation addresses the proposed modifications to the Draft Local Plan and the additional evidence presented to justify the proposed Green Belt boundaries.
- iv. Our review of the Proposed Modifications reinforces our representation made in 2018 that:
 - The proposed reduction in the housing requirement figure is not justified and that the Draft Local Plan housing allocations are inadequate to meet anticipated housing needs:
 - The Council has wrongly interpreted National Planning Policy when defining Green Belt Boundaries. Green Belt boundaries are not defensible because insufficient land has been excluded from the Green Belt to meet development needs during and beyond the 16-year Plan period.
 - The duty to co-operate has not been complied with because neighbouring planning authorities have not had the opportunity to comment on the

proposed reduced housing provision for the York Council area and our previous concerns outlined in the our 2018 representations have not been addressed.

- v. The scale of the deficit in housing land supply is significant as explained in the body of our representations. The table below summarises our conclusions on housing land supply.

	Estimate based on Council's requirement of 790 dpa	Galtres Village Development Company Estimate based on 1,070 dpa
Housing Requirement 2017 to 2033	7,945	17,097
5-year land supply including Local Plan allocations	6.39	3.01

- vi. The Galtres Village scheme will address these shortcomings. It proposes a new settlement of 1,753 units of which 1,403 will be market and affordable dwellings, 286 retirement dwellings in a mixture of houses, bungalows and extra care apartments and a 64-bed care home. At least 40% of the dwellings will be affordable units. The development area comprises 77.37 hectares with an additional 15.6 hectares available for a country park (See Promotion brochure at Appendix 1).
- vii. In keeping with the Garden Village ethos, the new settlement will be set within a landscaped environment that will include generous planting around the boundaries of the settlement and large areas of open space through its core.
- viii. The Galtres Development Company will deliver affordable housing in conjunction with Home Housing (a leading social housing provider) in an innovative way that will provide significant benefits for the City. The development company proposes to deliver major tranches of affordable housing in the early years of the scheme. The scheme will also facilitate an element of self and custom build housing. In addition the developers are open to working with the Councils housing development company.

- ix. Our objective is to provide affordable housing at a cost that makes early and significant delivery of units feasible.
- x. The proposed vehicular accesses off North Lane to the site can be delivered in such a way that the highway network is not compromised. The scheme will be designed to provide easy access for public transport early in the scheme development.
- xi. Community facilities such as a primary school, retail and other outlets will provide a significant benefit to the residents of the development and to the local population who will access the site. Generous provision of public open space, including a sports field, will also increase the benefit to the locality.
- xii. The Galtres Development Company has involved Oakes Energy Services Limited to help deliver low and zero carbon energy solution for the scheme.
- xiii. An independent survey of York residents shows a significant level of support for the Galtres site. A full copy of the survey is included at Appendix 2.
- xiv. The land is available, the development is achievable, and the scheme can deliver 1,753 residential units in a range of affordable and market housing and retirement units that will make a significant contribution to addressing the three major housing issues facing the City of York for the foreseeable future.
- xv. Without additional major sustainable housing allocations such as Galtres Village these requirements will continue to go unmet and the housing needs of the people of York and their children will not be served.

CONTENTS

- 1.0 INTRODUCTION
- 2.0 OBJECTION TO PROPOSED MODIFICATIONS PM3, PM4, PM5, PM20A TO 20D, PM21A TO 21D AND PM 22
- 3.0 GREEN BELT
- 4.0 SUSTAINABILITY APPRAISAL
- 5.0 CONCLUSIONS

APPENDICES

- 1 Galtres Garden Village Prospectus
- 2 Public Opinion Survey
- 3 Extract from 23 January 2018 Local Plan Working Group Report
- 4 Schedule of outstanding commitments
- 5 Allocated sites development trajectory



1.0 INTRODUCTION

- 1.1 This submission is made in support of a potential housing allocation of land to the north east of Huntingdon in response to the Proposed Modifications to the Draft Local Plan June 2019 (**the Draft Plan**). The detail justification for the allocation of the Galtres Garden village site is set out in our representations made on the Publication Draft Plan in April 2018. Our case remains unchanged other than where updated by these representations.
- 1.2 In drafting our representations on the proposed modifications, we are mindful that the Draft Plan is being examined under the transitional arrangements and the relevant National Planning Policy is the NPPF March 2012.
- 1.3 Table 1 below set out our response to the proposed modifications and indicates, where appropriate, additional commentary to our response can be found.

Table 1- Summary of our response on the Proposed Modifications

Proposed Modification	Response	Comment
PM2 Removal of deleted Policies from the Plan	We agree with the proposed modification	Updated evidence prepared by the Council supports the proposed modification
PM3 Explanation of City of York Housing Needs	We object to the proposed modification	Our objection is elaborated in section 2 of this representation
PM4 Policy SS1: Delivering Sustainable Growth for York	We object to the proposed modification	Our objection is elaborated in section 2 of this representation
PM5 - Policy SS1: Delivering Sustainable Growth for York	We object to the proposed modification	Our objection is elaborated in section 2 of this representation

<p>PM13 - Policy SS19: Queen Elizabeth Barracks, Strensall</p>	<p>We agree with the proposed modification</p>	<p>Updated evidence prepared by the Council supports the proposed modification</p>
<p>PM14 - Policy SS19: Queen Elizabeth Barracks, Strensall</p>	<p>We agree with the proposed modification</p>	<p>Updated evidence prepared by the Council supports the proposed modification</p>
<p>PM18 - Policy HI: Housing Allocations(H59)</p>	<p>We agree with the proposed modification</p>	<p>Updated evidence prepared by the Council supports the proposed modification</p>
<p>PM19 - Policy HI: Housing Allocations (ST35)</p>	<p>We agree with the proposed modification</p>	<p>Updated evidence prepared by the Council supports the proposed modification</p>
<p>PM20a to PM20d - Policy HI: Housing Allocations</p>	<p>We object to the proposed modification</p>	<p>The allocations are inadequate to meet the housing needs of the City. Our objection is elaborated in section 2 and 3 of this representation</p>
<p>PM21a to PM21d - Policy HI: Housing Allocations</p>	<p>We object to the proposed modification</p>	<p>The allocations are inadequate to meet the housing needs of the City. Our objection is elaborated in section 2 and 3 of this representation</p>
<p>PM22 - Policy HI: Housing Allocations Explanation</p>	<p>We object to the proposed modification</p>	<p>The allocations are inadequate to meet the housing needs of the City. Our objection is elaborated in section 2 and 3 of this representation</p>

2.0 OBJECTION TO PROPOSED MODIFICATIONS PM3, PM4, PM5, PM20a to 20d, PM21a to 21d AND PM 22

The Plan Period

- 2.1 The Submission Draft Plan proposes a 16-year plan period starting at 1st April 2017 and extending to 31st March 2033. Beyond 2033 the plan has made provision for development needs for an additional 5 years to ensure a “permanent” Green Belt Boundary. We will deal with issue of permanence later in this representation.
- 2.2 On the issue of the plan period, there is an immediate and obvious issue. Two years have elapsed since the start of the plan period and in the absence of an adopted plan, there has been little if any development activity on any of the strategic and large housing sites.
- 2.3 Optimistically, the plan will not be adopted until mid or late 2020. Realistically, probably not until early to mid-2021. At that point, 4 years of the plan period will have elapsed with no housing development of any significance on the strategic sites, leaving only 12 years of the period remaining.
- 2.4 To meet the housing needs of the City the plan period should be moved forward so that the development needs fo the City can be properly accommodated. For the purpose of these representations and particularly for the purpose of calculating the housing requirement, we assume that the plan period will remain as 16 years but with a start date of April 2019.

The imperative for additional housing allocations – policy context

- 2.5 The primary policy context for considering the proposed modifications is the National Planning Policy Framework and associated National Planning Practice Guidance. As the Plan is being prepared under the transitional arrangements set out in paragraph 214 of Annex 1 of the 2019 NPPF, the NPPF March 2012 is the primary document but where appropriate cross reference will be made to the updated NPPF February 2019.

2.6 The NPPF was published in March 2012 and replaced all previous Planning Policy Guidance notes and some circulars. The Framework sets out the Government's 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.....

2.7 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*

2.8 On the issue of housing the NPPF is clear about the need for a significant increase in housebuilding 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;.....*

2.9 This advice is echoed Section 5 of the NPPF 2019

2.10 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.

2.11 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.

2.12 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."

THE IMPERATIVE FOR ADDITIONAL HOUSING ALLOCATIONS – HOUSING NEED

2.13 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 decided the final content of the Publication Draft Plan and latterly the proposed modifications;
- **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 5-year housing land supply position as at the time of the representation;

Stage 1 – The Political Context

Local Plan Working Group July 2017

- 2.14 The report to the LPWG on the 10th July 2017 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 Addendum May 2017. The 953 figure was composed of a demographic baseline of 867 dwellings; and an upward adjustment, for 'market signals', of 10%.
- 2.15 The LPWG report stated that the Plan period runs from 2012 to 2033. The Council acknowledged in the LPWG report that as York is setting detailed Green Belt Boundaries for the first time, it was also necessary to consider the period beyond the end date of the plan to 2038 to provide an enduring Green Belt.
- 2.16 On the basis of the LPWG report, the housing requirement for the Plan period 2012 to 2033 was therefore 20,013 (21 × 953). The housing requirement need calculation for the period 2033 to 2038 would be 4,765 dwellings (5 × 953).
- 2.17 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 dpa 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 presented to the July 2017 LPWG is set out in Table 2:

Table 2: Council's Estimate of Housing Requirement as presented to Local Plan Working Group on 10th July 2017

Plan period 1st April 2012 to 31 st March 2033	
Total Need 2012 -2033 (based on 953 dpa per annum)	20,013
Completions 1st April 2012 to 31st March 2017	3,432
Unimplemented Permissions @ 1st April 2017	3,758*(3,578)
Windfalls (from Year 4) @ 169 pa	2,197**
Requirement Remaining	10,626 (10,806)

Source: Local Plan Working Group 10 July 2017

** We believe this to be a misprint and should be 3,578*

*** For period 2020 / 21 to 2332 / 33*

2.18 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

2.19 The LPWG on the 23 January 2018 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 for 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.

2.20 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 policy.

- 2.21 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 to defend the Plan proposals at the Local Plan Examination process.
- 2.22 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 feel should be reconsidered (table 3); and
 - new sites emerging in response to the consultation on the Pre-Publication draft plan.
- 2.23 Appendix A to the LPWG report set out the Officers response to representations received on the Pre-Publication draft. The Officers assessment of the representations submitted in respect fo the Galtres site raised only minor points such that the conclusion of the officers was that this previously rejected site could now be considered as a ***"Potential new housing site allocation"*** (See Appendix 3 of this representation)
- 2.24 Consequently, the Galtres Garden Village site was included in the list of sites in Table3 of the LPWG report as a site that could potentially be included as a housing allocation to increase the housing provision to make the Plan more robust.

- 2.25 However, despite the advice set out in the LPWG report, Members rejected any proposal to increase the housing requirement in the Draft Plan and approved only the inclusion of the MoD sites in Table I of the report.

Council Executive 25th January 2018

- 2.26 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 change 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 2018

- 2.27 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 no longer included in this calculation as the plan start date (2017/18) is essentially year zero in this calculation. Instead the Council include an allowance for backlog (under-provision) for the period 2012 to 2017. This has implications for the Green Belt boundary discussed later in this representation.
- 2.28 The housing requirement in the Submission Draft Plan was therefore based on an annual base requirement of 867 dwellings plus an additional 56 units to account for undersupply in the period 2012 to 2017 giving a total requirement of 923 dwellings per annum
- 2.29 Taking account of these changes, the housing requirement as proposed in the Submission Draft Plan was:

**Table 3 Publication Draft Regulation 19 Consultation Plan
Housing Requirement (At Time of Publication)**

Plan period 1st April 2017 to 31 st 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 Year 4) @ 169 pa	2,197
Requirement to be provided through allocations	8,993

2.30 In addition, to ensure what the Draft Plan considers to be enduring Green Belt Boundaries, additional land was allocated to meet the annual base requirement of 867 dwellings per annum for the 5-year period of 2033 to 2038 which effectively increased the housing requirement to be provided through housing allocations to 13,328 ((8,993+(867x5)).

2.31 Following the submission of the Local Plan, the Inspectors wrote to the Council questioning the Submission Draft housing requirement and allocations. The Inspector's letter of 24th July 2018 commented that, without prejudice to the findings of the Examination, the 2017 SHMA Update

.....appears to be a reasonably robust piece of evidence which follows both the NPPF and the national Planning Practice Guidance. The plan, however, aims to provide sufficient land for 867 dpa

2.32 The Inspectors then went on to query why the Council had settled on a figure of 867 dwellings per annum.

This [note in the front of September 2017 SHMA Update] explains that the Council accepts the figure of 867 dpa, but does not accept the conclusions of the SHMA Update concerning the uplift or the consequent OAN figure of 953 dpa. The reasons given for the latter appear to relate to the challenge of the 'step-change' in housing delivery needed. We also note that it says the Council considers GL Hearn's conclusions to be "... speculative and arbitrary, rely too heavily on recent short-term

unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental constraints".

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

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

- 2.33 In response to these queries the Council commissioned another update of the OAN – Housing Needs Update January 2019. This update produced an OAN of 790 dwellings per annum based on 2016 Sub National Population Projections and 2016 based Household Projections. This is a significant reduction in OAN compared with previous estimates.
- 2.34 The Council's letter to the Inspectors dated 29 January 2019 stated that the updated OAN confirmed to the Council that the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements. There was no suggestion that the housing requirement was to be reduced to 790 dwellings per annum.
- 2.35 Table 4 below illustrates the implication for the housing requirement of the Plan period of applying the updated OAN.

Table 4 Housing Requirement using OAN of 790 dwellings Per annum.

Plan period 1st April 2017 to 31 st March 2033	
Total Need 2017 -2032/33 (based on 790 dwellings per annum)	12,640
plus 32 dwellings per annum to meet backlog	512
	13,152
Unimplemented Permissions @ 1st April 2018 less 10% for non-implementation (3,345 × 0.9)	3,010
Windfalls (from Year 4) @ 169 pa	2,197
Requirement to be provided through allocations ((13,153) -3,010 + 2,197)	7,946

2.36 We consider this (Council) assessment of the requirement remaining and the housing allocations set out in the Draft Plan to be inadequate for the following reasons:

- (i) The use of 2016 population and household projections is contrary to Government Guidance
- (ii) The housing need calculation is too low;
- (iii) The calculation of completions since 2012 is too high (i.e. the Councils estimate of backlog is too low)
- (iv) Outstanding commitments include student housing that should be excluded
- (v) The assumptions on windfalls are questionable and should not be treated as a component of the Plan

Stage 2 -Assessing the Housing Requirement

(i) The 2016 Household Projections.

2.37 The January 2019 HNU advises that the OAN for the district is 790 dwellings per annum. This is a figure derived using the 2016 based SNPP, the 2016 based Household Projections and the latest mid-year estimates. We disagree with this figure for several reasons.

2.38 The Council's proposed modification to the housing requirement from 867 to 790 adds further unnecessary confusion to the housing figure debate. The modification is contradictory to the advice given by the Council in its letter of 29th January to the Inspectors which stated that the updated SHMA work has been undertaken to:

“seek to confirm that the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements”.

2.39 Fundamentally, the way the OAN has been calculated is contrary to National Planning Policy. This is confirmed by the Government in the updated Planning Practice Guidance (revised in 20th February 2019) where Paragraph 005 Ref Id. 2a-005-20190220 states that:

“The 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes”.

2.40 Accordingly, whether using the “old” or “new” standardised methodology, it is clear that the Government have rejected the 2016 projections and consequently their use in the calculation of an LPA's annual housing requirement. From a practical point of view, given the unequivocal stance of the updated Planning Practice Guidance, the Government is not going to revisit and update the old guidance to make clear that the 2016 projections have been rejected.

2.41 This is particularly the case of plans being prepared under the “transitional arrangements” whereby Local Plans submitted ahead of January 2019 will be assessed on the basis of the old methodology and importantly the evidence base it relied upon

at that time. The purpose of the transitional arrangements is to avoid exactly the situation the Council have created by revisiting the OAN.

2.42 The shortcomings of the use of the 2016 population and household projections are acknowledged in the HNU:

2.20 The main change is the period from which household formation rates trends have been drawn. Previously these were based on trends going back to 1971 but in the most recent projections trends have only been taken from 2001.

2.21 It is argued that by focussing on shorter term trends ONS have effectively locked in deteriorations in affordability and subsequently household formation rates particularly within younger age groups in that time.

2.43 In addition, the HNU highlights the pressure on house prices in the City:

4.1 As shown in the figure below, the median house price in York sits at £230,000, near parity with England's median value of £235,995. The City is also more expensive than the North Yorkshire and Yorkshire and Humber equivalents of £210,000 and £157,500 respectively.

*4.2 Perhaps even more interesting to note is that lower quartile house prices in York exceed that of England by £30,000 despite having a similar overall median house price. Relatively higher values within a lower quartile housing range suggests that those **with lower incomes (such as first-time buyers) feel greater housing pressure and are less likely to be able to afford a property.** (Our emphasis)*

2.44 On the issues of affordability, the HNU is even more damning. It states:

*4.17 At the median level, York has the highest affordability ratio, and thus the least affordable housing, relative to surrounding North Yorkshire, Yorkshire and Humber, and England. In addition, the affordability ratio in York has also increased the most in the past five years relative to the other geographies – **indicating a significant worsening in affordability**..... (Our emphasis)*

4.19 The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated.

2.45 The HNU reaffirms the net affordable need at 573 dwellings per annum

2.46 The Council's reliance on the 2016 population and household projections is not only contrary to Government guidance, but also flies in the face of the evidence

demonstrating the very high demand for housing in the face of diminishing supply. The evidence points overwhelmingly to strong and entrenched market signals issues across York evidenced by worsening affordability. Fundamentally the HNU promotes a low housing requirement figure that contradicts the Government's objective of significantly boosting the supply of housing particularly in areas of high housing need such as York.

(ii) Housing Need

2.47 In our previous representations on the Local Plan, 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.

2.48 The Assessment found that that the OAN for the City of York was in the range of between 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.

2.49 Subsequent to the Assessment prepared by NLP other Assessments have supported its findings. A review of local plan housing targets prepared By Regeneris Consulting (October 2017) in support of a planning application for up to 516 houses in Acomb (Applica Ref: 18/02687/OUTM) concluded that the demographic starting point should be 890 dwellings per annum and, with adjustment for economic growth and market signals, the final OAN was in the region of 1,150 dwellings per annum.

2.50 In October 2017 the Government 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.

2.51 These 1,070 figures is the housing requirement we adopted in our previous representations and continue to adopt in this representation.

(iii) Calculation of completions - Backlog

2.52 The Council has underestimated the scale of the backlog and their annual allowance of 32 dwellings per annum included for backlog, amounting to 512 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 recommended 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 in each year for from 2012/13 to 2018/19 to obtain the backlog.

2.53 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 which is essentially 'written off')

2.54 In order to calculate the backlog, it is necessary to analyse housing completion data contained within the Council's Annual Housing Monitoring Updates 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). Likewise, the completions figure of 2016/17 included 152 student units whilst the figures for 2017/18 include the highest number of student units ever – 637.

2.55 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 mis-reading 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: 3-042-20180913).

2.56 The Council has 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.

2.57 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.

- 2.58 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: CO15738/2104*.
- 2.59 Removing these student units from the completions data provide a more realistic estimate for the completion of residential (Use Class C3) units. These are the figures used in our calculation of the backlog in Table 5 below.

Table 5 Housing completion backlog for the period 2012-2019

Year	Net Dwellings Added (Council Figures)	Less student units	Net C3 Dwelling units	2017 SHMA recommended figure	Backlog/ Surplus	Housing delivery test indicator
2012/13	482	0	482	953	-471	50.6%
2013/14	345	0	345	953	-608	36.2%
2014/15	507	0	507	953	-446	53.2%
2015/16	1121	579	542	953	-411	56.9%
2016/17	977	152	825	953	-128	86.6%
2017/18	1296	637	659	953	-294	69.2%
2018/19	449	40	409	953	-544	42.9%
Total	5,177	1,408	3,769	6,671	-2,902	

(iv) Commitments

- 2.60 We have obtained a list of the planning permissions that make up the Council's estimate of un-implemented planning permissions at 1st April 2018 (Appendix 4). The figure of 3,345 includes 95 student units which, for the reasons stated above should not be included in the housing provision figures. This reduces the commitments figure to 3,250. 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 2,925 dwellings for outstanding commitments.

(v) *Windfalls*

- 2.61 The Council's 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, for example 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

- 2.62 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 allocated in the Draft Plan. However, there is no real certainty over the rate of delivery that can be achieved on some of these sites.
- 2.63 For example, on the Strategic Site ST1 (British Sugar) development can only commence following a 3-year scheme of remediation. Outline consent was granted in 2018. Allowing a for a 2-year lead in following remediation, the first completions on this site are not likely until 2023. The difficulty 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 within in the period 1 to 21 years and at a projected density which ranges between 95 – 125 homes to the hectare.
- 2.64 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 whereas the outline planning application approved for York Central in May 2019 suggests that 70% of the dwellings on York Central will be apartments. There is also significant unmet demand for bungalows amongst retirees seeking to downsize.

2.65 According to local letting agents surveyed for the 2017 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%.

2.66 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.

2.67 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

2.68 In its current form, it is not clear how the allocated sites and their associated yields will address this requirement. In addition, the Council powers to secure the proposed densities are weak.

2.69 Taking all the above factors into account, our estimate of the housing requirement compared with the Councils estimate as set out in Table 4 above is:

Table 6 Galtres Garden Village Estimate of Housing Requirement 2019-2035

Plan period 1st April 2019 to 31 st March 2035	Publication Draft Plan adjusted to 2019 start year	Proposed Modifications adjusted to 2019 start year	Our Estimate
Total Need 2019-2035 (16 Years)	13,872 (based on 867 per annum)	12,640 (Based on 790 per annum)	17,120 (based on 1,070 per annum)
Backlog	896 (56 x 16)	512 (32 x 16)	2,902
Gross Requirement	14,768	13,152	20,022
Unimplemented Permissions @ 1st April 2018	3,578 (As at 1/4/17)	3,010** (As at 1/4/18)	2925*** (As at 1/4/18)
Windfalls (from Year 4) @ 169pa	2,197	2197	0
Net Requirement	8,993	7,945	17,097

* Excluding student accommodation

** Includes 10% non-implementation discount.

*** Includes 10% non-implementation discount and excludes student accommodation

- 2.70 It is evident from this analysis that the Council's estimate of the housing requirement is significantly flawed and consequently substantial additional allocations are required to address that shortfall.
- 2.71 In addition to meeting housing land requirement during the plan period, the Council also have 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 790, the requirement for the 5-year period beyond 2033 would be 3,950 dwellings. Using the Government's figure of 1,070 the requirement would be 5,350
- 2.72 We have taken the table of proposed allocations from table 5.1 of the Draft Plan as proposed to be modified. 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 5). 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 2.60 above.

- 2.73 The allocations in table 5.1 of the Draft Plan, as amended, amount to 14,440 dwellings for a 21-year Plan period. Our analysis of the allocations indicates the following rates of delivery.

Table 7 Anticipated rates of housing delivery from Proposed Allocations

Timescale	Units	Units
Years 1-5	3,054	
Years 6-10	4,562	
Years 11 to 16	3,868	
Sub-total 16-year plan period		11,484
Years 17 to 21		2,448
Total 21-year period		13,932*

* Does not add to 14,985 as some site delivery extends beyond 2038

- 2.74 This simple analysis demonstrates that for the 16-year Plan period the housing provision is 5,613 dwellings short of our estimate of the housing requirement of 17,097 dwellings ($17,097 - 11,484 = 5,613$). For the 5-year period following the Plan period, the shortfall is 1,887 using the Submitted Plan figures ($((867 \times 5) - 2448)$) or 2,902 short using our figures ($((1070 \times 5) - 2,448)$).

Stage 4 - 5 Year Supply

- 2.75 Our analysis above demonstrates that the housing land requirement in the proposed modifications 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...”***
- 2.76 Our assessment of the 5-year supply is set out in Table 8 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 790 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 2019. 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:

The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5-year period (the Sedgefield approach).

Paragraph: 044 Reference ID: 3-044-20180913

- III. The Council has failed the housing delivery test for 6 of the last 7 years when housing delivery has fallen below 85% of the 2017 SHMA requirement (See Table 5 above). In these circumstances, National Planning Policy recommends that a 20% buffer should be added to the housing requirement.
 - IV. We take our adjusted calculation of unimplemented permissions of 2,925 (Paragraph 2.57 above).
- 2.77 Our assessment of 5-year supply is set out in Table 5 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 1.48 years based on the 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 790 and their assumption on backlog, commitments and windfall is 3.34 years.

2.78 In the second calculation we have included our estimate of supply arising from the proposed allocations from Table 7 above:

- Our estimate of supply from allocated sites in the first 5 years of the Plan is 3,045 dwellings. When this is added to the assumptions about the supply from existing commitments and windfalls, the five years supply using the Council figures is 6.39 years and using our figure for commitments, 3.01 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 2012 and for the period before that.

