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**STATEMENT IN  
RESPONSE TO  
INSPECTORS' MATTERS,  
ISSUES AND QUESTION  
TO THE EXAMINATION OF  
THE CITY OF YORK  
LOCAL PLAN 2017-2033**

**Phase 2 Hearings**

Matter 5 – Housing Land Supply

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MARCH 2022

LANGWITH DEVELOPMENT PARTNERSHIP LTD

PARTICIPANT REF 378

Q70385

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# 1 Introduction

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- 1.1 Langwith Development Partnership (LDP<sup>1</sup>) is the principal landholder of the land proposed to be allocated under Policy ST15, which is a strategic allocation (Policy SS13), in the draft City of York Local Plan (“Local Plan”).
- 1.2 Delivering a new sustainable garden village proposed in the south east of the City is a key component of the Local Plan’s spatial strategy for housing delivery. The allocation of a new garden village in this part of the City is based on sound and sustainable planning principles. A new settlement is necessary, sustainable and appropriate in this part of York if the City of York Council (CYC) are to meet their housing needs sustainably. Planning for the delivery of a new settlement in south east York is supported by Homes England<sup>2</sup>.
- 1.3 LDP have made representations to each of the relevant stages of the Local Plan’s preparation (Regulation 18, Regulation 19 and the more recent Modifications to the Regulation 19 Plan)<sup>3</sup> and appeared at the Stage 1 Hearing Sessions in December 2019.
- 1.4 LDP have demonstrated throughout the Local Plan process that the Local Plan’s spatial strategy, which is in part based on delivering a new garden village in the south east of the City, is sound in principle.
- 1.5 Whilst this Hearing Statement (and others submitted to this stage of Hearings) is not specifically concerned with the details of the allocation, Matter 5 of the Stage 2 Hearings is of relevance to the strategic allocation of a new garden village in this part of the City.
- 1.6 This Statement deals with the various questions raised under Matter 5 including those under the following sections:
  - 1.6.1 The housing land supply overall.
  - 1.6.2 Five year housing land supply.

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<sup>1</sup> Langwith Development Partnership Ltd (LDP) is a joint venture formed by Sandby and the Oakgate/Caddick Group who control all the land required to deliver the new garden village known as Langwith. LDP have joint land holding interests in the south east part of the City, to the north of Elvington (south of the A64). Both parties, have jointly, and individually, been participants in the preparation of the City of York Local Plan (the Local Plan) for over six years.

<sup>2</sup> Homes England have awarded CYC funding under their Garden Communities Capacity Fund to assist in the formulation of their evidence base to support the delivery of a new garden village in south east York.

<sup>3</sup> Representations were submitted by LDP (or companies that constitute LDP), including those (i) in September 2016 to the City of York Local Plan – Preferred Sites Consultation (June 2016), (ii) the later submission of a Site Promotion Document (Quod) in October 2017, followed by (iii) representations (in March 2018) to the City of York Local Plan - Publication Draft (February 2018 ([CD014g](#))), (iv) representations to the York Local Plan Proposed Modifications (June 2019) and associated Background Documents, in July 2019 ([EX/CYC/21b – PMSID378](#)) and (v) the Proposed Modifications and Evidence Base consultation in May 2021 ([EX/CYC/66e – PM2SID378i – SID378xvii](#)).

- 1.7 It is LDP's view that given the evidence base of the Local Plan and, notably, the misgivings with that evidence and the foundations of the policy approach to the Plan, that significant modifications to the Plan are necessary. This is explained in LDP's Hearing Statement regarding Matter 1 (see Section 1 of that Statement) where it is respectfully suggested that the Inspectors consider the following modifications:
- 1.7.1 A "broad location for growth" policy for the proposed Garden Village allocation on Land West of Elvington Lane (which would be brought forward under a separate DPD); and
  - 1.7.2 For the Local Plan to expressly recognise, and commit to, an immediate and prompt review and update which will be necessary if the Local Plan is adopted under the transitional arrangements. It is explained in LDP's Statement 2 that in such a case, , a Local Plan based on the 2012 NPPF approach of OAN would be significantly below the outcomes arising from applying the SM of NPPF 2021 and correspondingly insufficient provision for employment land. This is because the evidence base at the Local Plan does not reflect the approach now required under latest Government Policy (in NPPF 2021, and its associated NPPG), which is a material consideration in all current development management decisions.
  - 1.7.3 In the alternative to the approach suggested in 1.8.2 above, the economic evidence should be updated (see LDP's comments in Statements 2 and 3) as part of this Local Plan examination, to better reflect economic circumstances prevailing (and projected) in York with consequent (upward) changes to the housing need target, which are likely to be similar to SM.