Table 8: Assessment of 5-year land supply

		Assessment using Councils Housing requirement of 790		Assessment using Government Housing requirement of 1,070	
A	Requirement	(5x790)	3,950	(5x1070)	5,350
B	Plus Shortfall 2012-2017	(7x32)	224		2,902
C	Sub total		4,174		8,252
D	20% buffer	(C x .2)	834.8	(C x .2)	1,650
E	Total 5-year Requirement	C+D	5,009	C+D	9,902
F	Annual requirement	(E ÷ 5)	1,002	(E ÷ 5)	1,980
G	Supply (Commitments)		3,010		2,925
H	Windfall		338		0
I	5-year supply	(G+H) ÷ F	3.34		1.48
J	Allocations Years 1 to 5		3,054		3,045
K	Potential supply	G+H+J	6,402		5,970
L	Potential 5-year supply	(K ÷ F)	6.39		3.01

OVERALL CONCLUSION ON THE REVISED HOUSING REQUIREMENT FIGURE

- 2.79 It is clear that the Council's approach to meeting the housing needs of the City of York are entirely at odds with the direction of Government guidance. The Councils appear content to continually reduce the housing requirement over time and ignore entrenched market signals indicating a restricted supply in the face of increasing demand.
- 2.80 The calculation above demonstrates the high level of latent and unmet demand in York and the precarious nature of the housing supply. 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.
- 2.81 Alternatively, the requirement / supply balance could be achieved by increasing the supply on 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. There is only so much delivery the market can take or accept from each site. Increasing the amount of housing on the large strategic sites is likely to mean that more housing is delivered later in, or even after, the plan period and not in the early years of the plan. That rate of delivery is unlikely to increase without a fundamental adjustment to the business model of housebuilders and developers. **Providing additional allocations that include sites such as the Galtres site that can deliver houses in the first 5 years of the plan period will greatly assist in addressing that shortfall.**
- 2.82 Such an approach would comply with National Planning Guidance which advises:

To ensure that there is a realistic prospect of achieving the planned level of housing supply, the strategic policy-making authority should bring forward additional sites from later in the plan period, over and above the level

indicated by the strategic policy requirement, and any shortfall, or where applicable the local housing need figure. These sites will provide additional flexibility and more certainty that authorities will be able to demonstrate a sufficient supply of deliverable sites against the housing requirement.

Paragraph: 037 Reference ID: 3-037-20180913

3.0 REPRESENTATIONS ON GREEN BELT EVIDENCE BASE

Planning Policy Context

3.1 Before proceeding to address the updated Green Belt evidence base, we set out what we consider to be the main policy guidance for assessing the evidence base.

3.2 Under the heading Protecting 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.

3.3 The NPPF states 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.

3.4 Paragraphs 83 to 85 are particularly relevant to the York Daft Local Plan. Paragraph 83 states:

Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. 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.

3.5 Paragraph 84 emphasises that:

When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development.

- 3.6 Paragraph 85 expands on the issue of green belt permanence referenced in paragraph 83. It adds:

When defining boundaries, local planning authorities should (inter alia):

- *ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;....*
- *where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;....*
- *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period;...*

- 3.7 The advice in paragraphs 83 to 85 of the 2012 NPPF is repeated in paragraphs 138 to 139 of the 2019 NPPF.

Regional Policy

- 3.8 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.*

Response to the Council's Evidence Base

3.9 In their letter of 25th July 2018 to the Council the Inspectors commented:

As we understand it, there has at no time been an adopted development plan for York with an adopted policies map identifying the Green Belt, or at least not its boundaries. The Local Plan now sets out to rectify this. It proposes to designate land as Green Belt and to delineate Green Belt boundaries.

3.10 The Inspector's letter posed the following questions to the Council:

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

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

3.11 In response to these questions the Council has produced an extensive addendum to explain its approach to defining the York's Green Belt Boundaries. For the reasons already outlined in our original representations (April 2018) we believe the Council has addressed the Green Belt issues on an entirely erroneous assumption that is highlighted by the questions the Inspectors have posed and that the Council attempts to answer. This erroneous approach becomes evident in the answers and statements in Section 2 of the Addendum where the Council set out the scope of the addendum.

3.12 Our response to the Inspectors questions, having regard to the addendum produced by the Council, is set out below following the order of the questions in paragraph 3.10 above.

- (i) We believe the Local Plan is not trying to establish new Green Belt. Nor should it be seeking to establish new Green Belt. The role of the Local Plan is clearly set out in saved regional planning policies and has been accepted and endorsed by Inspectors on appeal. The purpose of the Local plan is to define the inner and outer boundaries.
- (ii) Given our answer in (i), the Council does not have to demonstrate any exceptional circumstances for establishing new Green Belt
- (iii) We believe this question encapsulates the key issue for the Local Plan in respect of the Green Belt. Regional Policy has established the general extent of the Green Belt. We agree with the second part of the Inspectors question, that in establishing the Green Belt boundaries for the first time, it follows that the exclusion of land from the Green Belt – such as at the 'garden villages', for example – is fundamentally a matter of establishing Green Belt boundaries rather than altering them, in the terms of paragraph 83 of the NPPF.

It will help in understanding this process to be aware that there is a key omission in saved Regional Policy YH9C. The full wording of Policy YH9C in the 2008 Approved Regional Guidance for Yorkshire and the Humber was:

*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. **The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period.***

The highlighted sentence, for whatever reason, never made it into the save policy – possibly because it refers to “...levels of growth...” that were not saved. However, the intention is clear and the inescapable logic of the current

process is that in defining the detailed Green Belt boundaries, the Council must exclude land required to meet the growth of the City.

Much of the commentary relating to the Green Belt both from the Council and other respondents on the Local Plan Consultations, 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. This is exactly what the missing sentence of Policy YH9C was referring to.

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.

- 3.13 The Council has therefore misunderstood and wrongly applied NPPF policy. This misunderstanding is captured in paragraph 2.13 of the Addendum which states:

This addendum also explains why exceptional circumstances exist to justify alterations to the general extent of the Green Belt, in order to bring forward strategic sites to meet development needs.

- 3.14 The erroneous approach taken by the Council to defining the Green Belt boundaries has serious consequences in its attitude to meeting the needs for sustainable development over the plan period because it has resulted in an overly restrictive

approach to identifying land for housing and other development needs on the mistaken assumption the those development needs had to constitute “exceptional circumstances”. This has, in turn, resulted in an erroneous approach to the issue of safeguarded land

Safeguarded Land

- 3.15 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.
- 3.16 The failure of the Council to address this requirement is a fundamental failing of the Local Plan and goes to the heart of the Soundness of the Plan.
- 3.17 As already 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.
- 3.18 Critically, the Council must demonstrate to the Local Plan Inspector that the Green Belt boundaries will not have to be altered at the end of the plan period. As we have demonstrated in Section 2 of this evidence, the Draft Plan has not allocated adequate land to meet housing needs with the plan period and has failed to exclude land to meet longer-term development needs stretching **well beyond** the plan period as recommended by paragraph 85 of the NPPF.
- 3.19 It can do this by including in areas of safeguarded to meet development needs 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 sensibility appears to have been abandoned.

3.20 Exactly what constitutes "...well beyond..." the plan period was considered by officers in a report to the Local Plan Working Group on 29th January 2015. Officers has sought advice from John Hobson QC who was asked to advise on the approach which should be adopted in relation to the determination of the Green Belt boundary in the preparation of the York Local Plan In particular he was asked to consider how long beyond the Plan period should a Green Belt endure once it is defined in a statutory plan.

3.21 In response Counsel advised:

9As 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.

3.22 Counsels advice concluded with:

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.

3.23 This advice was reported to the January 2015 LPWG with a recommendation:

23. It is recommended that Members of the Local Plan Working Group recommend Cabinet to:

Agree option 1 in this report to include safeguarded land designations in the Plan to ensure that the Green Belt will endure for a minimum of ten years beyond the end of the Plan period.

Reason: So that an NPPF compliant Local Plan can be progressed.

- 3.24 Two previous Local Plan Inspectors in 2000 and 2012 both dismissed the draft Development Plan due to a lack of evidence confirming that Green Belt boundaries would endure beyond the Plan period. Questions about the permanence of the Green Belt boundary beyond the plan period have also been raised by Selby District Council.
- 3.25 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 and from the point of anticipated adoption in 2020/21 it will only be a 12-year plan with land identified for development needs for an further 5 years. This would give a Green Belt Boundary of 17 years as against a 25-year boundary that would be provided by a 15-year plan with safeguarded land for potential development needs 10 years beyond.

Assessment of Galtres Site against the purposes of Green Belt and the Councils Methodology

- 3.26 In order to determine whether it is appropriate to allocate the Galtres 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:

I. To check the unrestricted sprawl of large built-up areas

- 3.27 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 check the unrestricted sprawl of the larger urban area.

2. To prevent neighbouring towns merging into one another

- 3.28 The Council's Green Belt appraisal as set out in the Addendum demonstrates 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

- 3.29 The allocation of the site will assist in meeting an 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

- 3.30 In the Council's Green Belt Appraisal, the site is not identified as being important to the setting or special character of the City (confirmed by our Heritage Appraisal). It is not Stray Land, Green Wedge, an area preventing coalescence, a river corridor or as an area retaining the rural character of the city. This is also confirmed by the landscape appraisal submitted with the representation which confirms that there will be no significant effects on views of the York Historic Core and its context, nor significant effects on views from the Historic Core. Therefore, there is no risk to the setting and special character of York as a historic city.

- 3.31 Furthermore, the Galtres Village site fits comfortable with the Council's spatial strategy of prioritising development within and /or as an extension to the urban area and through the provision of new settlements in order to minimise harm to York's historic character. (paragraph 5.36 of Topic Paper TPI). The Galtres site will reinforce the special character and setting of the historic city and its clock face of settlements.

5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land

- 3.32 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 allocations are required. In this context the development of the site will have no impact on the viability of remaining brownfield sites in the City.

4.0 SUSTAINABILITY APPRAISAL

- 4.1 The updated evidence base published with the proposed modifications included a Sustainability Appraisal Report Addendum. This Sustainability Addendum included an audit trail to explain the further technical officer analysis of sites Between Pre-Publication consultation 2017 and Publication 2018 which included updates to availability and deliverability, analysis of further evidence in relation to show stoppers and technical officer comments.
- 4.2 The audit trail confirmed that although the Galtres site (Ref 964) had not been allocated at the Preferred Sites Consultation or Pre-Publication Draft Plan stage, by the Publication Draft Stage officers had considered the site suitable for allocation as previous constraints has been overcome. Appendix K of the Publication Draft Plan Sustainability Appraisal explained:

Following further consideration of responses for a revised boundary (site 964), officers considered that there remained concerns regarding landscape, access and ecology. However, given the new location of the site, it was considered to have reduced significant concerns and there was more potential for mitigation. Therefore, officers included the site as a potential for allocation recognising the risks that this was a revised boundary. The site was not taken forward by Members at Executive January 2018

5.0 CONCLUSIONS

- 5.1 There is a clear imperative for the Council to “...**significantly boost the supply of housing...**” as required by the NPPF. The draft Local plan does not achieve this objective. More recent Government housing requirement figures for York and our analysis demonstrates that the Draft Plan will have to allocate land for over 5,600 additional houses in the Plan period to 2033 ((Our estimate of housing requirement of 17,097 (Table 6) less our estimate of delivery 11,484 (Table 7))
- 5.2 The draft plan has not demonstrated that the proposed Green Belt boundaries will endure beyond the plan period. Additional land will have to be excluded from the Green Belt either through allocations and/ or safeguarded land to provide robust Green Belt boundaries for at least 10 years beyond the Plan period.
- 5.3 The proposed new settlement – Galtres Village - can address both these shortcomings of the Plan. Officers consider the site to be a sustainable additional housing allocation.
- 5.4 An opinion survey has clearly established that residents of York overwhelmingly believe that there is a need for new homes in and around York, mainly to serve the needs of the existing population but also to provide housing for those who wish to move into the area to live or work. In total, eight-in-ten people interviewed for the survey agree that affordable housing should be *‘a top priority for the Council’*
- 5.5 The survey also established general support for the Galtres scheme, with 30% of respondents giving the top scores of 9-10 out of 10 and a further 35% giving scores of 7-8 and an overall mean score of 7.1 out of 10. Younger respondents in particular (aged under 35) offered the strongest support, perhaps reflecting the fact that this age group faces the biggest housing challenges (for example, the majority rent their home).
- 5.6 However, perhaps the most revealing finding in this survey is that 76% would like to see the proposed development included in the City of York Council Local Plan and only 7% said with certainty that they would not.

- 5.7 The Galtres Garden Village will be a new settlement to York which echoes the “garden village” ethos of New Earswick and Derwenthorpe, with housing set within well landscaped surroundings as part of a low-carbon development. The proposed allocation will deliver a high quality, sustainable residential environment that will provide 40% of its dwellings as affordable housing.
- 5.8 It is considered that the proposed vehicular accesses to the site can be delivered in such a way that the highway network is not compromised. A dedicated cycle route through a proposed linear park to the west of the site will provide direct access to Huntington. The development will not harm the City’s historic character or setting nor adversely affect other interests of acknowledged importance.
- 5.9 The Galtres Development Company will deliver affordable housing in an innovative way that will provide significant benefits from the City. The development company proposes to work in partnership with Home Housing and – if possible - the Councils housing development company to deliver major tranches of affordable housing.
- 5.10 Community facilities can be provided early in the development programme, thus creating a primary school, retail and other outlets which will constitute a significant benefit to the development’s residents and to local population who access the site.
- 5.11 The land is available, the development is achievable, and the scheme can deliver almost 1,753 dwellings and in a range of affordable and market housing and retirement living that will make a significant contribution to address the three major housing issues facing the City of York for the foreseeable future
- The Shortage of housing
 - The shortage of affordable housing
 - The shortage of elderly persons accommodation
- 9,11 Without additional major sustainable housing allocations such as Galtres village these requirements will continue to go unmet and the housing needs of the people of York and their children will not be served.

APPENDICES

Provided as Separate documents

APPENDIX 3

Scenario Tables 1, 2 and 3

Scenario Table 1 - Reflecting revised trajectory and 10% non implementation and OAN of 790 dpa

Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	25026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	
Previous Housing Completions	482	345	507	542	977	1331	451	627														
Projected Housing Completions- H Sites (allocated sites < 5 ha)									31	197	270	513	93	595								
Projected Housing Completions- ST Sites (allocated sites > 5 ha)									0	184	187	233	458	923	962	764	827	810	774	784	853	
Projected Housing completions from Unimplemented Consents									477	396	529	347	211	75	75	75	21					
Projected Housing Completions from communal establishments									88	163	154	193	153	32	0							
All Projected Housing completions with 10% non implementation rate applied									536	846	1026	1157	824	1463	933	755	763	729	697	706	768	
Windfall allowance from 2023/24												182	182	182	182	182	182	182	182	182	182	182
Projected Housing completions including Windfall allowance (From 2023/24)									536	846	1026	1339	1006	1645	1115	937	945	911	879	888	950	
Annual Housing target	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790
Inherited Shortfall Annualised over plan period						32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32	32
Annual Target (inclusive of shortfall)						822	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822
Over/ Under supply of Housing against cumulative target						509	138	-57	-342.6	-318.6	-114.6	402.8	586.3	1408.8	1702.1	1817.2	1940.4	2029.4	2086	2151.6	2279	

Scenario Table 2 reflecting revised trajectory and 10% non implementation; no student or communal and no windfalls and OAN of 790

Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	25026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	
Previous Housing Completions	482	345	507	542	977	659	409	521														
Projected Housing Completions- H Sites (allocated sites < 5 ha)									31	197	270	513	93	595								
Projected Housing Completions- ST Sites (allocated sites > 5 ha)									0	184	187	233	458	923	962	764	827	810	774	784	853	
Projected Housing completions from Unimplemented Consents									477	396	529	347	211	75	75	75	21					
Projected Housing Completions from communal establishments									0	0	0	0	0	0	0	0	0	0	0	0	0	0
All Projected Housing completions with 10% non implementation rate applied									457	699	887	984	686	1434	933	755	763	729	697	706	768	
Windfall allowance from 2023/24												0	0	0	0	0	0	0	0	0	0	0
Projected Housing completions including Windfall allowance (From 2023/24)									457	699	887	984	686	1434	933	755	763	729	697	706	768	
Annual Housing target	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790	790
Inherited Shortfall Annualised over plan period									78	78	78	78	78	78	78	78	78	78	78	78	78	78
Annual Target (inclusive of shortfall)									868	868	868	868	868	868	868	868	868	868	868	868	868	868
Over/ Under supply of Housing against cumulative target									-1426	-1595	-1575	-1459	-1642	-1076	-1011	-1124	-1228	-1367	-1539	-1701	-1801	

Scenario Table 3 reflecting revised trajectory and 10% non implementation; no student or communal and no windfalls and OAN of 1026

Year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	25026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	
Previous Housing Completions	482	345	507	542	977	659	409	521														
Projected Housing Completions- H Sites (allocated sites < 5 ha)									31	197	270	513	93	595								
Projected Housing Completions- ST Sites (allocated sites > 5 ha)									0	184	187	233	458	923	962	764	827	810	774	784	853	
Projected Housing completions from Unimplemented Consents									477	396	529	347	211	75	75	75	21					
Projected Housing Completions from communal establishments									0	0	0	0	0	0	0	0	0	0	0	0	0	0
All Projected Housing completions with 10% non implementation rate applied									457	699	887	984	686	1434	933	755	763	729	697	706	768	
Windfall allowance from 2023/24												0	0	0	0	0	0	0	0	0	0	0
Projected Housing completions including Windfall allowance (From 2023/24)									457	699	887	984	686	1434	933	755	763	729	697	706	768	
Annual Housing target	790	790	790	790	790	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	1026	
Inherited Shortfall Annualised over plan period						78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	78	
Annual Target (inclusive of shortfall)						1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	1104	
Over/ Under supply of Housing against cumulative target						-445	-1140	-1723	-2370	-2775	-2991	-3111	-3530	-3200	-3371	-3720	-4060	-4435	-4843	-5241	-5577	

APPENDIX 4

Table 3a

Table 3(a) Amended trajectory for ST sites all other inputs as per Council's Figure 3

	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	Plan Period	33/34	34/35	35/36	36/37	37/38	Yr post plan	Post 2038		
1. Net Housing Completions 2017 to 2020																										
Net Housing Completion	1296	449	560																							
Net Communal Establishment and Student Accommodation Completions (Ratios applied)	35	2	67																							
Total	1331	451	627																							
2. Housing Allocations Below 5 ha (H Sites)																										
H3 & 6 Former Gas Works, 24 Heworth Green (National Grid Properties)	607																						382			
H3 Burnholme School	72																						37			
H5 Lowfield School	165																						6			
H6 Land R/O The Square	N/A																						31			
H7 Bootham Crescent	86																						35			
H8 Askham Bar Park & Ride	60																						35			
H10 The Barbican	187																						187			
H120 Former Oakhaven EPH	56																						35			
H23 Former Grove House EPH	88																						35			
H29 Land at Moor Lane Copmanthorpe	76																						35			
H31 Eastfield Lane Dunnington	33																						18			
H38 Land RO Rufforth Primary School Rufforth	32																						17			
H39 North of Church Lane Elvington	104																						35			
H46 Land to North of Willow Bank and East of Haxby Road, New Earswick	15																						4			
H52 Willow House EPH, 34 Long Close Lane	4																						20			
H53 Land at Knotton Village	20																						69			
H55 Land at Layerthorpe	69																						15			
H56 Land at Hull Road	25																						31			
H58 Clifton Without Primary school	1699																						527			
3. Housing allocations above 5ha (ST Sites)																										
ST14 British Sugar/Manor School	1100																						150			
ST16 Manor School	100																						35			
2 ST2 Former Civil Service Sports Ground Millfield Lane	266																						70			
3 ST4 Land Adj. Hull Road and Grimston Bar	211																						35			
4 ST5 York Central	2500																						107			
5 ST7 Land East of Metcalfe Lane	845																						35			
6 ST8 Land North of Monks Cross	968																						70			
7 ST9 Land North of Haxby	735																						35			
8 ST14 Land to West of Wigginton Road	1348																						35			
9 ST15 Land to West of Elvington Lane	3339																						105			
ST16 Terrys Extension Site - Terrys Clock Tower (Phase 1)	22																						17			
ST16 Terrys Extension Site - Terrys Car park (Phase 2)	33																						18			
ST16 Terrys Extension Site - Land to rear of Terrys Factory (Phase 3)	56																						17			
ST17 Nestle South (Phase 1)	279																						162			
ST17 Nestle South (Phase 2)	425																						50			
10 ST33 Land to the South of Talcastor Road, Copmanthorpe	158																						35			
ST32 Hungate (Phases S+J) (Blocks D & H)	375																						106			
11 ST33 Station Yard Windfalls	147																						35			
ST36 Imperial Barracks, Fullone Road	769																						456			
Annualised Projected Completions for ST Sites	0	184	187	233	456	923	962	764	827	810	774	784	853													
4. Projected Housing Completions From Non Allocated Unimplemented Consents																										
Total	477	396	529	347	211	75	75	21	0	0	0	0	0													
5. Projected completions from communal establishments and student accommodation																										
Total	783	88	163	154	193	153	32	0	0	0	0	0	0													
Supply Trajectory																										
Actual Net Completions (2017 to 2020)	1331	451	627																							
Projected Completions (all sites)	596	940	1105	1300	936	1625	1037	839	848	810	774	784	853													
Windfalls	0	0	0	182	182	182	182	182	182	182	182	182	182													
Actual and Projected Housing Completions (inc Windfall Allowance)	1331	451	627	596	940	1105	1482	1118	1807	1219	1021	1030	992	956	966	1035										
Cumulative Completions (Including Windfalls)	1331	1782	2409	3005	3945	5050	6532	7650	9457	10676	11697	12727	13719	14675	15641	16676										
Requirement (790pa plus 32 under supply) 8222pa	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822										
Cumulative Requirement	822	1644	2466	3288	4110	4932	5754	6576	7398	8220	9042	9864	10686	11508	12330	13152										
Over/Under Supply	509	138	-57	-283	-165	118	778	1074	2059	2456	2655	2863	3033	3167	3311	3524										
Detailed Trajectory (including 10% Non-Implementation Rate)																										
Projected Completions (all sites)	0	0	0	596	940	1105	1300	936	1625	1037	839	848	810	774	784	853										
Projected Completions (all sites) - 10% Non-Implementation Rate Applied	0	0	0	536	846	995	1170	842	1463	933	755	763	729	697	706	768										
Windfall Allowance	1331	1782	2409	2945	3791	4786	6138	7162	8807	9822	10859	11804	12715	13594	14482	15431										
Total Projected Completions (with 10% Non Implementation rate applied and windfalls) - Actual completions 2017-2020	1331	451	627	536	846	995	1352	1024	1645	1115	937	945	911	879	888	950										
Annual Housing Target	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822										
Inherited Shortfall Annualised over Plan Period	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822	822										
Annual Target (Inclusive of Shortfall)	822	1644	2466	3288	4110	4932	5754	6576	7398	8220	9042	9864	10686	11508	12330	13152										
Cumulative Annual Target (Inclusive of Shortfall)	822	1644	2466	3288	4110	4932	5754	6576	7398	8220	9042	9864	10686	11508	12330	13152										
Over/Under Supply of Housing (calc = Cumulative completions - cumulative annual target)	509	138	-57	-343	-319	-146	384	586	1409	1702	1817	1940	2086	2152	2279											

Notes

- 1 Site still in Council Ownership; No planning applicaion submitted; Move completion forward 1 year
- 2 Ground works started spring 21/22 completions unlikley this year. Move trajectory back 1 year
- 3 Outline planning not determined; move trajectory back 2 years
- 4 Reserved matters fpr housing not submitted ; significant infrastructure works, move trajectory back 2 yerars
- 5 No application submitted - move trajectory back 1 year
- 6 Outline application not determined - move trajectory back 2 years
- 7 No application submitted - move trajectory back 2 years
- 8 No application submitted - move trajectory back 2 years
- 9 No application submitted signifincat infrastructure - move trajectory back 3 years
- 10 Outline application not determined - move trajectory back 2 years
- 11 No Application submitted - move trajectory back 1 year

APPENDIX 5

Press Article June 26 2021



NEWS

26th June

First time buyers pay £24,000 more for a York home than a year ago



By [Chloe Laversuch](#) | [@chloelaversuch](#)
Local Democracy Reporter



f t v 34 comments

HOUSE prices in York have soared in the past year - with first time buyers spending an average of £24,000 more on buying a home than they were 12 months ago.

And property prices across the city have risen by an average of 11.4 per cent since April 2020.

Ben Hudson, from estate agency Hudson Moody, said he is seeing buyers places bids that are above the asking price for properties - driving up house prices.

He said: "Many houses that we thought were correctly priced have gone for higher than the asking price. The market has driven the prices up."



"It's the busiest I have seen it since the 1980s."

He said reasons for the rise include people moving to York from London and the south east as a result of being able to work from home. Buyers selling up in the south tend to have a bigger budget.

He added that people are keen to move as a result of the pandemic, for reasons including because they want to downsize, because they have been living with their parents or because they want to move to a more rural location.

There is also less supply than demand - which can push up prices.

Popular areas include Poppleton, Dunnington, Bishopthorpe and South Bank such as Bishopthorpe Road.

He said there is also increasing interest in buying apartments: "We are finding that city living, now that it is reopening, is starting to come back. Certainly during lockdown, apartments were slow. Apartments can be a good way of getting on the housing ladder."

Land Registry figures show the average York house price in April 2021 was £286,987.

In the past year, properties in the city have sold for an average of £29,000 more than 12 months earlier.

Semi detached houses have seen the biggest price rise - but the cost of detached homes, terraced housing and flats have all risen.

First-time buyers in York spent an average of £246,000 on their property – £24,000 more than a year ago, and £46,000 more than in April 2016.

The average house price in York of £286,987 is higher than the national average of £250,772.

Mr Hudson said: "Last year on March 23 none of us knew what was going to happen, I certainly wouldn't have predicted this.

"Since we reopened, it's been crazy. I think a lot of people are reassessing where they are living and a lot of people from the likes of London have been told they don't need to come into the office anymore."

He said he suspects the market will slow down but that York has a strong housing market and prices are unlikely to fall.

The most expensive properties in Yorkshire and The Humber are in Harrogate, costing £298,000 on average.

APPENDIX 6

Assessment of Recreational Impacts
(Separate document)

From: [REDACTED]
Sent: 23 June 2021 09:50
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 200936

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Mr

Name: Roy Brown

Email address: [REDACTED]

Telephone: [REDACTED]

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: The City Of York's Green Belt must be protected from being developed , Brown Field sites must be used to fill York's need for housing. The document below sets out the best course of action to be taken to protect the Green Belt

EX_CYC_59_Topic_Paper_1_Approach_to_defining_Green_Belt_Addendum_January_2021

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: The City of York Council has often been criticised for its slow action on the Local Plan for York, the time taken in it's final submission shows what careful consideration has been take in defining York's housing needs and the protection of the Green Belt

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: Yes, I consider the document to be sound

Please justify why you consider the document to be sound: I have given my reason why I consider the document to be sound on the previous page, I have repeated the same response to this justification. The City of York Council has often been criticised for its slow action on the Local Plan for York, the time taken in it's final submission shows what careful consideration has been take in defining York's housing needs and the protection of the Green Belt

Please justify why you do not consider the document to be sound:

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': I believe the proposed modifications in this plan meet the needs of the people of York. I am so very please to see that some areas that were not included as Green Belt but are in need of protection are now included in this amendment . I refer to the document EX_CYC_59d Annex 3 Inner Boundary Part 2 5-6 in which it refers to parts of The Huntington Parish.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do not wish to participate at hearing sessions, please state why: I will let the other participants from my local area make my presence known.

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

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

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors 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 A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and 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. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

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

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice



2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.



Signature



Date

7th JULY 2021

²Regulation 35 Town and Country Planning (Local Planning) (England) Regulations 2012.

Part B - Personal Details

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

3. Personal Details		4. Agent's Details (if applicable)
Title	COUNCILLOR	
First Name	MARK	
Last Name	WARTERS	
Organisation (where relevant)	OSBALDWICK PARISH COUNCIL v CYC	
Representing (if applicable)	OSBALDWICK v DERWENT WARD	
Address – line 1	[REDACTED]	
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, 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

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [\[EX/CYC/58\]](#) and City of York Local Plan Publication Draft (February 2018) [\[CD001\]](#) **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [\[EX/CYC/29\]](#)
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [\[EX/CYC/32\]](#)
- Affordable Housing Note Final (February 2020) [\[EX/CYC/36\]](#)
- Audit Trail of Sites 35-100 Hectares (June 2020) [\[EX/CYC/37\]](#)
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [\[EX/CYC/38\]](#)
- G L Hearn Housing Needs Update (September 2020) [\[EX/CYC/43a\]](#)
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [\[EX/CYC/45\]](#) and Appendices (October 2020) [\[EX/CYC/45a\]](#)
- Key Diagram Update (January 2021) [\[EX/CYC/46\]](#)
- Statement of Community Involvement Update (November 2020) [\[EX/CYC/49\]](#)
- SHLAA Update (April 2021) [\[EX/CYC/56\]](#)
- CYC SuDs Guidance for Developers (August 2018) [\[EX/CYC/57\]](#)
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [\[EX/CYC/59\]](#)
 - Annex 1: Evidence Base (January 2021) [\[EX/CYC/59a\]](#)
 - Annex 2: Outer Boundary (February 2021) [\[EX/CYC/59b\]](#)
 - Annex 3: Inner Boundary (Part: 1 March 2021 [\[EX/CYC/59c\]](#), Part 2: April 2021 [\[EX/CYC/59d\]](#) and Part 3 April 2021) [\[EX/CYC/59e\]](#)
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [\[EX/CYC/59f\]](#)
 - Annex 5: Freestanding Sites (March 2021) [\[EX/CYC/59g\]](#)
 - Annex 6: Proposed Modifications Summary (April 2021) [\[EX/CYC/59h\]](#)
 - Annex 7: Housing Supply Update (April 2021) [\[EX/CYC/59i\]](#) and Trajectory Summary (April 2021) [\[EX/CYC/59j\]](#)
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [\[EX/CYC/60\]](#)
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [\[EX/CYC/61\]](#)

Part C - Your Representation

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



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX / CYC / 59 g

Document:

ANNEX 5: FREESTANDING SETTLEMENTS

Page Number:

A5.1 EAST OF METCALFE LANE

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

THIS DOCUMENT - ANNEX 5 FREESTANDING SETTLEMENTS IS VERY MUCH LIKE THE AUDIT TRAIL OF SITES (EX/CYC/37) WHERE SITES ARE IDENTIFIED BY POLITICIANS AND OFFICERS HAVE TO MAKE THE PROPOSED ALLOCATIONS FIT THE POLICIES & NOT AS THESE DOCUMENTS INDICATE.

PAGE 67 PARA 7.62 OF ANNEX 5 HAS A VERY TELLING STATEMENT " (IE. WHERE NEW SITES FOR DEVELOPMENT ARE IDENTIFIED THESE SHOULD BE THOSE WHICH CAUSE THE LEAST HARM TO THE PRIMARY PURPOSE OF THE YORK GREEN BELT)

THE LAND IN WHICH OFFICERS WERE INSTRUCTED TO SITE ST7 (PREVIOUSLY SEARCH AREA B PRE 2011) WAS PREVIOUSLY DISCOUNTED BY AN EARLIER PLANNING INSPECTOR BY VIRTUE OF ITS VALUE TO THE SETTING OF THE CITY.

THE LENGTHY DOCUMENTS SUPPOSEDLY SEEKING TO JUSTIFY SITE ALLOCATIONS ARE OFFICERS BANGING THE SQUARE PECS GIVEN TO THEM BY POLITICIANS INTO ROUND HOLES.

THE ALLOCATION OF ST7 IS NOT JUSTIFIED, EFFECTIVE,

DOES NOT DEMONSTRATE A POSITIVELY PREPARED PLAN

AND IS NOT CONSISTENT WITH NATIONAL POLICY.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.

THE UPHOLDING OF PREVIOUS PLANNING INSPECTORS DECISIONS AS TO THE LAND ON WHICH ST 7 IS LOCATED WITHIN OTHER LOCAL PLANS & THAT IS REMOVAL OF ST 7 GIVEN THE PREVIOUSLY HIGHLIGHTED VALUE OF THE LAND TO THE SETTING OF YORK - ITS PRIMARY GREEN BELT FUNCTION.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

TO REPRESENT THE CONCERNS OF RESIDENTS IN THE OSBALDWIN & DERWENT WARD AS TO THE SELECTION OF AND PROCESS OF ST 7 WITHIN THE LOCAL PLAN.

Please note: the Inspectors 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 -Your Representation

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

5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX / CYC / 59 F

Document:

ANNEX 4 OTHER DEVELOPED AREAS

Page Number:

A4 '65 DUNNINGTON GREEN BELT BOUNDARIES

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

ON PAGE 65 THE ALLOCATION OF H31 IS DESCRIBED AS A "ROUNDING OFF" OF THE GREEN BELT BOUNDARY. THAT IMPLIES A LAZY, DESK BASED DECISION TO DRAW THE BOUNDARY IN THIS MANNER. THE GREEN BELT BOUNDARY SHOULD FOLLOW THE EXISTING URBAN EDGE OF THE VILLAGE IF CYC ARE TO ENSURE THE CONTINUED CONTRIBUTION OF THE SURROUNDING COUNTRYSIDE IN TERMS OF OPENNESS & VIEWS. DEVELOPMENT OF H31 WOULD COMPROMISE GREENBELT LAND OUTSIDE OF THE PROPOSED BOUNDARY DRAWN TO ACCOMMODATE H31 DUE TO TRANSPORT REQUIREMENTS. H31 ALLOCATION & THE GREEN BELT BOUNDARY IN THIS LOCATION IS NOT JUSTIFIED, WILL NOT BE EFFECTIVE IN PREVENTING URBAN SPRAWL & HAS NOT BEEN POSITIVELY PREPARED & SHOULD NOT BE CONSIDERED CONSISTENT WITH NATIONAL POLICY.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.

REMOVAL OF H31 AS AN ALLOCATED SITE &
GREEN BELT BOUNDARIES IN THIS LOCATION DRAWN TO
FOLLOW THE EDGE OF THE EXISTING URBAN AREA.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

AS WARD COUNCILLOR TO REPRESENT THE VIEWS &
INTERESTS OF LOCAL RESIDENTS.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

Part C - Your Representation

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

5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX / CYC / 59 h

Document:

ANNEX 6 PROPOSED MODIFICATIONS

Page Number:

A6 : 25 OSBALDWINCK CHURCH SITE

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

I FAIL TO UNDERSTAND WHAT VALUE THERE IS TO THIS BOUNDARY MODIFICATION, THE GREEN BELT LAND DEFINED BY THE BOUNDARY WILL BE THOROUGHLY COMPROMISED BY THE PROXIMITY TO ST7. THE GREENBELT LAND TO THE REAR OF THE GYPSY CARAVAN SITE IS IN USE AS AN UNOFFICIAL RUBBISH DUMP & BURNING SITE & SINCE THE GYPSY SITE WAS PERMITTED TO EXPAND INTO THE GREENBELT IN 2013 THE SITE HAS FALLEN INTO FURTHER DISREPAIR & MISUSE.

IT MAY WELL BE IN THE NEAR FUTURE THAT DUE TO THE PROBLEMS WITH THE SITE AND POTENTIAL RE-USE OF THE OLD DULR RAIL LINK FROM MURTON INTO YORK THAT PRESSURE IS BROUGHT TO RELOCATE THE WHOLE SITE. FOR THAT REASON THE GREEN BELT BOUNDARY SHOULD BE DRAWN AT THE NORTHERN EDGE OF THE INDUSTRIAL ESTATE INCLUDING THE OSBALDWINX GYPSY CARAVAN SITE IN THE GREEN BELT.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

REDRAW THE BOUNDARY TO INCLUDE THE
OSBALDWICK Gypsy CARAVAN SITE IN THE GREENBELT

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

AS WARD COUNCILLOR TO REPRESENT THE VIEWS
AND INTERESTS OF LOCAL RESIDENTS

Please note: the Inspectors 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 - Your Representation

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

5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX/CYC/59h

Document:

ANNEX 6 PROPOSED MODIFICATIONS

Page Number:

A6: 5 OSBALDWIN VILLAGE

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared	<input checked="" type="checkbox"/>	Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>	Consistent with national policy	<input type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

CONCUR WITH PM 33 ALTHOUGH WITH THE SAME CAVEAT RAISED WITH C4C/19d ANNEX 3.
HOW CAN THE GREENBELT PROTECTION BE ASSESSED WITHOUT THE ILLUSTRATION OF THE PROPOSED ST7 TRANSPORT LINK BEING SHOWN.
SUCH A TRANSPORT ROUTE WOULD BISECT A HUGE AMOUNT OF THE LAND TO THE NORTH OF THE GREEN BELT LAND & THOROUGHLY COMPROMISE THE PURPOSES OF THE GREEN BELT BOUNDARIES.
THERE IS A CURRENT, UNDETERMINED PLANNING APPLICATION 21/00415/FULM AWAITING A DECISION THAT WOULD GIVE ADDED WEIGHT TO THE PROPOSED GREEN BELT BOUNDARIES IF APPROVED & IMPLEMENTED.
IN ITS CURRENT FORM PM 33 WILL NOT BE EFFECTIVE OR JUSTIFIED IF THE ST7 ROAD CUTS THROUGH THE LAND IN GREEN BELT & THE PLAN IN THIS RESPECT HAS NOT BEEN POSITIVELY PREPARED

8.(1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.

REMOVAL OF ST 7 FROM THE LOCAL PLAN.
OR ILLUSTRATION OF THE TRAFFIC ROUTE SO AS TO
ASSESS THE VALUE OF PM 33.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

AS WARD COUNCILLOR TO REPRESENT THE VIEWS
AND INTERESTS OF LOCAL RESIDENTS.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

Part C - Your Representation

PM2:SID825v



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

5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

EX / C4C / 59 d

Document:

ANNEX 3 INNER BOUNDARY

Page Number:

A3: 600 - 659

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 or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(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.

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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

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

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

WHILST I CONCUR WITH MUCH WRITTEN ON PAGES 600 - 659 WITH REGARD TO THE NEED FOR THE GREEN BELT BOUNDARIES & THE QUALITY OF THE LANDSCAPE TO BE AFFORDED PROTECTION THIS ONLY SERVES TO HIGHLIGHT THE ANOMALY THAT IS ST7.

INCLUSION OF ST7 BECAUSE OF ITS PROXIMITY TO THESE AREAS OF GREEN BELT WILL THOROUGHLY COMPROMISE THESE BOUNDARIES CREATING URBAN FRINGE PRESSURES LIKELY TO PREVENT THE BOUNDARIES ENDURING FOR THE LENGTH OF THE PLAN & CERTAINLY NOT BEYOND.

VIEWING THE PROPOSED BOUNDARIES WITHOUT THE CONTEXT OF TRANSPORT LINKS TO ST7 IS THOROUGHLY MISLEADING ESPECIALLY WITH REGARD TO BOUNDARIES 18 & 19, ONE OF THE MAIN ROAD LINKS TO ST7 WOULD CUT THIS PROPOSED GREEN BELT INTO SMALL UNSUSTAINABLE STRIPS.

CONSIDERATION OF SUCH BOUNDARIES WITHOUT THE TRANSPORT LINKS TO MAJOR HOUSING ALLOCATIONS IS NOT EFFECTIVE, JUSTIFIED & INDICATES THE PLAN IN THIS RESPECT TO BE NOT POSITIVELY PREPARED.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

8. (1) Please set out any 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 7 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 and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.

RETENTION OF GREEN BELT BOUNDARIES AS
PROPOSED WITH THE REMOVAL OF ST7 FROM
THE PLAN WHICH WOULD BE ENTIRELY CONSISTENT
WITH EARLIER INSPECTOR DECISIONS ON THE GREEN
BELT IN QUESTION.

9. If your representation is seeking a change at question 8.(1)

9.(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 Inspectors by way of written representations.

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

AS WARD COUNCILLOR TO REPRESENT THE
VIEWS AND INTERESTS OF LOCAL RESIDENTS.

Please note: the Inspectors 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.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

From: [REDACTED]
Sent: 01 July 2021 14:05
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 204355

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: York Economic Outlook December 2019 (EX/CYC/29)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: Complies with statutory regulations.

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: No conflict on the duty to cooperate

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: The document is now wholly inaccurate and rendered obsolete by the pandemic. The economic situation is made entirely unclear and it is probably not even worth requesting an update of the document. The examiners will no doubt pay more attention to the real house price increase data, the worsening affordability ratios, and the societal changes brought about by the pandemic. There is an increased requirement for home offices, garden space and adequate dwelling sizes. This may be a long term trend that the plan will have to cater for at the expense of flats and student schemes but it will require more land.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: An update to the current house price data used in the examination to provide evidence for the market signals analysis.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do not wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

[Redacted]

From: [Redacted]
Sent: 01 July 2021 14:25
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 204362

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020 (EX/CYC/38)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: The position of Selby District Council is clear.

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Selby District Council make it clear that it and York are not operating a joint market and that Selby has no role in delivering York's housing supply.

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: Yes, I consider the document to be sound

Please justify why you consider the document to be sound: Yes. It is a concise document clarifying the position.

Please justify why you do not consider the document to be sound:

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': No change to this document. However, CYC need to acknowledge that Selby will not be providing any of its housing supply but shall continue to provide inflows of net commuters.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do not wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:



[Redacted]

From: [Redacted]
Sent: 01 July 2021 15:58
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 204416
[Redacted]

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: It probably is legally compliant.

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Defining inner boundaries does not have a significant impact on the duty to cooperate with neighbouring authorities.

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: The document makes the wrong decisions on inner boundaries in contrast to the evidence provided by CYC at earlier stages. It does not accord with the NPPF 2012 paragraphs 83, 84 and 85. Details of our case are in the attached submission.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: To define the boundaries in accordance with the NPPF 2012 and not to designate land which is unnecessary to be kept permanently open. More details of our case are in the attached document.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do not wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:



Response to document

ex-cyc-59d-topic-paper-1-green-belt-addendum-january-2021-annex-3-inner-boundary-part-2-s5-6

Section: 5	Boundary: 20	Boundary Name: Land to the North of Avon Drive
----------------------	------------------------	--

The boundary continues along the rear of properties on Strensall Road, Avon Drive, Witham Drive, Broome Way, Broome Close South Down Road, crossing North Lane, until North Moor and follows the rear of properties on North Moor, Keith Avenue and Lea Way.



Analysis and evaluation of CYC's reflection on Compactness (Criterion 1).

We shall now dissect the CYC case. They write (1.1) *'The land needs to be kept permanently open as part of a wider view of a dense compact city in an open or rural landscape. The land between the urban edge to the west and south, and the outer ring road to the north and east, is relatively flat (Annex 1 - Evidence 5 - Topography), offering open views of the main urban area.'* We can agree that the land is relatively flat and only the bunds constructed by Yorkshire Water (1997), Pilcher Homes, and North Yorkshire County Council Highways in 1988 disturb the flatness. The examiners may have already witnessed this fact in person. However, it does not offer 'open views of the main urban area'. CYC employed Esther Priestley at the full public appeal and she conceded to the Planning Inspector Drew that the views are fleeting at best between trees and hedging in mid-winter. I hereby include two photographs to show that CYC is misrepresenting the truth.

Representation by Pilcher Homes – landowner and developer for land north of Avon Drive
22nd June 2021



The actual view of this land is from the ring road and it looks like the above. These photographs were taken on 14th June 2021 from the entrance to the training fire station. The examiners advised the attendees of the phase 1 hearings that they would be driving and walking to and around these proposed inner boundaries and Pilcher Homes is very happy to grant access to our land North of Avon Drive to demonstrate that the obvious inner boundary using a physical feature that is likely to be permanent is the ring road.

CYC continue to write in 1.1 *'Across land in this location there are city wide views from the outer ring road and general long distance views from around Sheriff Hutton (Annex 1 – Evidence 13a – YHCCAA).'* This point is then repeated in Criterion 2 as follows *'Views of the Minster are widely held to be important in defining the special character and setting (Annex 1, Evidence 11a). The land is in the foreground of views of the Minster from higher ground from around Sherriff Hutton which show this landmark in the context of the compact city and its open countryside (Annex 1 – Evidence 13a – YHCCAA).'* We take exception to this pure fabrication. We went to Sherriff Hutton bank so the examiners do not have to in order to take the photographs below. We have included below a photograph from Cornborough Road on Sherriff Hutton bank at Grid reference SE643667 (what3words location (mocked.mailboxes.heartless)), which is approximately 250 yards to the west of the village of Sheriff Hutton.

As seen without zoom from Sheriff Hutton bank



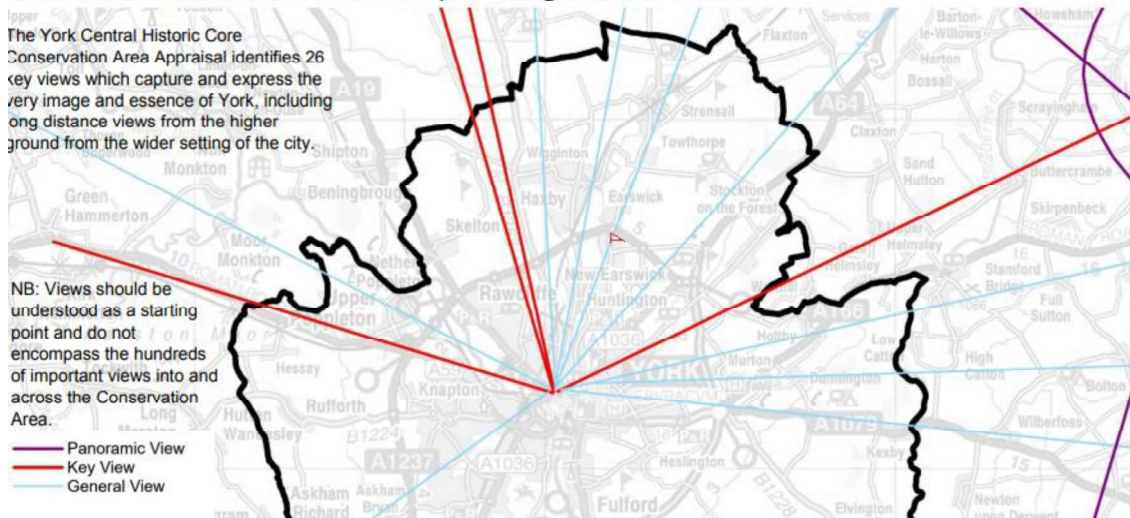
Representation by Pilcher Homes – landowner and developer for land north of Avon Drive
22nd June 2021

Zoomed in at 5x. 3.1Mb. One can see the Minster in the centre of the horizon.
No other houses or even the tallest buildings in the city are identifiable. Two
storey houses on land north of Avon Drive would not be visible from this
location.



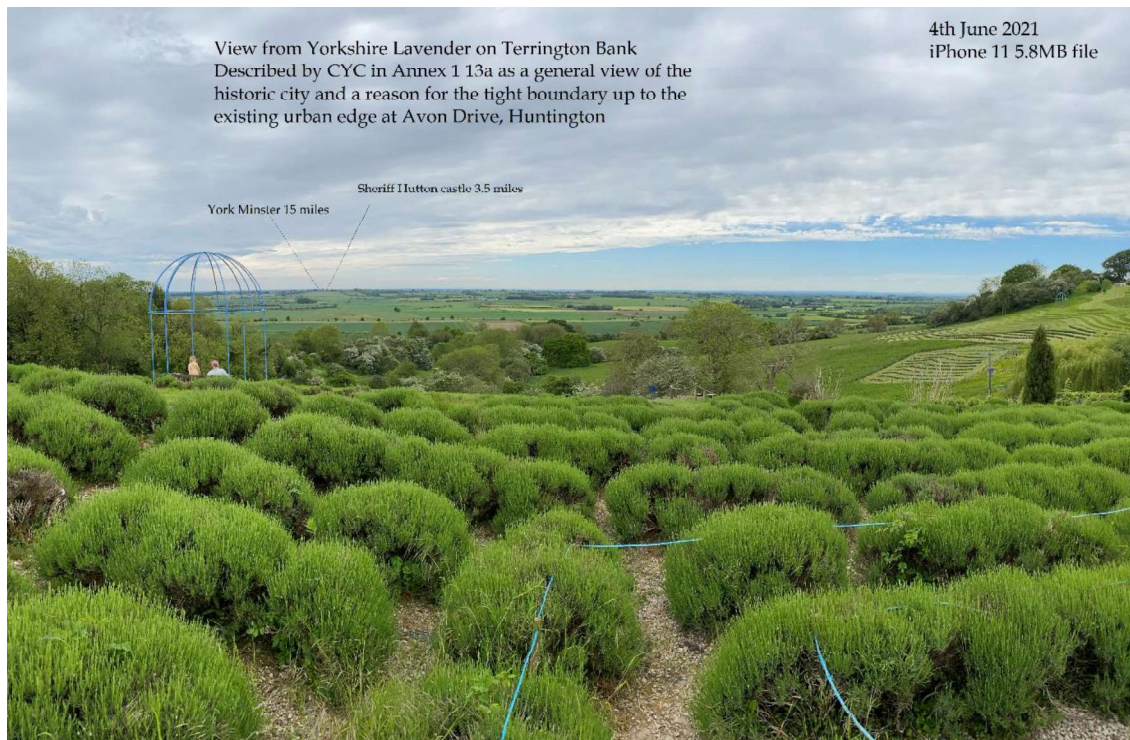
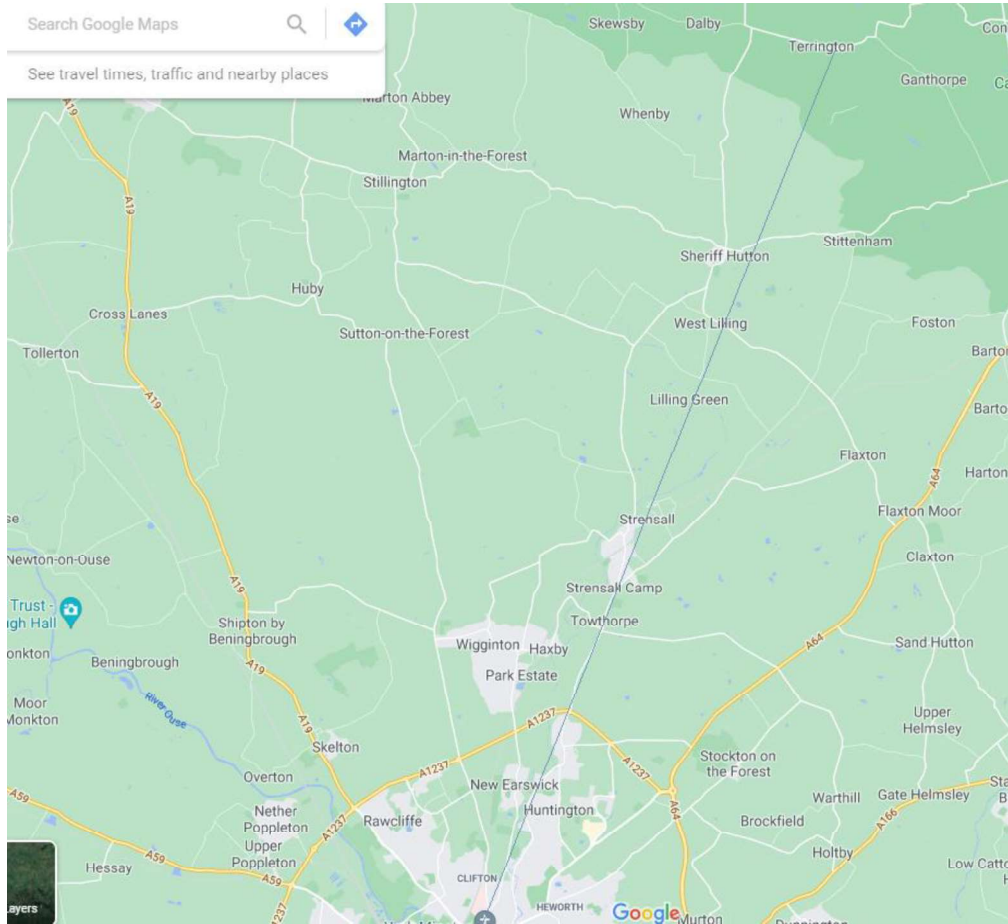
We also note that this is not noted in Annex 1 13a as a ‘key view’. In contrast ST7 and ST14 do sit in key view lines and yet CYC seeks permission to justify exceptional circumstances to be released from the general extent of green belt. Most of the proposed strategic sites (dormitory settlements) are trying to allocate 6000 plots in the middle of the green belt in contrast to para 84 NPPF 2012 are definitely not channelling development to the inside or outside of the saved RSS belt.

13a. Central Historic Core Views Analysis - Long Distance Views



Analysis suggests that CYC’s blue line over land north of Avon Drive would take you up to Terrington Bank 15 miles north. A photo from that view is below and we can conclude that at that distance the rounding off site north of Avon Drive would have no impact on the view of the historic city.

Representation by Pilcher Homes – landowner and developer for land north of Avon Drive
22nd June 2021



Additional photo from Terrington Bank with 5 x magnification. The Minster is just visible behind Sheriff Hutton bank. This general view of York is not impacted by any of the 20th century development in Huntington and nor would it be affected by further infill or rounding off.



CYC continues its 1.1 analysis *'the outer ring road is an important open approach for viewing and understanding the city (Annex 1, evidence 6). Whilst the landscaping along the A1237 in places provides a dense screen along certain sections of the outer ring road,'* (we agree with this point) *'this does not detract from the sense of openness and views between this are glimpsed.'* This point is just wrong. The strong screening in this area does detract from the sense of openness because it is not open. To drive through this section, and that is the only option, is like driving through a green tunnel. There is no experience of an approach to an historic city. CYC writes *'Maintaining open rural land in the foreground to this route allows an understanding of the compact city within original countryside context. The open landscape also extends north beyond the A1237 outer ring road. Where the buffer between the urban area and this important approach is at its narrowest this purpose becomes more important. In this location the only alternative recognisable boundary is the York Outer ring road and development up to this border should be resisted.'* We cannot agree

with any of this. They are not maintaining openness where there is none. There is nothing to support their view that where the ring road is close to the city it makes open land in the foreground even more important. Indeed if this were the case then they would not be able to find exceptional circumstances to release ST8 or ST7 which lie between the York outer ring road and the city and are both open to the ring road.

We agree with the already established position in the phase 1 hearings that there is no defined inner boundary yet and that the identification of sites is simultaneous with the creation of the inner boundary and therefore exceptional circumstances are not required to release ST7 and ST8 both of which could reasonably be within the inner boundary. Anything beyond the YOOR is certainly not within the inner boundary. Additionally both of which would be more sustainable if they were contiguous extensions of the city.

It is quite clear by their reference to the York outer ring road that in this location it is the physical feature that is readily recognisable and likely to be permanent.

Points 1.2 and 1.3

CYC writes ‘The land needs to be kept permanently open as part of maintaining the scale, identity and distribution of York and its districts, to prevent coalescence and maintain a connection to open and historic setting. The Heritage Topic Paper identifies that a feature of the compact main urban area is its overall walkable scale and that this is contained within the outer ring road. The gap between the urban edge and the ring road is already fairly shallow in this location has varied depth at this location, any reduction in the openness between the densely built up edge of Huntington and the ring road has the potential to impact on how the scale of the city is experienced within its rural setting from the A1237 Outer Ring Road. The closer the urban edge gets to the ring road in this location the more valuable the land becomes in preserving the perception of scale and open historic setting, and therefore the importance of keeping land permanently open for this purpose is increased where the open land narrows.’ Much of this is a re-hash of the above, so we maintain our position that the land is not open and does not provide an experience of an historic city in a rural setting. i.e. it is not important for the 4th purpose of green belt.

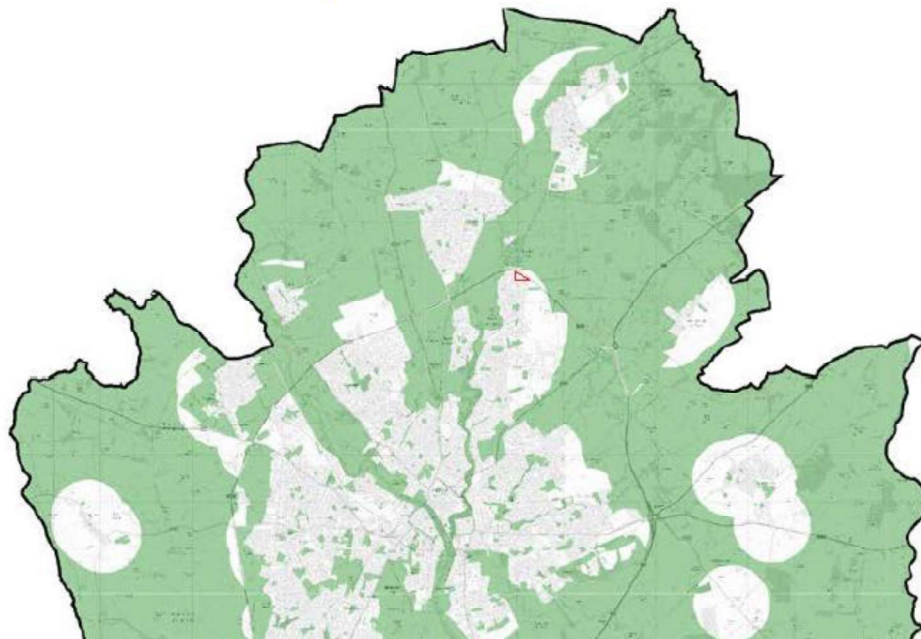
The Secretary of State wrote in appeal (APP/C2741/W16/3149489) that the site would (255): ‘deliver a more successful urban edge than which presently exists

and that the proposed landscape mound has the potential to more effectively screen views towards existing and proposed housing within a relatively short period'. It is has also been assessed by the Secretary of State that (257) 'the proposed development would not harm the landscape character and setting of York.'

The next point for us to address is the allegation of coalescence. In this recent 2021 document CYC write that 'this land (is) highly sensitive in preventing coalescence ... also of changing the perception of scale of the main urban area by creating a sense of bridging the outer ring road by continuous form. In keeping the land to the north and east of the proposed boundaries permanently open, the scale, identity and rural setting of the existing urban clusters would be maintained and their lateral coalescence would be prevented. If development were allowed within this open area it would result in the coalescence of these separate districts and a loss in their identity and rural setting'

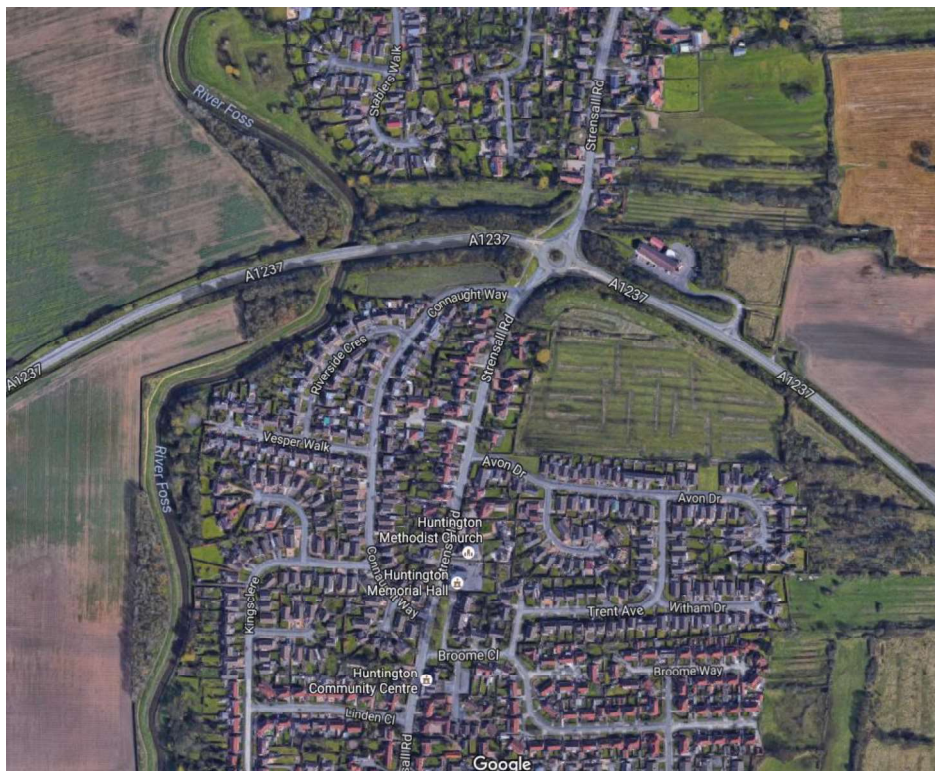
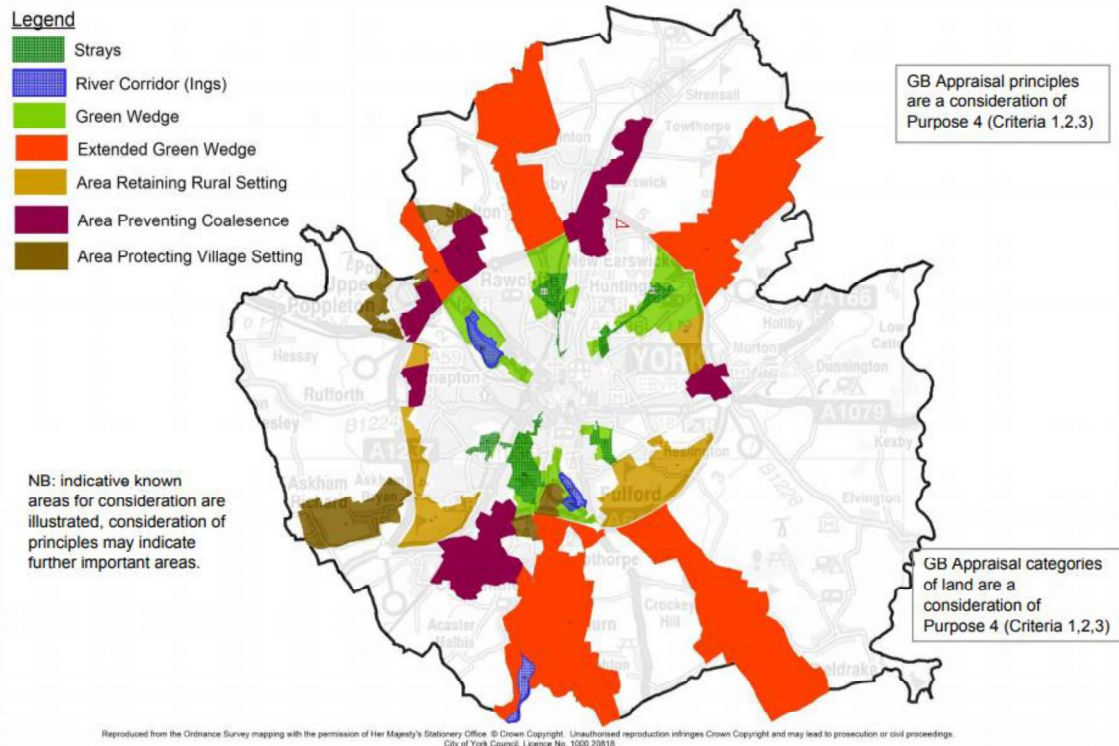
However, this is in contrast to their submitted documents in their green belt analysis that does not identify this boundary as significant for coalescence. Indeed by ex-cyc-18 Figure 7 which builds upon ex-cyc-18 Annex 1 11b concludes that this land is not necessary to be designated as green belt.

Figure 7: Strategic areas to keep permanently open



Representation by Pilcher Homes – landowner and developer for land north of Avon Drive
 22nd June 2021

11b. The Approach to the Green Belt Appraisal (2003) and Updates (2011 & 2013) Categories of Land



We do feel that the paragraphs below from the public appeal APP/C2741/W/16/3149489 Land off Avon Drive, Huntington, York are particularly helpful in addressing this boundary and the concept of coalescence in the eyes of the planning inspector.

126. The appraisal was prepared to aid in the identification of land which the Council believed should be kept permanently open [CD2.1, paragraph 1.1]. That is not to say that other land, not identified in the document, could not fulfil any Green Belt purpose, but the 2003 appraisal, updated in 2011 and again in 2013, was prepared in order to give, and does give, a clear indication of those areas of land which the Council considers perform a valuable Green Belt purpose. The appraisal and its updates, whilst not determinative, are clearly relevant to this appeal [xx Mr O'Connell] and should attract significant weight, as should the fact that the appeal site has never been identified as falling within any of the categories of land said to contribute to Green Belt purposes around York within those assessments.

127. Turning to each of the Green Belt purposes, in turn, there is no basis for concluding that the appeal site makes a material contribution to checking the unrestricted sprawl of a large built up area, or that the appeal scheme represents unrestricted sprawl of a large built up area. The appeal site adjoins built development to the south and west. To the north and north-east it is bounded by vegetation and the Ring Road. Accordingly, insofar as there is a risk of unrestricted sprawl in this part of York, it is checked by clear, permanent and substantial physical features.

128. The appeal scheme reinforces those features. It proposes more landscaping, including planting, mound and fence, to strengthen the boundary to the north and north-east. It sets no precedent for more development, whether on the opposite side of the Ring Road or in the fields to the south-east of this site.

Report APP/C2741/W/16/3149489 Land off Avon Drive, Huntington, York

We can only conclude that CYC is wrong to now use ex-cyc-59d to suggest that Land north of Avon Drive should be within the green belt. The evidence that they created in ex_cyc_18 and the judgement provided by the appeal inspector acts as our evidence.

We would also like to address the proposed boundary 20 by way of the timeline of how it came to be recommended. Inspector Drew succinctly addresses this in the appeal decision

115. The 2 unrevoked policies of the RSS together with its key diagram comprise the DP for York. The key diagram shows York as a sub-regional city. It shows diagrammatically the general extent of the Green Belt around York. The inner edge of that general extent is marked by a dotted line, which is unlike the inner edge of any of the other Green Belts shown on the key diagram. There is reference to policy YH9C, which says the detailed inner boundaries around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. Those boundaries must also take account of the levels of growth in the RSS and should endure beyond the Plan period.

(We comment that well beyond the plan period is at least ten years beyond a plan which has not yet begun and requires re-dating from 2017. Therefore the development needs up until 2046 need to be considered).

116. It is therefore clear that: (i) the unrevoked parts of the RSS do not say that the inner limit of the general extent of the Green Belt are coincident with York's existing urban edge; (ii) insofar as any indication can be taken from the key diagram, the general extent of the Green Belt does not coincide with York's existing urban edge⁴⁸; and, (iii) insofar as the inner boundary has to take account of long term growth and development needs the inner boundary cannot be coincident with the existing urban edge. Accordingly, where, as here, a site is adjacent to the existing urban edge of York, the key diagram provides no basis for concluding that the site is within the Green Belt.

48 However the Appellant (Pilcher Homes) concedes that it is not appropriate to conduct some sort of map analysis of the key diagram to establish whether a site is in the Green Belt [CD5.14].

117. Although the Council's reason for refusal appears to place heavy reliance on the draft 2005 LP for the conclusion that the appeal site lies within the Green Belt, it provides no firmer foundation than the key diagram of the RSS. The initial version of the draft 2005 LP was first placed on deposit in May 1998. That initial version contained very tightly drawn Green Belt boundaries on the basis that they would require early review in order to address post-2006 development requirements [Mr Wood, paragraph 3.13]. In the vicinity of the appeal site that boundary was shown as running along the boundary of the rear gardens on Avon Drive.

118. The boundaries in that initial draft of the draft 2005 LP were based on draft boundaries prepared even earlier, in the early 1990's, that were contained in the draft York Green Belt Local Plan and Southern Ryedale Local Plan. It is clear that the development requirements extant at the time of production of those draft boundaries were development requirements contained in the first alteration of the Structure Plan approved as long ago as 1987.

119. The approach of adopting 'short term' Green Belt boundaries in the initial version of the draft 2005 LP, placed on deposit in 1998, did not find favour with the Local Plan Inspector [Mr Wood, paragraph 3.14], and its progress was placed on hold. The Council published a third set of changes to the draft LP which introduced significant safeguarded land. However, a change of administration meant a reversal of that change, the removal of any safeguarded land, and a return to the very tightly drawn boundaries within the 1998 initial draft [xx of Mr Wood]. That fourth set of changes was never the subject of public consultation, or examination, and yet it was adopted by the Council for development management purposes. It showed the site as lying within the Green Belt. The Council only now accepts, that an 11-year old document (*as written 2016*) that was not consulted upon and not examined, which contains very tightly drawn Green Belt boundaries that were supposed to be the subject of early review, and prepared against the backdrop of development requirements from the mid-1980's should attract very limited weight.

In response to the above I would say that the examiners need not focus on not the potted history of York's attempts to cement the 1987 version of greenbelt but instead entirely on the intent and purposes specified by the 2012 Framework and the government's desire to significantly increase the supply of housing through a plan led system. Pilcher Homes need not try to demonstrate an absence of green belt harm for the 'release' of the draft green belt land or argue that our land does not serve any of the five purposes. Instead it is incumbent upon the local authority to simultaneously identify its acute housing need and to set its boundaries for the first time in the light of paragraphs 83 to 85 of the 2012 framework.

The proposed boundary 20 cannot provide the intended permanence in the long term required by paragraph 83. Boundary 20 is not capable of enduring beyond the plan period (even if that were only the 2037 green belt period). However, an inner boundary in this area should be capable of enduring at least 10 years beyond (EX_CYC_11a John Hobson QC advice) a 15 year plan approvable in 2021, which is 2046/7. A boundary along the southern edge of the ring road could endure indefinitely. The raw water main is a no development zone via covenant so it adds a 15 metre buffer against built mass inside of the ring road.

We believe that boundary 20 does not promote the sustainable patterns of development espoused by para 84. It is clear that York and Huntington could take this opportunity to create a more satisfactory rounded off northern boundary. The land at this boundary provides an opportunity to provide sustainable development by channelling development towards urban areas inside the Green Belt boundary and to 'deliver a more successful urban edge than which presently exists' as judged by Inspector Drew.



I don't want to copy too much from the framework but it does give me some structure to illustrate the gulf between the proposed boundaries which are still excessively tight (without safeguarded land) as per 1987, and the requirements of the 2012 framework. 'When defining boundaries, local planning authorities should: ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development'. We believe that the identified need should come first and the allocations of sustainable, deliverable and viable sites can be made prior to defining the inner boundaries. Therefore as Inspector Wood noted in May 1998 the inner boundary could not endure and the urban fringe sites can deliver some sustainable developments in select locations without impact on urban sprawl or the historic character of the city. Therefore the inner boundary for 2021 cannot be all around contiguous with the existing settlement as it was the 1987, 1994, 1998 which created the 2005 (4th set of changes) which were not consulted upon or adopted in a local plan. There may well be key views or flood plains, or protected habitats that retain tight boundaries in certain areas but the CYC green belt analysis

figure 7 ex_cyc_18 diagram remains quite different to the 2021 proposed boundaries submitted.

CYC did the work in 2003, 2011, and 2013 ex-cyc-18 and identified that land north of Avon Drive does not have any significant green belt function. The appeal inspector details the absence of urban sprawl created by this site in points 127 & 128 above. That evidence led to Figure 7 showing that it is unnecessary to keep it permanently open. Therefore Boundary 20 is in contrast to the intent of the framework. The same requirement to not include land which is unnecessary to keep permanently open exists as 139 b) in the 2019 version. This requirement has significant weight because it is reinforced by its repetition in the current framework despite most green belts having already been defined.

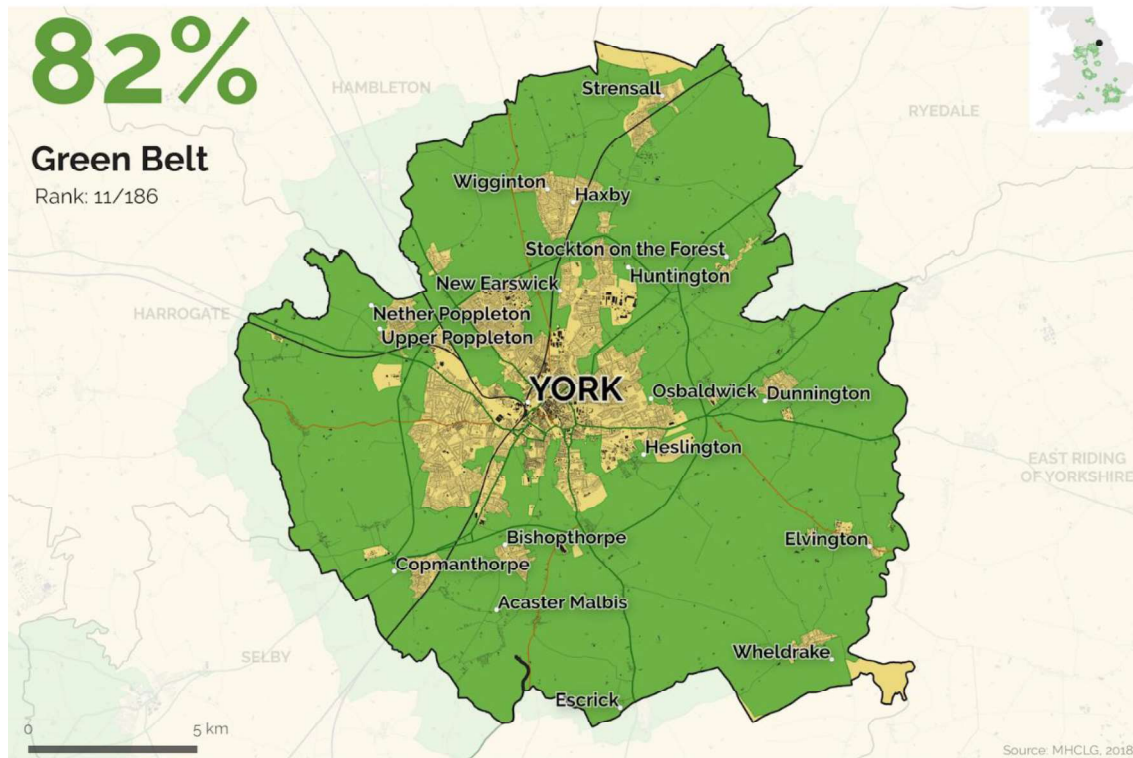
In earlier submissions many respondents have recommended that York has safeguarded land in their plan. It was excluded by the executive on political grounds against the recommendation of the officers (see Inspector Drew's comments on the 3rd set of changes). However, the point again required by the 2019 framework stands, and in a city with a proposed 82% greenbelt there will be nowhere to grow into without the use of exceptional circumstances in 5 year updates. It is inevitable that the current housing affordability crisis will worsen with these proposed inner boundaries. It is also clear from the lead times on the large strategic sites that the lack of deliverability will exacerbate the problem because the current strategy is dependent on too few sites. The continued failure to deliver large sites will see housing delivery remain well below the target, let alone catch up on the existing shortfall.

The advice received by John Hobson QC in EX_CYC_11a enclosure 1; not only confirms his recommendation for a period of 10 years beyond the plan but crucially for all of the inner boundaries proposed clarifies that a plan without safeguarded land has a serious risk of being found unsound.

‘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.’

York



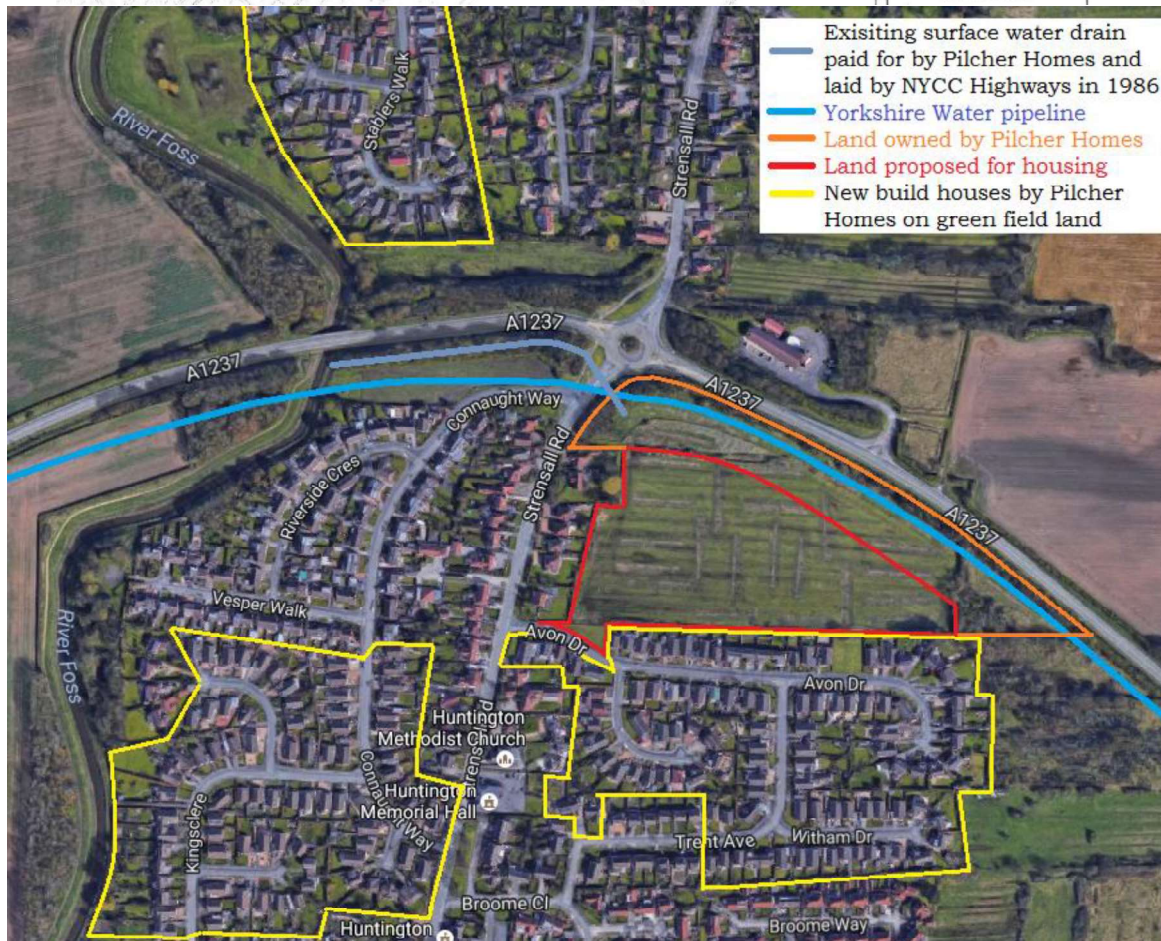
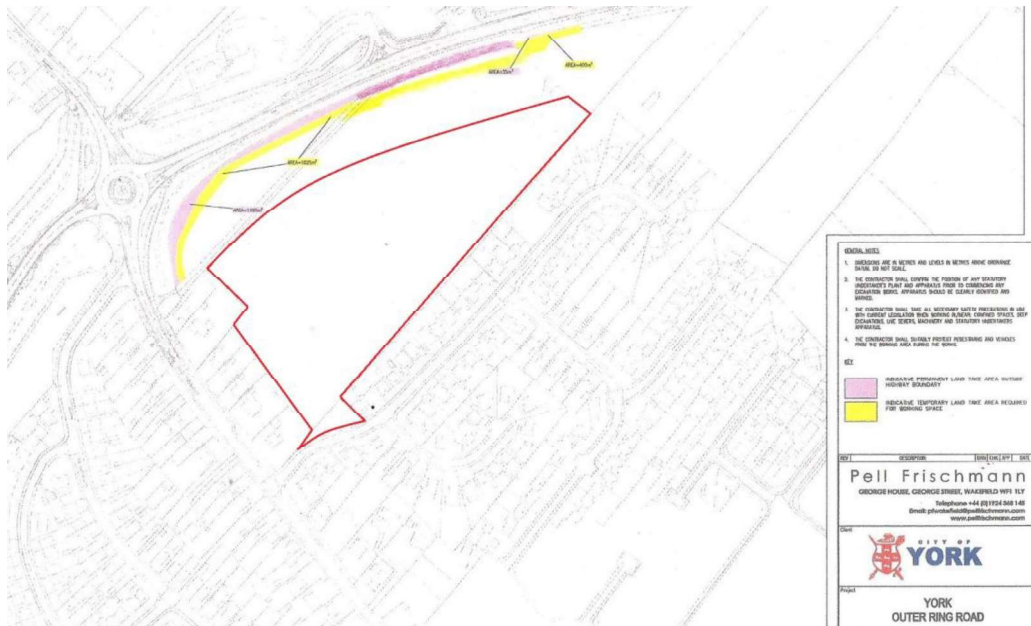
York covers an area of approximately 272 sq km, of which 223 sq km (82.0%) is green belt, as of 2017. In relative terms, this places it at number **11 out of 186** local authority areas in England that have green belt land (where 1 is highest).

Mapbox.com

Contains OS data © Crown copyright and database right (2018)

We also believe that CYC cannot satisfy the examiners that boundary 20 will not require alteration before 2037/8 as proposed. In reality these boundaries should be set to endure to 2046/7 which means having in mind another 10,000 houses on top of this proposed housing figure (inside or outside of the green belt in line with para 84). We have already above raised the point that the boundaries like section 5 boundary 20 have not been clearly defined, using physical features that are readily recognisable and likely to be permanent. The varied hedge and fence line down the back of Avon Drive is not as recognisable as the ring road nor as permanent. We also point out that as drawn in ex-cyc-59d-topic-paper-1-green-belt-addendum-january-2021-annex-3-inner-boundary-part-2-s5-6 it does not follow the legal boundary which is to the south of the culverted drainage ditch and notches in and out around some unauthorised garden extensions.

Representation by Pilcher Homes – landowner and developer for land north of Avon Drive
 22nd June 2021



Representation by Pilcher Homes – landowner and developer for land north of Avon Drive
22nd June 2021

[Redacted]

From: [Redacted]
Sent: 05 July 2021 22:36
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205470
Attachments: Representation_on_Wheldrake_July_21_EXCYC59f.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: It might be legally compliant

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: these detached settlements do not create any conflicts with neighbouring authorities.

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: It is not positively prepared because it does not seek to deliver on the NPPF desire to significantly increase the supply of housing and provide a range of sites. The GB boundaries are too tight and cannot endure well beyond the plan period. It is not justified against the alternative options. It is not effective at delivering housing supply and it is not consistent with national policy.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’:

Revised Boundary 3 at Wheldrake. Not to wash Knapton over in GB in direct opposition to paragraph 86.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

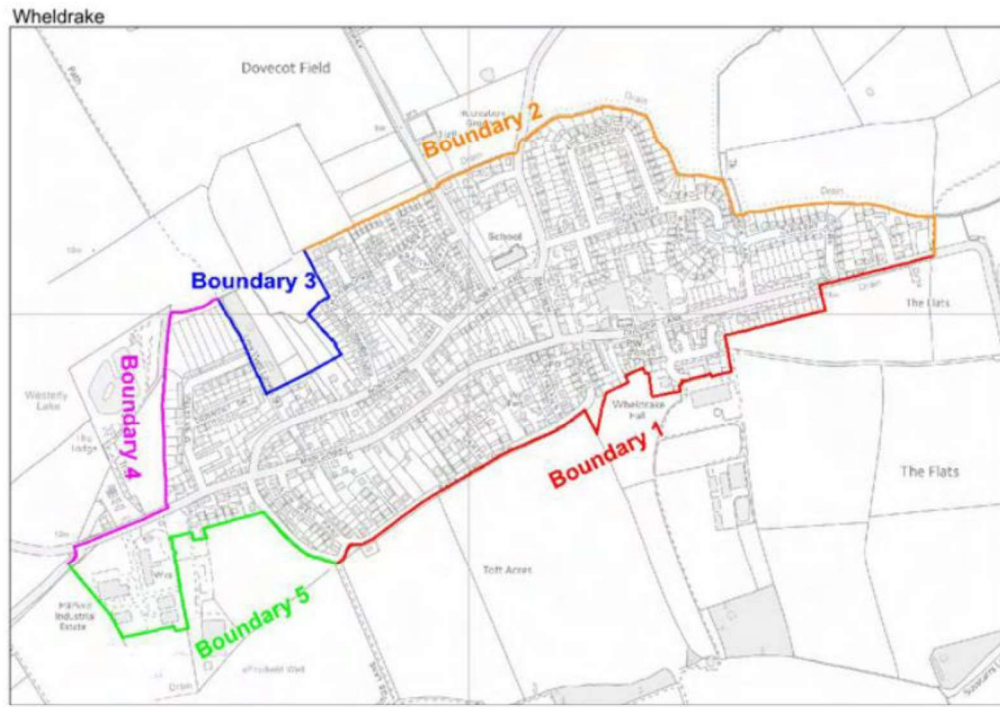
If you do wish to participate at hearing sessions, please state why: [REDACTED] wishes to be represented on its land holdings of deliverable, sustainable and viable sites which remain excluded.

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

Representation_on_Wheldrake_July_21_EXCYC59f.pdf

Representation on Wheldrake – proposed boundary 3 (site 967 aka H28)



Boundary 3 Site 967 Submitted at
Pre Publication Consultation 2017.
Not allocated



In Appendix 1 of reserve sites it is known as H28, and has CYC planning officer backing for all technical matters. Its inclusion on a list of spare sites further undermines the permanence of the gb boundary.

Our position

The site should be allocated and has been proposed for green belt on political grounds to justify its non-allocation. However, it abuses green belt policy to unnecessarily define land as green belt that does not need to be kept permanently open as a method for refusal planning applications. The site is deliverable, sustainable and viable. We agree with the contents of the DPP

submission made for Mulgrave Properties Ltd. That developer has optioned much of the site and Pilcher Homes owns part of the land. All landowners would seek to deliver this medium sized site which is much needed to turn on housing supply and catch up on previous undersupply without dependence on large strategic sites. A variety of sites is espoused by paragraph 47 (2012 NPPF) and this site can contribute towards the much needed 20% buffer in this authority with its persistent under delivery.

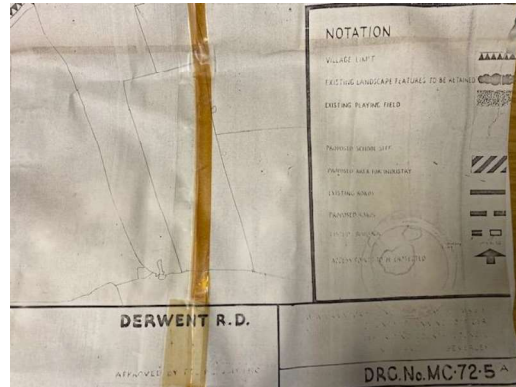
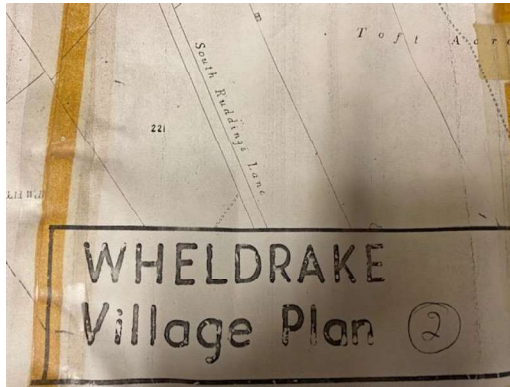
(We continue to refer to 2012 NPPF in all our submissions due to the transitional arrangements but we note the reoccurrence of almost all of these points in 2019 NPPF which we may use to assess the next draft plan – heaven help us!)

Historical background

We shall not re-hash all the stuff that is well known about the history of the York plan drafts etc... Nor the recent last 25 year history of the site covered by Mark Lane of DPP One Ltd for Mulgrave. However, as Pilcher Homes was the most prolific developer in the village between 1966 and 2000 we do have records and plans from before the village came to be controlled by CYC.

We hereby include images of Derwent Rural District plan of Wheldrake Drawing No. MC.72.5A which was *approved by the Derwent Rural District Council Planning Committee in July 1970*. We request that it is added to the examination library and have an original 1/2500th copy in the likely event that CYC say they cannot find it. This plan shows the obvious settlement shape used by the Derwent Rural District Council from the late 1960s onwards. The drainage ditch to the north of H28 was considered the 'village limit' in the key. The hatched area was the 'proposed area for industry', which ST33 now proposes to replace those jobs with commuters.





We can additionally provide a drainage plan from the adopted 1966 structure plan. This plan detailed the long term infrastructure needs. That is why the deep large scale drainage below with numbered man holes is provided through the land above North Lane. We do have invert levels to go with this 55 year old plan. The Yorkshire Water pumping station is still well placed on Low Well Lane to cope with H28. The access was deliberately designed to go through W. A. Hare's site along the road now known as Valley View. The residents don't particularly like the idea of that despite it being agreed decades before they bought and they effectively lobbied CYC. However, the officers know that the access can be delivered directly from North Lane instead and took it to the executive along with a number of other sustainable and deliverable sites.



The case that the land is not in the Green Belt

We believe that the site H28 is not green belt today because it is was removed from the York green belt by the North Yorkshire County Council Post Modifications York Green Belt Local Plan 1995 (NYCC PMYGBLP 1995) which was adopted by NYCC in surrounding local authorities plans'. We have been advised that under their powers granted in the 1991 Planning and Compensation Act the adoption of these changes is determinative because they were not overruled by the Secretary of State and are equal to the adoption at a Local Plan level. We ask the examiners give significant weight to NYCC PMYGBLP 1995 in this context because it was consulted upon and adopted by NYCC for interim purposes and by neighbouring authorities adopted plans.

If the examiners agree with the above premise then after 1995 the revised boundaries were to be used to create the 1998 York draft plan (thrown out on too tight inner boundaries) and the 2005 draft plan with 4th set of changes which has been used for development control purposes ever since. Therefore one can conclude that the site has not been in the green belt for 26 years and was restrained from development by non-allocation. The evidence for the removal is as follows in the extract from 2005 CYC local plan draft Appendix J

Title of Local Plan	Site	Ref	Inspector's Recommendation	City of York Council Designation
Plan				
68. York Green Belt Local Plan	Wheldrake (General)	D79	Retain inset boundary as in Deposit plan, except for amendments to sites D80/81	As per Inspector's recommendation
69. York Green Belt Local Plan	Land between the Cranbrooks and Valley View	D80	Part of site D80 south of the drainage ditch from the Green Belt	Housing

To build upon this position we could then reason that the boundary 3 is not sound and demonstrative of a positively prepared plan. CYC has not demonstrated exceptional circumstances to create new green belt in this village. By now seeking to add the site 967 back in to the general extent of the green belt as prior to NYCC PMYGB Local Plan 1995 CYC is pursuing an avenue incompatible with Para 82 NPPF 2012. This policy specifically aims to resist this heavy handed approach.

If the land is within the general extent of the Green Belt then this is our case for removal through this plan process.

If the examiners are minded to dismiss the NYCC PMYGB Local Plan 1995 and its modifications as having very little weight then we can make our case to show that this land ought not to be unnecessarily defined as green belt at this stage of the plan making process. Even more so this land should have been the first and probably the only allocation in this village.

This land does not prevent urban sprawl which is the fundamental aim of Green Belt policy. Its inclusion in the York Green Belt would not check unrestricted sprawl of large built up areas, it cannot prevent neighbouring towns from merging, it has no practical purpose in safeguarding the countryside from encroachment because it is surrounded by the village. It does not preserve the setting and special character of the City of York because this boundary is over 6 miles from the historic city. We cannot agree with CYC (who stretch the 4th purpose) that it is necessary to be Green Belt to preserve the setting and special character of Wheldrake's Main Street. The absence of any meaningful development in the village for 30 years is not encouraging the recycling of derelict land in the village nor in York because the housing supply is not impacting the deliverability of York's well known brown field sites and the village itself has none. The land is optioned for housing development and will not come forward to assist with paragraph 81 purposes. If it is not green belt already then no exceptional circumstances have been offered to designate it as such. If the review of the GB boundary line is now due as part of the local plan process then to accord with para 84 the boundary must endure beyond (or well beyond the plan period). This settlement is currently only bringing forward one site which has more faults than this one (in the eyes of the 1995 analysis) and would in its current ST33 format remove employment land from the village further damaging the sustainability of the settlement. Over 25 years from 2021 Wheldrake would have the tightest boundaries possible as proposed and would have to seek the release of GB at a 5 year interim review. That would not be a permanent boundary. Furthermore sustainable patterns of development encourage infill and rounding off to generate the most sustainable settlement shapes. H28 is clearly closer to services and the school than the proposed ST33 and should

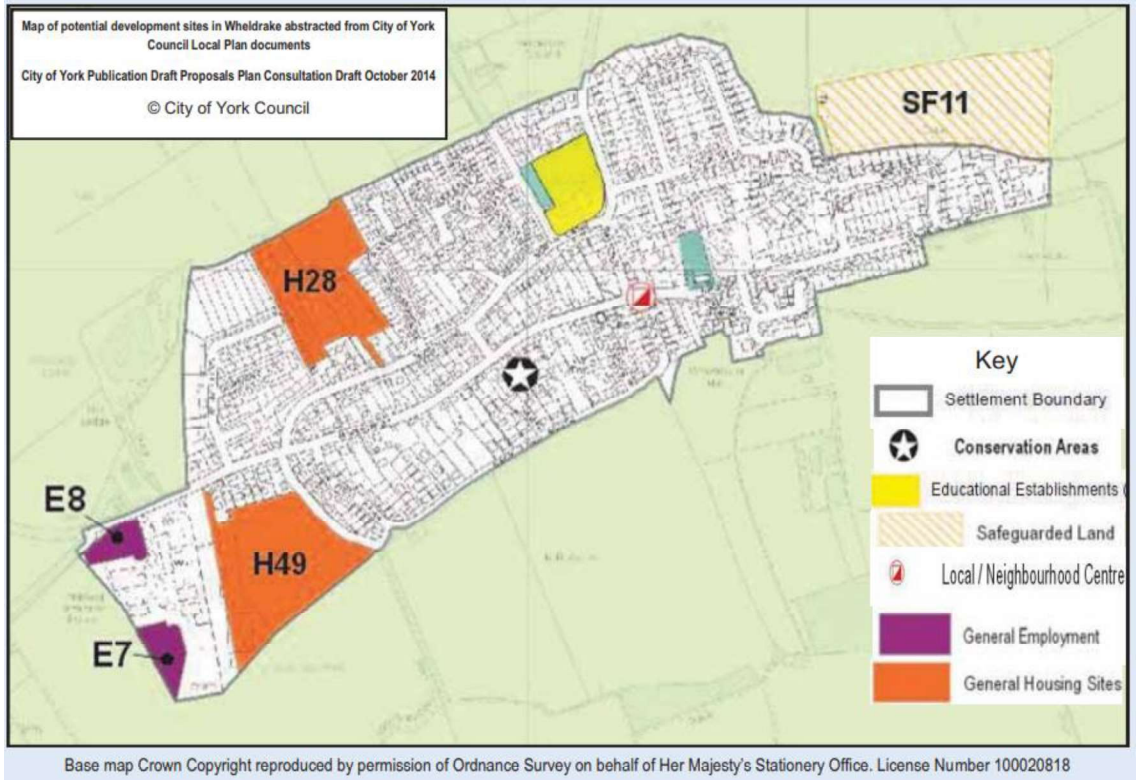
have come prior to that allocation. We can also contest that Wheldrake is at the edge of the outer boundary and development in this location accords with paragraph 84's inside or outside of the York GB.

We feel that the current plan strategy for defining GB must be at fault to move the GB boundary out for ST33. It extends on three sides in to open countryside. In contrast to see the obvious rounding off opportunity for H28 must be an error in the assessment or a reflection on the politics of site selection. It is not necessary to include H28 in the GB because it need not remain permanently open. The tepid CYC assessment acknowledges the more obvious boundary during sentencing.

Boundary 3 - The boundary then dips south along the rear property boundaries of houses on western side of The Cranbrooks and North Lane before following the tree lined route of Low Well Lane (track) following the dense tree belt round to the west to the point where it turns west. Where the boundary deviates from physical, permanent features it follows a consistent line connecting 2 points on the ground. The boundary is recognisable as the rear and side boundaries of properties easily determined on OS maps and on the ground

As an alternative, land contained on 3 sides by boundary 3 could instead be included within the village envelope. However, as identified through purpose 4, the land has significant legibility of landscape features preserved through time [Annex 1, evidence 19e] important for the historic setting of the village. On balance, the proposed boundary seeks to retain this important relationship to the village.

While we may have contested in the early nineties prior to the 1995 analysis that it may have been sensible then to make H28 safeguarded land we agreed with the Inspector Shepherd's assessment that it was (or should have been) removed from the green belt. Indeed it may be sensible for the site formerly known as H49 to be safeguarded land while H28 makes up the near term allocation. A CYC map is included below to illustrate this point. We believe that the loss of employment land is significant for the sustainability of the proposed strategic site ST33. The below map is not what is proposed in the current draft plan. The current draft plan has no safeguarded land because the executive would not support it. John Hobson QC explained to CYC that this omission is one of the reasons why this draft plan cannot make it to adoption.



Finally in our analysis of Wheldrake boundary 3 against the 2012 framework we note that CYC cannot satisfy themselves (or the examiners) that Green Belt boundaries will not need to be altered at the end of the development plan period. We know that as soon as the standard methodology applies and market signals in this severely affected authority are enforced then the boundaries will require immediate changes to release deliverable sites. H28 is one of these Appendix 1 sites that would be quickly called up. We also believe that the clear boundary 3 using the clear physical feature would be the straight line across the top along the drainage ditch. We recommend this modification to the examiners.



[REDACTED]

From: [REDACTED]
Sent: 07 July 2021 19:32
To: localplan@york.gov.uk
Subject: New Local Plan Consultation July 2021 - Response to consultaion by George E Wright MA MRTPI
Attachments: Consultation Respose Modifications July 2021.docx

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Consultation response attached

George Wright MA MRTPI

[REDACTED]

[REDACTED]

**CITY OF YORK LOCAL PLAN
PUBLICATION DRAFT 2018**

RESPONSE TO CONSULTATION 07.07.2021

BY

GEORGE E WRIGHT MA MRTPI

**IN RESPECT OF
GREEN BELT POLICY & PROPOSALS**

George E Wright MA MRTPI



PREFACE

Having been engaged in the planning process for 59 years, practicing either as a solicitor or (in the last 20 years) as a Chartered Town Planner, I have extensive experience of involvement in the Plan-making process. However, in the past I have always had that involvement based on instructions from a client and my involvement has been to promote a specific interest in the outcome. Whilst I do not consider I have ever presented a case which I regard as not being based on a sound professional foundation, free from bias or deliberately withheld evidence, I appreciate that the involvement has been from a limited perspective.

In preparing this submission, I have not acted for any client but am motivated to undertake the work at my personal expense and in my personal time. I do so primarily for two reasons:

- That my past involvement led me to believe that this Local Plan is predicated on a false premise and is fundamentally flawed, and
- In those circumstances I feel a sense of responsibility to the wider community within which I lived and a sense of duty to place my accumulated knowledge and experience to benefit what I consider a most important issue, the appropriate resolution of a green belt for the historic City of York.

I made a pledge to myself at the outset of this task, that should I accept any instructions to act for a client in this process, I would identify any additional text or removal or alteration of any text to highlight the fact it was written following the acceptance of such instructions.

For the sake of completeness, I set out my relevant experience at Appendix 8, though the most significant aspect of that was my involvement in the Green Belt Round Table process related to the 1998 Local Plan and my involvement (jointly with two other senior locally-based Chartered Town Planners), in establishing a policy to preserve the York Green Belt in the RSS process in 2007. That intervention resulted in the current policy which establishes the general extent of the York Green Belt through the RSS process, a policy which would not exist had the approach of the Regional Planning Body and the City of York Council prevailed.

George E Wright MA MRTPI

July 2021

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THE RESPONSE

1. I refer the Inspectors to Chapter 3 of my response to the Consultation on the publication draft of the Local Plan delivered in April 2018 [The Initial Response]. This concludes that the Green Belt proposals of the Local Plan were not based on proportionate evidence.
2. Having considered the Topic paper on Green Belt, delivered immediately following the conclusion of that Consultation, it became apparent to me that the LPA were going to attempt through a process of post submission justification to introduce evidence after the event and that the Topic paper was such a document.
3. The evidence is contrived to underpin the justification and it is not shown to be evidence **upon which the Plan was based** (my emphasis). I commend to the Inspectors that their inquisitorial responsibility in this process should direct them to require evidence to be demonstrated that underpinned the proposals to establish the submitted boundaries and not evidence subsequently delivered to justify the case presented by the LPA.
4. My starting point for retaining my objection, that the Local Plan proposals for Green Belt boundaries are not evidence based, is maintained having considered the Topic Paper 1 and the addendum and annexes subsequently submitted. Accordingly, I challenge every element of the LPA's submitted material that seeks to support an

argument that the Green Belt proposals of the Local Plan are based on proportionate evidence.

5. The framework of this Response firstly addresses the fundamental issue of how the boundaries were formulated and why that process was not evidence based. I then set out in schedules observations on the individual documents submitted in this Consultation.

Preliminary Issue.

6. The Consultation is limited to the documents listed and this list does not include Topic Paper 1 itself only the Addendum. This seems to be a very peculiar basis for a Consultation and the Consultation should have included the Topic Paper itself. Although the Topic Paper was included in the 2019 Consultation, the Addendum now listed replaces the early version addressed in the 2019 consultation. It is relevant to the modifications and terms to which this Consultation is directed.
7. I consider the failure to include the Topic Paper an issue which makes the process unfair unless the position is that TP1 is now withdrawn.
8. The Topic Paper 1 is listed in the Core Documents and Evidence Library whereas it was delivered after submission and was not part of the Publication Consultation. It should be referenced in the Local Plan Examination Library, if it remains a document in the process.

The overarching reasons for this objection.

9. The boundaries of the Local Plan are principally those of the 1990 York Green Belt Local Plan. This was not an evidenced based plan and was not subject to scrutiny on the basis of soundness.

10. The evidence which the was identified at the date of publication and included in the evidence base then listed, was the material listed at items 11 and 12 only of the claimed Evidence base described in Annex 1 to the Addendum. Those documents are addressed in my original submission, and are here repeated, but these documents themselves postdate the resolution of boundaries in 1990.

11. My justifications for stating the boundaries are based on the 1990 YGBLP are as follows:
 - The boundaries of the YGBLP were adopted for the 1998 Local Plan for the particular reason that this would mean that in any Public Inquiry into the 1998 Plan the objections raised in 1990 could not be re-run. That position is explicitly set out in the 1998 Plan.

 - The boundaries used in 1998 are only altered in this Local Plan to the extent of the consequence of intervening authorised development. Any alterations arising since submission are made to retro-fit the evidence then claimed to underpin the proposal.

12. This conclusion becomes self-apparent from any comparison of the plans in these processes with those of the 1990 YGBLP Inquiry. See Annexe V iii of the Initial Response.
13. I invite the Inspectors to require the LPA to respond to that position and I consider that this is a fundamental obligation of the Inspectors inquisitorial duty.
14. So, what the LPA are in essence arguing is that a Plan prepared in 1990 without any evidence base but predicated upon a political compact set out in the Greater York Study designed to apportion development obligations between the various Authorities involved, produces the same outcome as arises from an evidenced based Plan. This point alone makes clear that the so-called evidence listed in Annex 1 is not evidence upon which the Plan was based but material to achieve a post-submission justification.
15. I have explained in detail how the 1990 Plan was formulated. It was done so in accordance even with the then overarching policy but based on a hotchpot of old sketch plans for an array of pre-1974 Local Government bodies together with some additions and deletions arising from the agreement set out in the Greater York Study by the then group of District Authorities that were involved in the geographic area of the general extent. This is demonstrated on the County Councils consultation plan produced at my original Annex V i. This document is very significant evidence for a number of reasons.

16. This Plan also shows the radius at 6-miles from the City Centre rather than the contrived version set out in the Addendum which is not centered on the city centre but from the outer edge of the City's historic core, the Walls. This is just a further example of the disingenuous nature of the LPA's submissions but an amorphous area cannot be the centre of a radius. It is a piece of contrived nonsense.
17. The material submitted and referred to in the Annexes does not specify when it was assessed and that that assessment came before the boundaries were resolved and how that evidence then guided that decision. Were that the case the LPA would be referring to reports prepared for a decision process occurring both before the publication date and also before the boundaries were selected for the Plan.
18. There is no attempt made even to define the extent and specificity of the material, such as in respect of OS maps and aerial photographs and no reason given as why this evidential material was not listed in the publication evidence base.
19. Those circumstances mean that those engaged in the process cannot comment on the merits of the so-called evidence and cannot see what conclusions are drawn for the claimed assessment of that evidence. That does not constitute a fair process. However, I submit that it is a fiction and that the majority of the identified evidence was not assessed for the purpose of resolving boundaries and in fact no such process (other than adopting those proposals which already existed) ever took place.

20. Added to this concern is the existence of appropriate and proportionate evidence that has been ignored or deliberately obfuscated by the LPA. This I address in the Schedules. However, the failure to produce evidence that determines what constitutes the **nationally significant historic and environmental character of the City** and how that has been related to the inner boundary proposals, as required by policy Y1, demonstrates that the submitted material fails to establish conformity with the saved RSS policy.
21. I do not consider the material described as evidence underpinning the justifications in the Annexe, constitutes evidence upon which the Plan was **based**. In that regard the Plan is not legally compliant, and in those circumstances, it is pointless to critique the evidential points made in the further Annexes and therefore the conclusions drawn. The process set out in the Addendum material is outwith the regulatory process, as it should be limited to an evidence base upon which the Plan was based not a process to introduce evidence to support a justification for the outcome.
22. However, having scanned that material it is apparent there are significant flaws in the appraisals and justifications in any event but to address those would be a waste of time as the Plan is fundamentally flawed due to its failure to be Legally Compliant as an evidenced based document. It also fails to fulfil the Duty to Cooperate. Further it ignores evidence that would have been proportionate had the correct process been employed.

23 The Duty to Cooperate has not been discharged as I have previously represented to the EiP and, in respect of this specific consultation material, due to the failure to consider obvious alternative approaches to the determination of the boundaries, namely

- By not addressing the methodology set out as a recommended approach in 1990 by that Inquiry Inspector, who described a methodology for resolving the Outer Boundary as :

'I consider that the most appropriate way therefore to judge the outer boundary is to seek first to find recognisable and durable boundaries that approximate as closely as possible to an exact 6-mile radius, and only to vary from this for reasons of practicability or for reasons which directly related to the purposes of the Green Belt.'

- And, by not considering an inner boundary based on the extent of green belt of 50,000 acres as defined in PPG2 1988 and/or as an interpretation that the RSS Key Diagram placed that inner boundary outside the central core.

24. I commend to the Inspectors that they should advise the LPA that the Local Plan is not Legally Compliant and the Duty to Cooperate was not fulfilled in circumstances that this EiP process cannot correct and therefore the Inspectors will be bound to determine the Plan unsound if it proceeds to a conclusion.

SCHEDULE 1
The (revised) Addendum to Topic Paper 1

1. The Addendum sets out that it is intends to explain the methodology used for establishing the boundaries and that it revises TP1.

2. This implies that this methodology described was employed before any boundaries were determined. As the majority of boundaries were those set out for the 1990 YGBLP, the methodology would have to be applied prior to that date. However, that cannot be the case as the Evidence base described relates to a significant extent to documents produced in the period 2011 to 2013 and in so far as the origin of the documents is set out, the earliest appears to be that of 2003. **At no point within the mass of paperwork produced does it state a time or times when this methodology was applied to resolve the boundary proposal before the submission of the Local Plan.** The impression given is that the evidence of the methodology being applied only exists within the creation of the Consultation material itself. Such a circumstances would not render the Plan sound as it would not in consequence have been established that it was evidenced base of the proposals.

3. So, at the very least there should be documentary evidence of the exercise of applying the methodology to the boundaries already established, but not evidenced based. This would occur post-2013, the dated of the Heritage Topic Paper and pre-publication. There is no such evidence and no trace of such an exercise being conducted and appraised within the records of the Council (Committee Minutes etc,).

4. The correct position is that the exercise of applying the methodology as set out in the Addendum only occurs simultaneously with the production of the documentation in this consultation. Paras 5.24 to 5.26 of the Addendum suggest the methodology was applied after

2013 but states this in such vague terms that it is unclear when that occurred. It is my opinion that this is a deliberate ploy by the LPA to obfuscate the fact that the resolution of the boundaries as at publication date was not evidenced based and thereby to mislead the Inspectors.

5. The relevant sections of the Addendum in relation to the issue of evidence upon which the Plan was based are those in Sections 5 and 6 and upon which I make observations below.

Section 5 of the Addendum

6. The Addendum focusses on an approach to issues relating to the inner boundary based around three concepts, which can be characterised as :

- Compactness,
- Views from the outer ring road, and
- The setting of rural villages in farmland setting.

7. These concepts are not based on clear cut evidence but are presented by the LPA as self-evident truths. However, there exists a body of evidence not deduced in the process by the LPA which suggests an alternative approach. This is the evidence base which I also describe at Schedule 2 and which for clarity I summarise as being :

- The Sheffield University analysis commissioned by the LPA in 2000 and set out at Annexe IV ii, which indicates that there would be character and appearance benefits to develop in certain areas on the outer edge of the urban core,
- The assessment in the Government Booklet issued alongside PPG2 1988 'The Green Belts'. This explains that of the 3 cities where purpose 4 is paramount, no specific reason is perceived to constrain expansion at York. That assessment does not indicate

that the separate settlements close to the urban core cannot be absorbed, a process which at Cambridge is highlighted as a constraint.

- The statement in PPG2 1988 that the area of the general extent of the YGB should be 50,000 acres. With the outer boundary at 6-miles this places the radius of an inner boundary well beyond the outer ring road.
- The interpretation of the RSS key diagram that might also indicate a similar location for the inner boundary,

8. Equally, there is evidence that exists which has not been highlighted or sought by the LPA :

- The fact that the 4 key distant views can remain unaltered by development expansion around the inner core. I note that the YCHCAA which identifies these views limits their number to 4 whereas in Annexe 1 to the Addendum the LPA state there are 26.
- Whilst in 1990, shortly after the construction of the Outer Ring Road there were many inward views of the Minster, these have largely disappeared due to hedge planting and the management scheme employed. A reappraisal would have been appropriate if this was relevant evidence.
- The fact there are settlements beyond the inner core which are more urban than rural in nature such as Haxby/Wiggington, Poppleton, Copmanthorpe and Bishopthorpe and as such they do not provide the setting of rural villages in open countryside whereas those beyond are more likely to have retained some of that character.

However, to prevent that being eroded development must be directed to the inner core.

- That the villages beyond the 6-mile radius (as depicted by the County Council in 1990 on the plan for the YGBLP consultation and produced at Annexe V I of my Initial Response) can be protected from development by open countryside policies and Green Belt policy is not to be deployed for that purpose as explained by the Secretary of State in respect of the first Green Belt policy in 1980.

9. **These matters indicate clearly that an alternative approach to the Inner Boundary exists and, as such, it was an essential aspect of the Duty to Cooperate to present that to the adjacent Authorities.** These adjacent Authorities have a clear interest in ensuring York provides for its long-term development needs by not unnecessarily enlarging the Green Belt from that was envisaged at the outset and described in PPG2 1988. I understand Selby have expressed concern more recently and I am aware overspill demand for housing is a concern both for Ryedale and Hambleton.

Compactness.

10. This is a reference which is difficult to appreciate in the Local Plan context and the matters expressed in the Addendum in that regard. The term '*Compact City*' is a prescriptive term in Town Planning and relates to a form of development and not a geographic extent of a place.

11 The term first arises, so far as I can see, in the YCHCAA, which is a document prepared by Landscape Architects not Chartered Town Planners and so it might not in that case be being used prescriptively. However, when it appears in documents prepared by the LPA for the

Local Plan Examination, the assumption must be it is being used in its 'town planning' prescriptive meaning.

12. Compactness in that arena refers to a form of development described as 'continuous urban fabric'. This form of development and others has been the subject of academic study and debate in the planning arena for many years. The OECD produced a comparative analysis of Compact City Policies in 2012, which is available in English, French, Japanese and Mandarin. It is a planning concept recognised on a world-wide scale. In the EU, in which York was located at the date of publication of its Local Plan, the Commission have had academic institutions survey cities and prepare maps to record the accepted categories of urban form and landscape. These maps are known as Corine Maps and in my Initial Response Annex V xiii, I produced the 2018 version for York. The extent of continuous urban form is so small it does not record at two decimal places as a %. On that basis it is incorrect to describe York as a compact city and the evidence available to the EiP is to the contrary. As a point of reference Paris is regarded as the most notable example of a compact city within the EU.
13. There is a significant level of 'Discontinuous Urban Form' in the central core but that form also applies to outlying settlements such as Strensall, Wheldrake, Elvington and Dunnington.
14. Again, this is an evidence base that has value to the process of resolving the Green Belt boundaries but has not been explored by the LPA.

Section 6 of the Addendum.

15. This section is essentially directed to the outer boundary. It records the boundary position taken by the adjacent Authorities of Hambleton, Harrogate, Ryedale and Selby. It is clear that all these Authorities based their proposals on the 1990 YGBLP proposals. In the case of

Ryedale, the referenced Local Plan was run in tandem with the YGBLP. Whilst the LPA indicate when they were adopted, they do not identify or make clear the fact that all these neighbouring Authorities used the 1990 Plan (not evidenced based) but would have taken their lead from York as the principal LPA in this regard. This is further evidence that the proposals in this Local Plan are no more than a reproduction of the 1990 proposals with minor amendments to reflect subsequent development events.

16. Equally these boundaries go beyond the 6-mile radius but this is due to the fact the 1990 Plan was not subject to a soundness test. However, the Plan Inspector set out that the correct approach would be to start from the 6-mile radius point and seek the nearest appropriate boundary feature to define the boundary. Why was no such exercise done to underpin the boundary proposals by York. That I would promote as an essential first step. No reference is made to this approach by the LPA and they should be required to justify why that exercise was not undertaken. Of course, on the basis no exercise was undertaken but simply the 1990 proposals replicated, would explain the absence of such an exercise.

17. The areas in adjacent Districts are of little consequence to the spatial planning of those Districts and if they were required to review their Green Belt boundaries, I do not anticipate that would be a material issue for them. Certainly, the fact they were not properly addressed when those adoptions took place is no justification to support the LPAs position in this Plan and it is reasonable to assume that if this process reveals that historic error the adjacent Authorities will wish to correct it. The argument in the Addendum seems to be 4 wrongs make a right. Again the right thing for the LPA to have done would have been to pointed out during the Duty to Cooperate process that the baseline for its boundary proposals were not evidenced based but merely a re-use of the 1990 YGBLP outcome.

18. Para 6.16 and Figure 10 provide an incorrect approach to the determination of the radius. Policy interpretation should give words their ordinary meaning and radius is a figure which is based on a central point. Even with the best will in the world, the amorphous area enclosed by the City Walls cannot be described as a point. Equally this approach ignores, and therefore does not address the evidence of :

- the North Yorkshire County Council Consultation Plan of 1990, which is before the EiP as produced in my Initial Response Annexe V i, which has imposed a radius line at six miles. This was centered on the central tower of the Minster, and
- Both this NYCC Plan and the Plan produced at my Initial Response Annexe V xii are to a recognised scale and the distances can be measured with a scale rule, that the 6-mile radius does not reach the River Derwent (the western boundary to York), though it comes close at one point north of Kexby (and might in that location be an appropriate boundary), at all other stretches of the boundary it is at some distance. Also, these plans very clearly demonstrate that Wheldrake and Elvington are beyond 6-miles and for the LPA to indicate otherwise is inaccurate and misleading.
- The North Yorkshire County Structure Plan Key Diagram (alteration 3) produced to the EiP at my Annexe V v, which shows the green Belt not reaching the County boundary (the River Derwent) by some margin.

19. Additionally, the LPA submitted that St Sampson's Square was the centre of the radius in the Strensall Inquiry held in recent years and to which the LPA submitted a witness from Arup, who gave that evidence on their behalf. That location only makes a minimal difference (I would estimate no more than 100 metres) to the resulting radii by comparison to the two plans referred to in the last paragraph.

20. This is a clear example of the veracity and credibility of the evidence produced by the LPA in this process. It is no more and no less than a tendentious pejorative.

21. At 6.17 of the Addendum the LPA refer to the Inspectors' Letter 12.06.2020 and their reference to the issue of the 6-mile radius constraint being a matter of planning judgement. I have indicated to the Inspectors that that issue and the issue of the application of the inner boundary as indicated on the RSS Key Diagrams are not in my opinion matters related to planning judgement but are questions of interpretation of policy and as such matters for the Courts. I set out at Appendix 1 my note which details that argument.

22. The material in that Appendix, in so far as it is applicable to this consultation is also submitted in this consultation.

SCHEDULE 2

Annex 1 – The Evidence Base.

1. This Schedule reviews the references to evidence in the Annex and considers how that evidence was used as a base for resolving the Green Belt boundary proposals, otherwise what status the evidence has and the issue of what relevant evidence has been excluded.
2. Consideration of the evidence set out in the documents at items 11 and 12 was addressed in my consultation response to the published plan and those comments are relevant to this response also.
3. For the purposes of the objection raised in this response, the issue relating to evidence is not that evidence exists as set out in the justification of the Addendum and its Annexes but that evidence only relates to the justification and therefore only merits analysis if that were to be an issue for the Inspectors. However, the primary focus of this Response is **whether there was an evidence base upon which the Green Belt boundary proposals were based ?**
4. The case set out in my Response to the published Local Plan (The Initial Response) is that there was no evidence base for the determination of the boundaries put forward and that it is only evidence arising subsequently that has caused some minor changes to those original proposals.
5. The original proposals were those formulated for the 1990 YGBLP, which were incorporated into the 1998 Local Plan for the City and have thereafter been carried forward. All the evidence described post-dates the proposals for the vast majority of the boundaries and the exceptions only arise where circumstances of authorised development have impacted on those original boundaries.

5. It is always difficult to prove a negative because the proposition is the event did not occur there is no positive evidence and the Inspectors in their inquisitorial role have to uncover the non—event by analysis of what matters should have occurred were that the events alleged by the LPA, namely that there was an appraisal of evidence which underpinned the determination of the boundaries presented in the published Plan. The significant amount a material now produced in the documents subject to this Consultation exercise is not evidence that underpinned the Plan proposals but justification for those proposals after the fact.
6. It is therefore necessary for the LPA not only to demonstrate that evidence exists but that it was used as a basis to formulate the proposals. That is not demonstrated or even attempted.
7. It is accordingly, recommended to the Inspectors that to fulfil their inquisitorial duty they need to :
 - Clarify whether the main element of the proposed boundaries is that which was resolved in the 1990 YGBLP process, and
 - If so, how and when were those proposals reviewed against the body of evidence set out in their justification, and
 - How those proposals remained appropriate both in light of the fact they were not conceived upon an evidence base or against the overarching policy as now exists.

8. Logic suggests that such an outcome challenges belief. I therefore review the evidence elements as to how and when they were assessed against the proposals prior to the publication date.

Item 1 – OS map material, and Item 2 – Aerial Photography.

9. The Annexe does not specify the material covered under these items or when they were used in conjunction with formulating the proposals. Had such an event occurred one would expect Officers would have prepared a Report which would contain an analysis of the material and how that analysis related to the formulation of proposals. There is no evidence of such an event and I have reviewed minutes and agendas of meetings between 1998 and April 2018 where such considerations are likely to have been reported to Members for decision and comment, and I can find none.

Item 5 – Topography; Item 7 – Land Use; Item 6 – Open Approaches; Item 15 – Listed Buildings; Item 16 – Scheduled Monuments; Item 17 – Conservation areas; and Item 18 Historic Parks and Gardens.

10. The Annexe does not make clear how this data might be applied to the issue of formulating Green Belt boundaries or when such an exercise was undertaken and what its outcomes were for the process.

Item 7 – the North Yorkshire and York Landscape Character Project; Item 8 – the York Landscape Appraisal; Item 10 – the Open Space Study; Item 15 – The NY and Lower Tees Valley Historic Landscape Characterisation Project.

11. The Annexe does not make clear how this data might be applied to the issue of formulating Green Belt boundaries or when such an exercise was undertaken and what its outcomes were for the process.

12. The Annexe nor the Addendum address the issue of, if these assessments were relevant to the formulation of the boundaries, whether the assessment and analysis needed to be made both individually and cumulatively in respect of these reports.

Item 13 and 14.

13. These documents were prepared as part of the process of formulating Heritage policy and resolving the conservation area for the central area. I can find no trace of this material been considered in connection with the formulation of the inner boundary in particular or at all. They were not listed as part of the evidence base for the Green Belt proposals at the time of the publication of the Plan.

The omission of evidence.

14. The overarching policy requires the LPA to have regard to the **nationally significant historical and environmental character** (my emphasis) of the City and specifies particular aspects to be addressed. No such assessment appears to have been made prior to the Plan being submitted and no such evidence appear to exist. In the absence of such an appraisal it seems impossible to demonstrate that the proposals comply with the overarching policy. Clearly this was not an issue which applied to the policy in place in 1990 and accordingly it is unlikely that those proposal would address the requirement coincidentally.
15. The Counsel did hold very pertinent evidence relating to the formulation of the boundaries to the Green Belt as it had commission a study from Sheffield University to underpin the policy as prevailing in 2000. This document I have presented to the EiP at my Initial Response Annexe IV ii. No reference is made to this document or its contents in the Topic Paper and its

Addendum and Annexes. It is surely not the appropriate approach for a public authority such as the LPA to obfuscate evidence which is relevant to an EIP.

16. I submitted a set of plans in my Initial Response Annexe Vi, which depicted a 6-mile radius from the City Centre as prepared by North Yorkshire County Council who were the lead authority in the 1990 Local Plan inquiry and the LPA responsible for the initial policy to provide the general extent of the YGB. Whilst this evidence is before the Inquiry the LPA have chosen to ignore it and submit a proposal that 'City Centre' should be interpreted as the City Walls. No evidence is produced to support that contention or dispute the definition used by the NYCC in 1990, which was supported by all the Authorities involved at the time.

17. Most significantly is the absence of any Reports by the Officers of the LPA to set out how the boundaries of the Green Belt are established at any time during the time that the LPA has existed (since 1996) with the exception of the 2003 Paper '*Approach to the Green Belt Appraisal*'. This document was produced as a last-ditch attempt to save the 1998 Local Plan process, which the Inspectors had consistently indicated was flawed due to the short term proposed life for the Green Belt, when it sought to argue the proposals could be accepted as a basis for a long-term solution. Following its consideration by the Inspectors that process was abandoned. That document cannot be regarded as an evidence base for the plan as not only has it been rejected previously as part of the 1998 Local Plan process, it was prepared against a different policy context than that which now applies. The LPA has submitted countless papers to Members over the lifespan of the Local Plan process (now going on for 25 years) on issues relating to the intended content of a Local Plan. So, why does no such Report exist which addresses the formulation of the Green Belt boundaries based on an analysis of evidence. It is this absence of a report pre-dating the publication which above all confirms that the Plan proposals are not evidence based.

18. What clearly arises from an analysis of the referencing material listed in this Annexe and its application within the Addendum, is that whilst the material may establish a post-submission explanation it is not material that provided a base for establishing the proposals. Had the material been applied as and when it arose, there would be a history of amendments, albeit minor on occasions throughout a period of several years. There is no evidence that this occurred. If on the other hand the evidence was collected together for a comprehensive event to establish proposals that would have been addressed through a document which demonstrated that approach but again that would have been the principal document in the evidence base for this topic. The conclusion must be that although this material is relied on for the purpose of justification of the proposals after the plan was prepared , it is not material that was used to base the proposals upon.
19. **The Inspector are requested to advise the LPA that this defect in the process renders the plan unsound and that unsoundness is incapable of rectification as the fundamental defect relates to events prior to submission and those events cannot now be altered.**

APPENDIX 1

Examination of the City of York Local Plan

The Inspectors letter to CoYC dated 12.06.2020.

**Note on concerns arising from the Inspectors' decision that
the Local Plan greenbelt proposals are in general conformity
with the RSS Policy.**

Section 1.0 Introduction.

1.1 The Inspectors' letter of the 12.06.2020 sets out, in numbered paragraphs, the 'Context' to their findings from the Phase 1 hearings. These are:

1. *York does not currently have an adopted development plan that includes Green Belt boundaries. This Local Plan proposes to introduce Green Belt boundaries for the first time in a development plan for York. The boundaries proposed are:*
 - (a) an 'inner boundary' around the city of York;*
 - (b) an 'outer boundary';*
 - (c) boundaries around some villages, 'insetting' them rather than including them in the Green Belt; and*
 - (d) boundaries around sites proposed for development in the Local Plan.*

2. *The examination is being held under the 'transitional arrangements', such that it is the policies of the 2012 NPPF that apply. Paragraphs 82 and 83 of the NPPF both require a demonstration of exceptional circumstances. The former relates to situations where new Green Belts are being established, the latter of the alterations of established Green Belt boundaries.*

3. *Two policies of the RSS - being Policies YH9C and Y1C - and the RSS Key Diagram have not been revoked, insofar as they relate to the Green Belt around York. These have a bearing on the question of whether or not it is necessary to*

demonstrate exceptional circumstances for the purposes of paragraphs 82 and 83 of the NPPF. For the Local Plan to be legally compliant, including in relation to the Green Belt boundaries proposed, it must be 'in general conformity with' the RSS.

4. *In the light of all this, we consider below the need or otherwise for exceptional circumstances to be demonstrated for the purposes of paragraphs 82 and 83 of the NPPF, and also consider whether or not the Green Belt boundaries are in general conformity with the RSS. In coming to our conclusions, although we do not refer to all the specific representations made, we have had regard to all of the evidence that we have read and heard.*

1.2 This Note is restricted to the issue of the 'general conformity with the RSS'. In particular that means the RSS policies preserved by the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. As in my submissions to the Local Plan the expression 'Primary YGB Policy' means the higher order policy created at County or Regional level namely through the Structure Plans and Regional Spatial Strategy. The expression 'the urban core' means the continuous built-up area of the City of York as shown coloured grey within the inner circle of the RSS Diagram of the general extent of the York greenbelt.

1.3 This Note addresses the issues identified by the Inspectors in the Context of their letter (set out above at para. 1) and numbered 1 (a) and 1 (b), that is in respect of the inner and outer boundaries.

- 1.4 My concerns primarily focus on the issues of the correct interpretation of these policies in respect of the inner and outer boundaries and I conclude that the correct interpretation could only lead to a conclusion opposite to that expressed by the Inspectors. I recognise that the Inspectors letter does not set out their intelligible and adequate reasons in respect of this principal important controversial issue. However, the only means by which that finding could be reached is by an incorrect interpretation of the policy. That would be an error in law.
- 1.5 I am aware this Note does include references to the evidence base but in that regard, it is not comprehensive of the extent of my concerns. That issue along with others raised in the Phase 1 hearings are reserved though I can foresee the likelihood of further grounds for challenge in that regard but that should not be construed as acceptance of those findings.
- 1.6 This Note, therefore, sets aside the Inspectors' consideration of exceptional circumstances, inset boundaries around settlements and the exclusion of areas within the general extent for development sites.
- 1.7 I consider the Inspectors' conclusions must be made on an interpretation of the RSS policies and their interpretation appears to be misconceived. This misconception underpins their conclusions on points 1(a) and 1(b). These matters, namely the interpretations are not matters of planning judgement, which is an issue for the Inspectors as decision makers but interpretation of policy is a matter for the Courts.

- 1.8 The format of this Note is to set out the legal framework in relation the issue of policy interpretation and then to separately consider the interpretation in relation of the RSS saved policies to their application to the outer boundary and then the inner boundary.
- 1.9 In Section 2, I set out a summary of the broad history of the YGB through historical events of relevance to boundary issues. The importance of this is resolved in the opening paragraphs of the Supreme Court ruling in *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council [2020] UKSC 3*. In its opening paragraphs Carnwath LJ stated that the history and aims of green belt policy were relevant to its current interpretation. In regard to the YGB policy, the history and aims are important to not only National Policy but also the Primary Policy.
- 1.10 My conclusions set out in my main submissions, at the Phase 1 hearings and expanded upon here, have led me to identify a further issue of interpretation of the RSS policies. This is in respect of Policy Y1C2. On re-reading the Revocation Order and the original text of the adopted RSS (its history), it now appears to me, Y1C2 is an environmental policy but one separate from the issue of the York Green Belt.
- 1.11 If that is correct, it becomes very relevant to the issue of general conformity and the inner boundary because the *'important open areas'* referred to in Y1C2 are the open areas known as The Strays. These open areas penetrate into or are within the urban core of the City. I have argued these areas should not be treated as green belt but that

green wedge style policy would better protect the areas. However, if these areas are addressed in RSS as a separate policy from those relating to the Green Belt, it supports the interpretation of the Key Diagram that these areas are not envisaged by the RSS policy to be included in the York Green Belt [YGB]. This further supports that the inner boundary is to be located outside the outer ring-road.

- 1.12 The absence of any comment relating to this in the Inspectors letter confirms my perception that they have mis-interpreted the RSS policy.

2.0 Relevant history of the YGB, National Green Belt Policy and Primary YGB Policy.

YGB History.

- 2.1 Between 1955 and 1980, there had been a number of sketch green belt proposals promoted which affected parts of the area around York. However, all these proposals were for partial or limited areas adjacent to the urban core of York and successive Ministers rejected the partial proposals, requiring a comprehensive approach. No sketch plan greenbelts were ever approved.
- 2.3 The underlying problem was the lack of a single organ of local government to provide this comprehensive approach. Until 1974, the environs of York were divided between 3 County Councils and a larger number of secondary authorities (rural district councils). York itself was not within any County but was an independent County Borough.
- 2.4 In the 1974 Local Government reorganisation, the whole area became comprised within one County area (North Yorkshire). York itself, which had previously been independent of any county structure became a second-tier authority along with Harrogate, Hambleton, Ryedale and Selby. York remained a small area with its outskirts split between these other 4 second- tier authorities.

- 2.5 The County Council proposed, in 1980, in its first Structure Plan a policy for the general extent of a greenbelt around York. That policy remained in Structure Plan policy unchanged until replaced in 2008 by RSS policy.

National Green Belt Policy.

- 2.6 The national policy extant at the time of the policy which created the general extent of the YGB (The North Yorkshire Structure Plan 1980) was contained in the Ministerial Circulars 42/55 and 50/57.

- 2.7 At the date the draft York Green Belt Local Plan was deposited in 1991, national policy was set out in Planning Policy Guidance 2 (1988). That post-dated the Structure Plan policy E8 designating the general extent of the YGB with an outer boundary at about 6-miles from York city centre (The Structure plan policies were typed entirely in upper case but the RSS policy sets the words *city centre* in lower case, though it is incorrectly re-produced in the CoYC Clarification Note). PPG2 stated the structure plan policy had been approved, displayed a map based on the Structure Plan Key Diagram and stated the approximate area of the YGB to be 50,000 acres.

- 2.8 The Department of Environment, which produced PPG2 also produced a Booklet, entitled The Green Belts, in 1988. This repeated the material on the approximate area and added a dialogue about the YGB as follows:

York. A Green Belt around York has been approved in principle for many years and a belt whose outer edge is about 6 miles from York City centre was formally approved in 1980 as part of the North Yorkshire County Structure Plan. Its main

purpose is to safeguard the special character of the historic city, which might be endangered by unrestricted expansion. The bulk of the land in the Green Belt is good and pleasant farmland providing links with open land running into the built-up area of the city.

2.9 There is dialogue related to each of the Provincial Green Belts. That identified for York the main purpose of the YGB, which had not been set out in the Structure Plan policy. In addition to York, Cambridge and Oxford are identified as having the same main purpose. In the case of Oxford, it states the green belt is to prevent further growth and at Cambridge to limit its size. There is no such limitation to growth indicated for York. That must imply that a tight inner boundary is not anticipated. The caution against unrestricted growth has to be considered in the context that at the date of the Booklet the requirement for District-wide Local Plan did not exist and did not arise until the reforms of 1992.

2.10 For clearer understanding of the implication of these phrases – *‘the about 6-mile outer boundary’*, *‘the belt’* and *‘the 50,000-acre area’* - it is possible to deduce a median or average depth for the YGB and in consequence a general starting point for detailing the inner boundary as well as locating an outer radius. This concept I have displayed in my main submissions as an exhibit at Annexe V xii on an OS plan at 1:25000 by red circumferences for the 6-mile outer boundary and the median or average line(radius) of the inner boundary. For ease of reference, I attach a copy of that exhibit to this Note. The inner boundary circumference thereby displayed is consistent with the inner boundary of the RSS Key Diagram. In this regard, I assume the circumference of

the dots on Key Diagram is a line based on the outer edge of dots indicating the inner boundary. That assumption reflects where the inner boundary would be assumed to be if the dots were replaced by a line of similar thickness.

2.11 I also infer from the Booklet description that there is good and pleasant farmland between the inner edge of the green belt and the Strays and the urban core, that is *open land running into the City*.

2.12 None of this interpretation of policy is consistent with the green belt coming up to the urban core let alone extending into it.

2.13 I also consider an objective assessment of the Booklet (1988) dialogue was that expansion of York was acceptable and no specific limits were envisaged merely that *unrestricted expansion* was to be avoided. This is particularly so as the Booklet describes this area as '*the bulk of the land is good open farm land*'. The same applies to the land inside the inner radius and so it would seem logical that building on the land within the inner radius is by and large not going to cause adverse impact to the setting provided by the green belt which remains as this open farmland. The issue for the area between the inner boundary and the urban core is does development adversely impact on the character and setting of the historic city. So, therefore, one would expect to see an evidence base which produced that assessment in respect of land up to the median line of the inner boundary at least. I perceive no such evidence is deduced by the LPA. Without such evidence any Plan proposals must fail to fulfil the aims of the RSS policy.

- 2.14 I record here, for completeness, that PPG2 1995 was published after the date of the Inspector's Report into the objections to the York Green Belt Local Plan. The relevance of that is discussed in Section 3 below.
- 2.15 It is not apparent from any evidence, produced by the LPA and upon which the Plan could be said to be based, that there is an argument to justify the connection of *the important open areas* (The Strays) to the green belt. Protection of any such connection areas could be achieved without the need to bring the inner boundary of the YGB closer to the built core. This would be by other forms of policy such as for green wedges, if that concept is or could be justified. Again, no justification arises from any evidence submitted by the LPA.
- 2.16 A final point arises from the re-reading of the RSS policy and that is that Policy YH9C refers to *the historic city* and Y1C refers to *the City of York* and *York*. That raises at least a prime facie question about the meaning to be attached to the expression *the historic city*. There is no indication in the letter 12.06.2020 as to whether that issue has been addressed by the Inspectors and, if so, how it has been resolved.

Primary Green Belt Policy.

- 2.17 The first occasion when a policy proposal for the general extent of the YGB was accepted for consideration by Government was with the deposit of the North Yorkshire County Structure Plan in 1980.

- 2.18 I consider a relevant and important issue is that the 1980 submission Structure Plan did not propose the policy or the Key Diagram as it was approved by the Secretary of State and as subsequently adopted. The proposal in the submission version was for a more expansive greenbelt for York and one which conjoined with the West Riding Green Belt to the west and south of York. That proposal was firmly rejected by the Secretary of State, who put forward the revised policy and a revised Key Diagram.
- 2.19 The Policy E8 (iv) was repeated verbatim in Alteration No1 (1987) and again in the replacement Structure Plan adopted in 1995.
- 2.20 After the general extent was established in 1980, there were attempts by some of the second-tier authorities to establish parts of the outer boundaries within their District. However, the Secretary of State maintained his stance that the detail, like the general extent, required a comprehensive proposal.
- 2.21 To this end, in 1990 the County Council proposed that it should promote a Green Belt Local Plan to resolve the inner, outer and inset boundaries due to the unlikely prospect that the local plan processes of the 5 second-tier authorities could be brought forward together.
- 2.22 To achieve the necessary basis for these proposals the County Council embarked on a process of quantifying development needs up to 2006 in what was described as the Greater York Area. That quantification also involved agreement by the 5 second-tier authorities on its distribution. In 1990 the outcome of this political debate and negotiation resulted in an agreed document entitled the *Greater York Study*.

- 2.23 That Study concluded that to resolve the development needs 1996-2006 and the resolution of the Green Belt boundaries lay in meeting the residual requirements through the development of a new settlement or settlements beyond the outer boundary.
- 2.24 This led to the production of a York Green Belt Local Plan YGBLP. This Plan went to Public Inquiry to resolve objections in 1991/1992 and the Inspector's Report was published in January 1994, but the Plan was not subsequently adopted. The boundaries which that Plan proposed are those which underpin the currently submitted York Local Plan and so that process requires some more detailed consideration which is set out in the following section.
- 2.25 The PCPA 2004 provided for the replacement of County Structure plans with Regional Spatial Strategies.
- 2.26 The Regional Planning Board for Yorkshire and the Humber (RPB) set out an RSS for consultation and to go to EiP in 2006. The Government Office statement for the EiP noted at para 2/7 that the York Section of the RSS made no mention of the (York) Green Belt and concluded the RSS should include a policy and diagram to guide the definition of the inner and outer boundaries.

- 2.27 The RSS replaced E8(iv) which related specifically to York with the addition of a statement as to the green belts primary purpose but did not repeat any part of Policy E8a.
- 2.28 I along with Jennifer Hubbard and Janet O'Neill (all Chartered Town Planners in private practice) made submissions that for the YGB to be preserved the RSS needed to include a policy as to its general extent.
- 2.29 There was no response from either the RPB or the City of York Council.
- 2.30 At the EiP up to the day before the York session of the RSS hearing sessions no policy had emerged. I lodged a policy proposal supported by a SA with the Panel's office that day. The Inspector, assisting the Panel Chairman, stated he would not hear any debate on this policy proposal at the session fixed for the following day. I respond that he had in the circumstances no option but to do so.
- 2.31 The following morning Government Office produced a policy to cover the YGB (but no SA) and that policy was debated. The Panel's Report concluded:

'It is our view that the quickest measure in resolving this matter is for policy YH9 (recast as ENVF policy) to include specific requirements to draw up an inner boundary through an LDF, and for this to be shown on the Key Diagram...'

2.32 In the event the Secretary of State re-issued a revised version of the RSS in 2008 which went to consultation but not to any further public scrutiny. This version when adopted in May 2008 and contained two relevant policies:

‘YH9C. 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. The boundaries must take account of the levels of growth set out in the RSS and must also endure beyond the Plan period.’ (2026).

and at:

‘Y1C1. In the City of York LDF, define the detached boundaries of the outstanding sections of the outer boundaries of the YGB about 6 miles from York city centre and the inner boundary in line with YH9C’

2.33 These policies along with policy Y1C2 were saved by the Partial Revocation Order.

3.0 The YGBLP Inquiry and Inspector's Report.

3.1 The reason why this issue may have importance is that the current Local Plan EiP for York and the adopted plans which address the outer boundary of the YGB in Harrogate, Hambleton, Ryedale and Selby are all, I believe, are based on the YGBLP proposals for boundaries submitted in the YGBLP process in 1991.

3.2 This raises two issues:

- what weight attaches to the outcomes of the YGBLP, which culminated in the Inspector approving the Plan and rejecting the objections. The adoption of the Plan did not then follow but PPG2 was issued which amended green belt policy to accommodate patterns of sustainable development, and
- what weight should be attached to the adopted boundaries in the Harrogate, Hambleton, Ryedale and Selby Local Plans.

3.3 My belief is little or no weight attaches to the YGBLP proposals because:

- They were not evidenced based but specifically had a politically agreed base position in the Greater York Study.
- The Inspector in his report noted the lack of a landscape appraisal.
- He also noted a lack of any justification that York had reached its environmental capacity, and

- he also observes the development requirement data before him was not up-to-date.
- He considered that his conclusions might have been different if emerging policy on sustainability had been in place.

3.4 The YGBLP was not adopted due to a combination of factors which include, the publication of PPG2 1995, the fact a new settlement beyond the YGB did not carry into policy and in 1996 there was a further Local Government reorganisation.

3.5 The YGBLP Inspector's Report is not based upon any assessment of soundness, it was a Report into the resolution of specific objections in a Local Plan Inquiry procedure.

The Inspector did observe that:

- An outer boundary at about six miles was an arbitrary concept and that there was no dramatic change in the character of the landscape beyond.
- There is no indication that the Inspector had regard to the Secretary of State's decision letter of the 26.11.1980 which amended the extent of the green belt proposals, Policy E8 and the Key Diagram. The S of S indicated his reasoning in the following terms *'he is anxious that the green belt concept should not be devalued by indiscriminate application or using green belt notation where other meaning of development control in rural areas would more appropriately serve the required purpose'*.
- There were objections where this position would have been a more apposite reason than that given by the Inspector. These were objections to extend the

greenbelt but the Inspector never addressed any objection which argued against the boundaries being significantly beyond 6-miles e.g. as at Wheldrake, or Elvington, rather the objection was about whether the land in question served a greenbelt purpose.

- He was not presented with or, as far as I can ascertain, made aware of all the relevant background material such as the *'Draft Proposals Map of 1990'*, which showed a 6-mile circumference and significant areas proposed beyond 6 miles particularly to encompass Elvington, Wheldrake, Escrick and Long Marston.

[This Draft Proposals Map was annexed to my Submissions at Annexe 5. This Plan is dated December 1990 and was at scale 1:20000. It had a 6-mile radius superimposed and areas of earlier unadopted sketch plan green belt proposals and areas proposed for addition to the sketch plan areas or deletion from them. This was an approach entirely inconsistent with the Structure Plan policy and produced a result that was inconsistent with it.]

- 3.6 The Inspector took the view that York should be constrained to a small City size which would provide greenbelt within the outer ring road and that views from the outer ring road should provide views of York in a rural setting. Whilst that was his view, it was not supported by evidence as he himself pointed out. He also provided an alternative concept of green belt defining a star shaped city.
- 3.7 The limited small-scale size City approach contradicts the PPG2 (1988) and the Booklet material, where the inner boundary is likely to be beyond the outer ring-road by some margin due to the outer boundary being located at 6 miles and the area limited to 50,000 acres.

3.8 I would submit that, if the Inspector had addressed today the YGBLP proposals for soundness, he would not find them consistent with national policy (PPG2 1988) or in general conformity with the Structure Plan policy E8 (areas beyond 6 miles and beyond features that would have provided suitable durable boundaries). He would also have had to dismiss the YGBLP Plan as not being evidenced based.

3.9 However, I consider it to be particularly relevant to the outcome that the Inspector was not

- provided with the Draft Proposals Map, which had a 6-mile radius imposed upon it, or
- directed to the area of the YGB as set out in PPG2 1988 at 50,000 acres and published just 2 years earlier than the submission of those plan proposals.

3.10 The Inspector did however give a clear steer on how the outer boundary should be plotted whilst lamenting that he could not find a reason why the 6-miles distance had been chosen (see the last bullet point above). He went on to state there was no obvious difference in general visually or in potential to perform Green belt functions between land at 5.5 miles from the City centre and that which was at 6.5 miles from it. He stated '***I consider that the most appropriate way therefore to judge the outer boundary is to seek first to find recognisable and durable boundaries that approximate as closely as possible to an exact 6-mile radius, and only to vary from this for reasons of practicability or for reasons which directly related to the purposes of the Green Belt.***'

3.11 I would submit the Inspector's Statement, in bold italics above, is the appropriate approach and is the correct one and as such:

- explains why the policy uses the word '*about*', attaching to the policy both then and now, and
- indicates that relevant and proportionate evidence would have as the baseline position the 6-mile radius as a starting point for each boundary selection exercise.

3.12 On a separate but related issue for the EiP Inspectors, I observe there is no evidence, submitted by the LPA in the current LP process that it took this approach and no reference has been made to indicate this was the LPA's base position. At submission stage, there was no explanation or indication that boundaries were established from a 6-mile radius starting point. Proposals Map is in fact essentially as set out in YGBLP 1991 but with proposals for a further extension beyond Wheldrake. This stance had been repeated in all documents produced by the LPA since 1998 (the first Local Plan produced after the 1996 Local Government re-organisation).

3.13 All the subsequent material provided by the LPA is not evidence upon which the Plan was based but post-submission justification. Any part of this which can be regarded as 'evidence' is material created after the submission date or *ex post facto justifications* as it was expressed by Mrs. Justice Lieven in the judgments in *Aireborough Neighbourhood Development Forum v Leeds City Council* [2020] EWHC 1461 and 2183 (Admin).

4.0 Planning Policy interpretation.

4.1 I have used as my base line an Approved Judgement by Mr. Justice Dove in case of Peel Investments (North) Ltd v. SoSHCLG & Salford City Council CO/5073/2018 in a Sec. 288 T CPA 1990 challenge in a judicial review of an appeal decision.

4.2 At para. 42 Mr. Justice Dove sets out the law applicable to the case in question. I consider the following statements to be relevant to a consideration of the terms of the Inspectors' Letter.

'44. the jurisdiction of the court in relation to a statutory challenge brought, as this challenge is, under Section 288 of the 1990 Act is an error of law jurisdiction. As Sullivan J observed in the case of Newsmith Stainless Ltd vs. Secretary of State for the Environment, Transport and the Regions [2001] EWHC Admin 74; [2017] PTSR 1126 whilst an allegation that a conclusion of the planning merits is irrational or Wednesbury unreasonable is, in principle, available to a Claimant mounting a 288 challenge, it will be a high hurdle to surmount (see paragraph 5 and 6 of the Judgement).

45. Following the decision of the Supreme Court in Tesco Stores Limited v Dundee City Council [2012] UKSC 13; [2012] PTSR 983 the question of the textual interpretation of a planning policy is question of law for the court to determine. The Framework, in addition to being an obvious material

consideration to which regard must be had in accordance with the statutory decision-taking regime, is also an element of policy the interpretation of which is a question of law for the court. As noted in the case of Canterbury City Council v SSCLG and Gladman Developments Limited [2018] EWHC 1611 (Admin) the following principles emerge from the authorities to govern the resolution of questions of planning policy:

“23. In my view in the light of the authorities the following principles emerge as to how questions of interpretation of planning policy of the kind which arise in this case are to be resolved:

i) The question of the interpretation of the planning policy is a question of law for the court, and is solely a question of interpretation of the terms of the policy. Questions of the value or weight which is to be attached to that policy for instance in resolving the question of whether or not development is in accordance with the Development Plan for the purposes of section 38(6) of the 2004 Act are matters of judgement for the decision-maker.

ii) The task of interpretation of the meaning of the planning policy should not be undertaken as if the planning policy were a statute or a contract. The approach has to recognise that planning policies will contain broad statements of policy which may, superficially, conflict and require to be balanced in ultimately reaching a decision (see Tesco

Stores at paragraph 19 and Hopkins Homes at paragraph 25). Planning policies are designed to shape practical decision-taking, and should be interpreted with that practical purpose clearly in mind. It should also be taken into account in that connection that they have to be applied and understood by planning professionals and the public for whose benefit they exist, and that they are primarily addressed to that audience.

iii) For the purposes of interpreting the meaning of policy it is necessary for the policy to be read in context: (see Tesco Stores at paragraph 18 and 21). The context of the policy will include its subject matter and also the planning objectives which it seeks to achieve and serve. The context will also be comprised by the wider policy framework within which the policy sits and to which it relates. This framework will include, for instance, the overarching strategy within which the policy sits.”

(iv) As set out above, policies will very often call for the exercise of judgement in considering how they apply in the particular factual circumstances of decision to be taken (see Tesco Stores at paragraphs 19 and 21). It is of vital importance to distinguish between the interpretation of policy (which requires judicial analysis of the meaning of the words comprised in the policy) and the application of the policy which requires the exercise of judgement within the factual context of the decision by the decision - taker (see Hopkins Homes at paragraph 26).

4.3 The Supreme Court judgment in R(on the application of Samuel Smith Old Brewery (Tadcaster) and others v North Yorkshire County Council [2020] UKLSC 3 is a case specifically addressing the interpretation of green belt policy and at para. 3 of the judgment under the heading *History and aims* Carnwath LJ stated :

Although we are directly concerned with the policies in the NPPF (in its original 2012 version), Green Belt policies have a very long history. It can be traced back to the first national guidance on Green Belt in Circular 42/55 (issued in August 1955). More recently Planning Policy Guidance 2: Green Belts (published 1995 and amended in 2001) (“PPG2”) confirmed the role of Green Belts as “an essential element of planning policy for more than four decades”; and noted that the purposes of Green Belt policies and the related development control policies set out in 1955 “remain valid today with remarkably little alteration” (para 1.1). The NPPF itself, as appears from ministerial statements at the time, was designed to consolidate and simplify policy as expressed in a number of ministerial statements and guidance notes, rather than effect major policy changes (see Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government [2014] EWCA Civ 1386; [2015] PTSR 274, para16ff, 22 per Sullivan LJ).

4.5 This judgment went on to demonstrate the value of references to the history of the policy to facilitate its interpretation.

4.6 I consider that the decision in R (on the application of Satnam Millennium Ltd v. Warrington Borough Council CO/2093/2007 is relevant to the interpretation of policy

in relation to the inner boundary and the application of the evidence of the Key Diagram in particular. This decision is addressed in Section 6 below.

- 4.7 Although the Inspectors' Letter indicates that it does not address the detail of submissions made to the EiP or set out the Inspectors' intelligible and adequate reasons for resolving this principally important and controversial issue, it is apparent from their conclusions that they have failed to give appropriate weight to the history and aims of both National policy and Primary policy in respect of the YGB.

5.0 The Outer Boundary.

5.1 I consider that the correct position in respect of policy in relation to the Outer boundary is e limited to the following element of Policy Y1.

'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 the York city centre.' (my emphasis). Firstly, the word '*the*' and the lower-case term '*city centre*', indicate a point not an area in ordinary language.

5.2 I have submitted, with supporting evidence, that the Local Plan proposals are not in general conformity with the RSS York Green Belt policies as saved by the Partial Revocation Order.

5.3 In their letter to CoYC dated 12.06.2020 the Inspectors address this issue at para. 15-18.

5.4 The Inspectors state that the issue of general conformity with this policy limb in a matter of planning judgement.

5.5 I disagree. Whilst the application of policy may be a matter of planning judgement, its interpretation is not and the Inspectors have incorrectly interpreted the policy. I believe that error is largely due to not having appropriate regard to the context in

respect of the History and Aims of the YGB policies, which were the particular focus of my submissions.

5.6 A point is made by the LPA about the definition of the city centre. The LPA has not previously addressed that issue but subsequent to the first phase hearings (addressing this issue) the LPA submitted '*A Clarification Note*' stating it was either St. Sampson's Square or the City Walls area. This so-called Clarification Note is no more or less than attempt to introduce new evidence and is ex post facto justification. I observe that the Clarification Note mis-states the terms of the RSS policy by adding a Capital to the letter c in 'city'. It then goes on to describe the 'City Centre'. I consider the addition of capital letters to the term city centre has an impact for its interpretation.

5.7 The Note clarifies nothing to do with '*evidence upon which the Plan was based.*' The reference to St. Sampson's Square was an idea emanating from a Manchester based planning consultant employed by Arup's, who at the Public Inquiry referred to in the Clarification Note, set forth that proposition. I gave evidence in that Public Inquiry and the said consultant approach me prior to the opening and introduced herself and explained she was interested to meet a person whom the Council had identified to her as an expert on the York Green Belt. From that conversation I am aware that this site-specific appeal was her first encounter with the subject matter. My evidence to the EIP phase 1 hearings was that at the YGBLP Inquiry, the County Council had expressed the view that the appropriate central point was the central tower of the Minster. The YGBLP Draft Proposal Plans, which I exhibited with my initial submission was I believe based on that point and not St. Sampson's Sq. The Plan has a circle with a 6-mile radius

and the centre of the circle appears to be the Minster Tower. My evidence is not challenged by the LPA in their Clarification Note and my evidence would be confirmed by anyone who attended the YGBLP Inquiry, such as Jennifer Hubbard, who attended many of the sessions.

5.8 However, the Clarification Note then goes on to consider the city centre as an area rather than a point. I believe these are words to define a point not an area, an area would be defined as York City Centre (i.e. using capitals as a pronoun). That is then done by the LPA without explanation of why they alter the words to have upper case first letters. The effect is, however, of being misleading.

5.9 Secondly the Key Diagram produced in 1980 in response to the Secretary of States amendment of the policy shows the 6-mile limit is clearly short of the River Derwent and to its west. Although, it is diagrammatic it clearly shows the two are separated by some distance. The City wall based central area produces a result where the outer boundary goes to the River Derwent and so it must be wrong for that reason alone. Both approaches are without foundation and there is no evidence which existed at the date of the Plan submission to justify either position. I accept that the distinction was not obvious in the Structure Plan policy because the whole policy is written in upper case, but that is not so the RSS policy.

5.10 The 1980 proposals took the green belt general extent to 9 miles and the Secretary of State reduced this to 6 miles on the basis the extension potentially undermined green belt policy nationally. The current Local Plan proposal takes it to 8.48 miles. It is not

consistent with the policy to increase the outer extent by such a margin, some 40.5% greater or more importantly to take up 94% of the distance the Secretary of State found to be unacceptable.

5.11 I consider that the approach taken by Inspector Sheppard in 1991 as set out at 3.9 above is the correct approach to resolving the location of the outer boundary. The word '*about*' in the policy is to allow for a variation from the exact 6 – mile point to the appropriate nearby recognisable and durable boundary feature. Whilst a feature identified to provide the boundary might not be the nearest to the six-mile radius it should be near and that variation should have some justifications. The LPA would be expected to make practicable choices - there will be planning judgements - and the Plan would be based on evidence of that process and contain an explanation as to how it was implemented. There is no such evidence.

5.12 When the EiP Local Plan was submitted to the Secretary of State no such evidence existed. Such evidence as now exists has only been deduced by the LPA in response to specific requests for evidence from the Inspectors. It is not evidence of a boundary determined from a starting point of a 6-mile radius. What has been produced in Topic Papers & the Clarification Note is a post submission justification. The Inspectors appear to give scant disregard for the need for the LPA to have established that their Plan is based on evidence then existing. The material put forward cannot be described as in conformity with the RSS policy requirement in that regard.

5.13 My belief is there was no evidence base because the basis for the YGB outer boundary was to adopt that of the YGBLP 1991 and add a further section beyond Wheldrake, which had been deleted from an earlier sketch plan in 1991. None of the 1991 proposals was evidenced based and none were in conformity with the National policy or Primary policy extant at the time.

5.14 To summarise my concerns on this issue, I consider the key context for the interpretation of outer boundary policy are:

5.14.1 That the policy is limited to the words at 5.1 above and no other part of the text of the Revocation Order is relevant to its interpretation.

5.14.2 That when the underlying policy was created in 1980, the Secretary of State limited broader and wider proposals to around six miles, and

- That the Key Diagram (arising from the Secretary of States amended policy) indicated that the outer radius of the general extent was at some distance from the River Derwent. That is a clear conclusion which arises even though the Key Diagram is not map based.
- The Secretary of State stated in his justification for the amended policy in his decision letter of the 26.11.1980 that *'he is anxious that the green belt concept should not be devalued by indiscriminate application or using green belt notation where other meaning of development control in rural areas would more appropriately serve the required purpose'*. In that context about means as close as can be achieved to that distance.

5.14.3 PPG2 places the overall area of the YGB at 50,000 acres and that would require the green belt outer boundary to be as close to the 6-mile radius circumference as possible and practical or otherwise the inner boundary would be at a similar greater distance from the urban core. That is not indicated by the Key Diagram.

5.14.4 'About' is a term to facilitate the actual boundary to be located along a durable and permanent topographical feature. This would by definition mean close to 6-miles but if any suitable feature was ignored it would be expected that the decision to do so would be recorded in supporting evidence and justification upon which the submitted Plan is based.

5.14.5 That, in some parts of the outer boundary proposed, the Inspectors recognise the it is located '*little more than a few miles or so at most*' (away from a 6-mile circumference) is not a credible conclusion based on an interpretation of the policy. A proper interpretation cannot reasonably lead to the conclusion that this degree of divergence is very limited. It is a misconceived and irrational interpretation of the policy.

5.14.6 The existence of adopted Local Plans in neighbouring areas is no justification for York's approach, it merely reflects the position that such the proposals elsewhere were equally without an evidence base as they replicated the 1991 proposals exactly. The Inspectors should flag up that these authorities should review these boundaries at the first practical opportunity, particularly where

there is a material divergence from the 6-mile radius i.e. at Escrick (Selby) and Long Marston (Harrogate).

5.15 In my opinion the Inspectors have erred in law by interpreting the degree of flexibility they have accepted at paras. 17 and 18 of their letters. This is contrary to the historic evidence and aims behind the 6-mile radius as required by the Secretary of State in 1980. The current RSS policy is on that point identical to the historic policy.

6.0 The Inner Boundary.

6.1 Policy YH9 sets out policy limited to the issue of the detailing of the inner boundary. It states:

***'YH9C 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. The boundaries must take account of the levels of growth set out in the RSS and must also endure beyond the Plan period.'* (2026).**

6.2 The words in Y1.1 are otiose as they merely refer to the reader back to YH9.

6.3 I do not consider Y1.2 is related to green belt issues at all but is a wider environmental policy that should be separately addressed in the Local Plan process. I did not make this point expressly in my submissions but I did submit that the Local Plan had to be in general conformity with the policy the Partial Revocation Order and so it remains for the Inspectors to address that issue in the EiP but not under green belt. In my opinion the Secretary of State (the Lord Pickles) misunderstood the RSS policies for York and incorrectly considered that Y.1 2 related to greenbelt and not environmental issues more generally as did the subsequent sub-paragraphs of the RSS policy. This original policy is historic context for the interpretation of the Partial Revocation Order.

- 6.4 The Key Diagram is an important consideration on the policy interpretation having regard to the case of R *(on the application of Satnam Millennium Ltd) v. Warrington Borough Council*
- 6.5 The Inspectors in their letter at paras 12 & 13 conclude, they accept the Key Diagram places the inner boundary beyond the central built-core of York.
- 6.6 The PCPA 2004 provided for the replacement of County Structure plans with Regional Spatial Strategies. The Regional Planning Board for Yorkshire and the Humber (RPB) set out an RSS for consultation and for public scrutiny at the EiP in 2006. The Government Office statement for the EiP noted at para 2/7 that the York Section of the RSS made no mention of the (York) Green Belt and concluded the RSS should include a policy and diagram to guide the definition of the inner and outer boundaries.
- 6.7 I along with Jennifer Hubbard and Janet O'Neill (all Chartered Town Planners in private practice) made submissions that for the YGB to be preserved the RSS needed to include a policy as to its general extent.
- 6.8 There was no response to Government Office's recommendation from either the RPB or the City of York Council or in that regard to the submissions of the private consultants.
- 6.9 At the EiP up-to the day before the York session of the RSS hearing sessions no policy had emerged. I lodged a policy proposal supported by a SA with the Panel's

office that day. The Inspector assisting the Panel Chairman stated he would not hear any debate on this policy proposal at the session fixed for the following day. I respond that he had in the circumstances no option but to do so.

6.10 Again, I consider the issue which the Inspectors have addressed in their letter of the 12.06.2020 in respect of the inner boundary is one of interpretation of policy not planning judgement as to its application.

6.11 I consider RSS policy Y1C.2 is very relevant to the interpretation of YH9. In addressing *the nationally significant historical and environmental character of York*, Y1C2 is not necessarily addressing the green belt at all but is specifically identifying the *'important open areas.'* These, I believe are 'The Strays' i.e. areas of open land within the urban core. I do not accept that these important areas are in any way harmed if they do not link to the green belt. They have their own historic significance, character and appearance. However, in addition to green belt there is an issue of protecting the nationally historic character of York. I do not believe this issue has been the subject of any separate evidence base by the LPA but the Local Plan needs to address this to be compliant with the RSS. I anticipate that the setting of the nationally significant historical character is potentially distinct from that encompassed by the green belt purpose. However, in the absence of any assessment of these features underpinning the submitted plan neither I nor the Inspectors know whether there is any policy in the submitted plan to address Y1C.2.

6.12 What does follow from Y1C.2 is that the *'important open areas'*, the Strays, are not expected to be within the green belt. If that assessment is right, these *'important areas'* will need separate protection and my submission states that a green wedge policy would be both more appropriate and afford better protection than its green belt policy (such as the restriction on large scale agricultural buildings). I would add that such policy could extend to land connecting these important open areas up-to the inner boundary of the green belts but that would need some justification. The LPA have placed great store on the need to protect these areas and has used that to justify the green belt being brought tight to the urban core and then extending into it. There seems no necessity in terms of affording protection to these areas to link them to the green belt around York which is land of a different character.

6.13 I consider the circumstances considered by Mr. Justice Sullivan at para. 36 onwards of his Judgement in *Satnam Millennium Ltd v. Warrington Borough Council* have application to the circumstances of the RSS Key Diagram. If the Key Diagram provides clarity that the inner boundary falls short of the urban core then it cannot then be proposed to come within it to or towards the urban core. That in turn does not mean land within the inner boundary cannot be protected as open space, if necessary, to sustain the character of the historic city but it means the protection is afforded by policy other than green belt designation and would have to have its own justification. There is no justification to extend beyond limit identified by the Key Diagram further inwards towards the City and Y1C.2 underpins that separation should exist.

- 6.14 The interpretation of the Key Diagram has also to be considered in its context. The context means that the consequence of the green belt area in PPG2 (1988) and the Booklet and the description which indicates York is not at its limits are interpretive aids. Clearly this aligns with the Key Diagram indicating an inner boundary set away from the urban core. That is the context of the policy.
- 6.15 The RSS Key Diagram was different from early Key Diagrams in Regional policy/guidance when the Government office was potentially relying on the outcome of the 1991YGBLP Inquiry rather than engaging with the detail of policy making. In 2008 the RSS was having to become the strategic policy base for the general extent of the YGB, so as to replace the Structure Plan policy E8 that would lapse on its adoption. In consequence I submit greater attention was given to this detail including the Key Diagram in the RSS. I further submit that this detail aligns with the previous Government statements in PPG2 1988 and the Booklet – The Green Belts.
- 6.16 The inner boundary is about protecting the character of the historic city and the open farmland of the green belt is its primary setting. That fact may well have implications for inset settlement policy but has no justification in respect of requiring the inner boundary to be tight to the existing urban core. Rather the contrary is the policy proposal as denoted on the Key Diagram and in PPG2 (1988).
- 6.17 PPG2 (1988) and the Booklet clearly signal that there is capacity for growth of the urban core. It does, however, indicate there is a need for some restriction to growth

and that is to be provided by a 50,000-acre belt around the City with its outer edge at 6-miles or thereabouts.

6.18 PPG2 1995 and subsequent NPPF policy identify the sustainable development patterns that should be prioritised in any pattern of growth – channelling development towards the urban areas inside the Green Belt. That is clearly possible with the correct interpretation of YH9 but not by many of the proposals for development as intended by the Local Plan – such as a new settlement within the Green Belt. In this regard the scant evidence which did exist before the submission of the plan indicates that the LPA reject the approach of extending the urban core to achieve an objective of non-coalescence with neighbouring settlements. No explanation of why that is justified is offered given the imperative of NPPF policy for sustainable patterns of development and the fact the terms of E8(a) of Structure Plan policy was not included in the RSS policy. The exclusion of the terms of E8 (a) I take as clear evidence that the coalescence issue was intended to be dropped as a policy requirement and that would reflect the change in green belt policy arising in 1995 on the issue of sustainable patterns of development.

6.19 The withheld evidence of the ECUS appraisal in 2000 indicates there are peripheral sections of the urban core which are outwith the character of the historic city. In these locations development can take place without adverse impact on the character and in some places mitigate the adverse visual impacts of the existing built form. That observation was also made by Inspector Sheppard in the YGBLP Inquiry in 1991 Inquiry Report para A7.4.

6.20 Equally, the issue of sustainable patterns of development looks to channelling development towards inset settlements, coupled with the fact the RSS choose not to include Policy E8(a) of the Structure Plan (see 2.6 above) clearly indicates those issues in relation to defining boundaries are not addressed in conformity with RSS or consistent with national policy. Excluding E8(a) from the RSS version of YGB policy clearly signals that:

- The need to regulate the size and shape of urban areas,
- Prevent coalescence with existing settlements, and
- The need to preserve areas of open land extending into the urban area from the countryside,

are **not** material concerns for the purpose of establishing the inner boundary. The deletion of the last bullet point did not mean that the Strays were not to be protected, that was done under a different Policy [Y1C 2.]. Yet these very issues are relied upon by the LPA to establish their green belt proposals in their misconceived approach to RSS policy. An approach which is not in conformity with the policies relating to the York Green Belt.

George E Wright MA MRTPI

[Redacted]

From: [Redacted]
Sent: 07 July 2021 19:29
To: localplan@york.gov.uk
Subject: York Local Plan Consultation
Attachments: Response to Local Plan Consultation by Jennifer Hubbard 7.7.2021.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find attached our response to the latest Local Plan Consultation.

Regards.

Jennifer Hubbard
Sent on behalf of Jennifer Hubbard

[Redacted]

[Redacted]

[Redacted]

City of York Local Plan

Publication Draft 2018

Response to the City of York Consultation of May 2021
being a consultation on additional material related to
green belt proposals requested by the EIP Inspectors

JENNIFER HUBBARD, B.A.(Hons)



1. It is difficult, if not impossible, to make meaningful comment on a Local Plan process which has been long winded, tortuous and beset with difficulties.
2. The following observations on the latest public consultation exercise are therefore somewhat disjointed and not in any order of importance. Also, they are made against the background of the Inspectors' various letters to the Council concerning the Council's approach to determining green belt boundaries and the resulting potential unsoundness of the Local Plan and the fact that, unlike the Inspectors' published interim responses to green belt issues debated at the EIP in December 2019, they (the Inspectors) have made no comment on the two other matters considered at that time namely the Duty to Co-operate and housing numbers and distribution.
3. The three topics considered at the EIP are inextricably linked but the Inspectors' silence on the Duty to Co-operate and housing issues raises an interesting question which is – Is (or should be) the determination of green belt boundaries the overriding constraint in the Local Plan based on the need to preserve the character and setting of the historic city or should the Local Plan provide for the immediate and long term development needs of the city – however these may be calculated – by allocating land for development, first, which makes no contribution to the purposes of green belt and thereafter allocates land which is least important in preserving the character and setting of the historic city?
4. If the former, and bearing in mind that the current version of the draft Local Plan makes no provision for safeguarded land, it is very likely that York's short, medium and longer term development needs will spill over into adjacent Authorities. If the latter, this approach would run counter to long-established national guidance which has never contemplated what might be described as grades of green belt importance. The guidance is, and has long been, very clear that: *When defining green belt boundaries, plans should not include land which it is unnecessary to keep permanently open.* (Framework Paragraph 139 – my emphasis)
5. Neither the current consultation proposals nor any previously published paperwork explains which of the above approaches has underpinned the draft Local Plan. What is clear in the current consultation documents is that the Council has responded to criticisms

of the “grades of green belt importance” approach by asserting that it is necessary to keep all land now proposed to be included in the green belt permanently open to protect the character and setting of the city by avoiding encroachment on the countryside. In effect, the proposed green belt is a residual green belt. This is simply an untenable position. What is not clear, for example, is why flat farm land with no special landscape characteristics or intervisibility with the built up area of the city and lying 7 miles or more distant from the city centre (e.g. in the Wheldrake area) needs to be kept permanently open whereas other land with very similar characteristics but lying outside a proposed green belt boundary drawn much closer to the city centre does not.

6. What is also clear as a result of disclosures at and following the December 2019 EIP (and confirmed in the current consultation documents) is that the Duty to Co-operate agreement between the City Council and Selby District Council (EX/CYC/38) is based on both Authorities meeting their individual development needs within their administrative areas. As noted previously, the Inspectors have not commented on the soundness of these disclosures. However – and dealing solely with housing – the latest draft Local Plan proposals provide for 790 dwellings per year over the Plan period compared with a housing requirement based on the Government’s latest standard method of 1,026 dwellings per year over the same period. The draft Local Plan was submitted before the current standard method became mandatory and the Council is not therefore required to meet this higher figure. Nevertheless, in the event that the green belt boundaries are adopted as currently proposed it seems inevitable that the Local Plan will fail to provide for an appropriate level of housing development with potential impacts on those adjacent areas which for many decades have accommodated housing needs arising in York. This is particularly true in the northern parts of Selby District and, in the East Riding of Yorkshire, in Pocklington. The Duty to Co-operate agreement currently in place between Selby DC and CYC is now out of date and needs to be re-visited.

7. In the East Riding, a draft review of the Development Plan, currently out to consultation, proposes to de-allocate residential development sites in Pocklington. The Council is also proposing to challenge a planning permission for over 300 dwellings granted on appeal earlier this year, only a month before the Council’s Five Year Housing Land Supply dramatically jumped from c.5 years to c.10 years (in April 2021) following the

application of the new standard method to the Council's housing requirement. These decisions have been taken by the East Riding Council to reduce the rate of housing development at Pocklington which, as recorded in Council papers, has been fuelled largely by pressures arising in York.

8. The length of time it is taking to resolve the green belt around York through this draft Local Plan and its predecessors is, in many ways, unfortunate but in one respect it now allows the post-Brexit and post-Covid future to be reassessed and taken into account. These considerations do not feature in the current consultation documents.
9. It is crucial, for example, that the employment land needs of the city are fully addressed to reflect changes in which industry, business (especially logistics) and retailing are likely to operate in the future. The paper EX/CYC/29 York Economic Outlook, one of the current consultation papers, is dated December 2019 and so is already out of date. An accurate and up to date picture of economic development requirements is particularly important since the current green belt proposals do not include safeguarded land. It is necessary that the Local Plan should *identify areas of safeguarded land between the urban area and the green belt, in order to meet longer term development needs stretching well beyond the plan period* (Framework Paragraph 139) and also to provide flexibility and to meet shorter term unforeseen needs. So, irrespective of any conclusion on the justification of the green belt boundaries as currently proposed, in my view the Plan cannot be adopted until all the development needs of the city have been properly addressed.
10. Turning now to the revised consultation documents Topic Paper 1 Approach to defining Green Belt (Addendum) January 2021 and associated annexes (Documents EX/CYC/59 and 59(a)-(g)), the first and self-evident point is that these documents cannot be part of the evidence base underpinning the draft Plan since they are all new post-submission documents. Whether they can properly be treated as an explanation/justification of the proposed green belt boundaries is a moot point but it would take a considerable leap of faith to believe that the additional investigations embodied in these documents has coincidentally resulted in exactly the same green belt boundaries as defined at an earlier date in the submission draft Plan.

11. National policy has, for decades, confirmed that the main purpose of the York Green Belt is to protect the character and setting of the historic city but nowhere has the Council ever articulated precisely what are the characteristics of York and its setting which are special – presumably meaning what differentiates York and its environs from many other similar “Cathedral” cities. Certainly the accumulation of items at EX/CYC/59(a)-(g) does not provide the answer.
12. Before setting out some points to ponder, it is necessary to repeat, briefly, a couple of submissions made at the December 2019 EIP – however unpalatable that may be. First, the one thing that has united the City Council over many years, irrespective of political allegiances, in relation to Local Plan preparation is a desire to restrict the amount of new development to be provided in the Plan, to pursue as tight an inner green belt boundary as possible and to consistently ignore advice from Officers on – for example – the City’s housing requirement. Second, that the current version of the Plan, including the detailed green belt boundaries, is a consequence of horse trading between the political parties as housing requirement figures have fluctuated, not the outcome of a rational appraisal of options. No amount of post-decision “appraisals” can hide this fact.
13. Returning to National Guidance – albeit the Framework does not entirely deal with the circumstances faced at York, namely an adopted “general extent” green belt with parts of the outer boundary being adopted and parts not, and none of the inner or inset boundaries being adopted.
14. Framework Paragraph 138 deals with drawing up the as-yet unadopted boundaries. The paragraph requires the need to promote sustainable development to be taken into account and that the strategic policy making Authority (in this case, CYC) should consider the consequences for sustainable development of:
 - *Channelling development towards the urban area inside the green belt boundary*

It can be assumed that since this consideration appears first, it should be the first option to be considered. The Council has never done this.

- *Towards towns and villages inset within the green belt*
Largely rejected by the Council without adequate justification.

or

- *Towards locations beyond the outer green belt boundary*
That is, in adjacent Local Authority areas which it is believed is not acceptable to the Authorities concerned.

15. The Framework does not offer a new settlement punched into the general extent of the green belt as an option and, on a related point, it is not known how Site ST15 - the Whinthorpe/Elvington new settlement proposal - if carried forward, will provide *ways in which the impact of removing land from the green belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining green belt land.* (also Framework Paragraph 138)

16. The about 6 mile wide green belt

The Council's assertion that the "about 6 mile wide" green belt should be measured from the city walls is a new (post-submission) concept. I have not been able to discover any report, or Minute, or other Council decision which explains the rationale for this and in particular why a new definition has been adopted which differs from that previously used. Throughout the York Green Belt Local Plan Inquiry only very minor variations of the "starting point" were adopted by all the parties – that is, that the 6 miles was to be measured either from the Minster or from St. Sampson's Square, both lying close together in the heart of the city. One or other of these starting points has also been used in many planning appeals since then including an appeal relating to residential development at Brecks Lane, Strensall, determined in March 2015. The Council's position on that occasion was that St. Sampson's Square was the centre point for defining the 6 mile wide green belt. The only conclusion to be reached about this change in the starting point is that it brings the village of Wheldrake and its environs (as well as the green belt

extending into Selby District) much closer to the 6 mile limit. There is no other rational explanation.

17. Similarly, and without similar recorded consideration and justification, the Council ignores the YGBLP Inspector's view that, in establishing the outer boundary of the green belt, the correct approach was *first to find recognisable and durable boundaries that approximate as closely as possible to an exact 6 mile radius, and only to vary from this for reasons of practicality or for reasons which directly relate to the purposes of the green belt.* (my emphasis)
18. The justification for extending the green belt up to and beyond Wheldrake – as with the justification for many of the other lengths of green belt boundary considered in annexes to Topic Paper 1 – is that it is *essential* for the land to remain permanently open to meet the purposes of green belt. This simply cannot be the case, otherwise the general extent of the green belt would have been set at 6½, or 7 or more miles from the city centre or expressed as a belt varying between (x) and (y) miles wide.
19. The methodology adopted by the Council for determining green belt boundaries post submission of the Local Plan is a sterile exercise and so far as I can see the boundary justifications in the Annexes to the Topic Paper do not flow inextricably – or at all - from the swathes of information, most of which is factual and which was produced for other purposes - not with green belt considerations in mind. The resulting exercise is akin to a tick box exercise. What is lacking is any appraisal which includes not only the items listed in the annexes, as background information, but a sensitivity appraisal of what is actually seen and experienced on the ground. In short, the information now presented does not clearly identify or explain which characteristics of the city and its surroundings result in the “specialness” which requires the protection of green belt. Regrettably, therefore, I believe that if the EIP is to continue, it will be necessary for the Inspectors to hear evidence on each length of the proposed green belt boundary where interested parties have made representations opposing the draft proposals.
20. An omission has occurred, I think, in the Council's consideration of the outer green belt boundary immediately to the north of Escrick which is historic and the current draft Plans

merely ends at the administrative boundary between York and Selby District along the rear gardens of houses at the northern end of the village. This boundary has apparently never been questioned, but an assumption made (if, indeed, any thought was given to the matter) that the administrative boundary was the appropriate outer green belt boundary in this area. Another equally permanent feature exists close by which would provide an equally if not more suitable green belt boundary and needs to be considered in the context of York's aspirations to meet all its development needs within the city's administrative area.

21. In relation to the inner boundary, it is noted in particular:

- The very tight green belt boundaries proposed round, for example, a number of school and other building complexes, most of which do not follow any physical features but, if adopted, would require the site owners/operators to demonstrate very special circumstances to justify even the smallest of new developments. This is totally inappropriate and disproportionate.
- The proposed inner boundary excludes significant areas of land to the south east of York running down to the A64 trunk road, to be developed by York University, but reverts to a boundary tight up against the existing built up area to the north of Grimston Bar junction where the currently undeveloped land shares many characteristics in common with the "University land" and is similarly dominated by urban influences.

One of the valued characteristics of the setting of York identified by the Council is views towards the city across farmland and views towards the Wolds. Along the A64 between the A19/A64 Designer Centre junction and Grimston Bar, views towards the city are already significantly compromised by the road running in cuttings and by the existing university development and will be further compromised as University development extends up to the A64 including flood lighting and large earth bunds alongside the road. On the opposite side of the road views towards the Wolds currently appear between blocks of woodland. These views are on any assessment an important element

of the setting of York. Site ST15, the Whinthorpe/Elvington new settlement proposal, appears to include (as mitigation), extensive new planting along the A64 road. Taken together, these existing characteristics and proposals will result in a lengthy section of the A64 running in a corridor with no views of York or the Wolds and no visible characteristics “special” to York.

The Council considers the University to be important to York’s cultural and economic wellbeing, and I do not necessarily take issue with this. Nevertheless the restrictions which tight green belt boundaries will place on other developments, large and small, and the justifications for the boundaries elsewhere round the city sit uneasily with the Council’s apparent willingness to disregard character and setting along the length of the A64 to the south east of the City.

- By way of contrast, another important long distance view is noted by the Council, from Crayke (which sits 70-80m AOD) to York city centre 11 miles away and which sits at c.40m AOD. There is no explanation of the relevance of this view to the definition of green belt boundaries or how peripheral development round York or indeed anywhere within the administrative boundaries of the City might compromise this view. Another example of information leading to no conclusion.
- I have seen George Wright’s submissions and I endorse his comments at his Schedule 2 paragraphs 8 – 13 (pages 19-21).
- I also endorse his comments at (his) Paragraph 17 (page 22) which confirm the last occasion and circumstances in which a planning appraisal was produced to explain the rationale behind the green belt proposals at that time. As the paragraph notes, that appraisal was produced in wholly different circumstances and was not evidence based.
- The 2000 Sheffield University Study concluded that significant areas of land adjacent to the existing edge of the built up area of York could be developed

not only without causing harm to the character and setting of York but bringing about positive visual and environmental benefits. The Study has been ignored by the Council but since it was commissioned by the Council itself, one would expect, somewhere, to find an explanation of why the Council has rejected its findings, in this respect, in their entirety.

22. There are numerous additional general and detailed points that could be made but I feel it is not helpful at this stage in the Examination process to deal with the minutiae of the documents currently out to consultation. I do not believe the current consultation documents deal adequately with the concerns raised by the Inspectors about the Council's approach to green belt. The Duty to Co-operate exercise, particularly with Selby District Council, needs to be revisited and the employment needs of the city need to be reviewed to reflect the post-Brexit world and the likely post-Covid world.
23. The Inspectors are requested to issue their preliminary findings on the Duty to Co-operate and housing numbers and distribution and the Council should be requested to provide a planning appraisal which demonstrates a sensitivity and understanding of the character and setting of York to use as a basis for a proper consideration of long term green belt boundaries. The appraisal might well use some of the extensive information provided in the EX/CYC/59 documents but would not be dictated by that information.
24. At this point, however, my view is that the Plan is still not sound: the Duty to Co-operate has not been adequately discharged; housing provision which is significantly less than required by the standard method is not justified, and the green belt boundaries are not underpinned by evidence.