## 2 The Housing Land Supply Overall

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*Question 5.1: Does Policy SS1, and the Plan as a whole, provide an appropriate policy framework for the delivery of housing over the Plan period? If not, how is this to be addressed?*

- 2.1 It is explained in LDP's Hearing Statement on Matter 2 that the latest demonstrable housing need (SM based) is much greater (by circa 30%) than that proposed to be met by this Local Plan . This, in itself, is a meaningful difference, and one that LDP suggest is either remedied in the Local Plan now, or if the Inspectors consider the transitional arrangements prevent this, with an immediate and prompt review and update upon its adoption.
- 2.2 Furthermore, Hearing Statement 2 also demonstrates that the GL Hearn analysis of Housing Need<sup>4</sup> does not take account of up to date inputs into housing need, as no single household projection is used as a starting point, no market signals uplifts are applied, and proper regard has not been had to the significance of job growth in the City.
- 2.3 Consequently, it is LDP's view that Policy SS1 does not provide an appropriate policy framework for the delivery of housing.

*Question 5.2 We understand through the latest housing trajectory update [EX/CYC/69] that the sources of housing land supply underpinning the Plan are as follows:*

- *8,642 dwellings on allocated new strategic housing sites (ST)*
  - *1,703 dwellings on allocated housing sites (H)*
  - *1,853 dwellings (commitments – unimplemented permissions as at 1 April 2021)*
  - *3,113 dwellings (cumulative completions between 2017-2021)*
  - *planning permission or resolution to grant planning permission as at 1 April 2021)*
  - *720 dwellings in communal establishments /student accommodation*
  - *1,764 dwellings on windfall sites (from 2024/25 – 2032/33 @196 per annum)*
  - *This provides a total housing supply of a minimum of 17,795 dwellings during the Plan period. Is this correct?*
- 2.4 The latest housing trajectory<sup>5</sup> has been prepared by CYC. LDP have had no input in CYC's preparation of the trajectory for delivering of new homes on Land West of Elvington Lane LDP have no understanding how this trajectory has been determined, nor is the evidence underlying it available, although it is understood CYC will be publishing further evidence alongside or as part of their response to the MIQs and we reserve the right to comment on this material at the Matter 5 Phase 2 Hearing session.

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<sup>4</sup> [EX/CYC/43a](#).

<sup>5</sup> [EX/CYC/69](#).

- 2.5 In view of the above, LDP cannot comment on the trajectory at this stage, LDP, therefore, reserve their right to comment on the trajectory in detail, once the evidence is published.
- 2.6 It is also LDP's understanding that CYC are producing housing land supply information, which will address delivery rates, the accurate level of housing commitments and the amount of student accommodation within the supply. As this evidence has not yet been published LDP again reserve their right to further comment once this is available.
- 2.7 LDP's Representations to the proposed modifications and further evidence<sup>6</sup> discusses the low level of housing completions, and the high contribution within housing completions from purpose-built student accommodation, as well as other communal student accommodation. Furthermore, it is understood that there has been a qualitative imbalance of new homes within the City, with a significant proportion of new homes being apartments rather than family homes. The consequence of this is to compound the housing delivery projects, (i.e, low delivery rates) with the wrong type of homes to meet the housing needs of the City. This is a matter that will be further commented upon by LDP when the Council's evidence in answer to Q5.1 is published.
- 2.8 It is also noted at this point in time that housing delivery within the City has historically been low, and this is evidenced in the Council's performance against the Government's Housing Delivery Test (HDT).
- 2.9 In the latest HDT (January 2022)<sup>7</sup>. It is demonstrated that York only delivered the following new homes over the past 3 years.
- 2018/2019 – 451 homes
  - 2019/2020 – 627 homes
  - 2020/2021 – 704 homes
- 2.10 The low rate of delivery rate can be seen in the context of the housing required by the HDT over the same 3 year period (1066, 979 and 683 homes respectively), where new homes delivery is demonstrated to be only 65% of the required number of homes. As a consequence, CYC have been put under a "presumption".
- 2.11 The delivery rates are also notable in the fact that they are significantly below the level of need arising from SM and even the low level housing provision figure contained in the Local Plan (i.e, 822 dpa).

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<sup>6</sup> PMSID378i-xvii.

<sup>7</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1046293/2021\\_HDT\\_Final\\_Results\\_ods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1046293/2021_HDT_Final_Results_ods).

*Question 5.3: We note that the windfall allowance per annum has been increased from 169 dwellings per annum in previous housing trajectories (e.g. [EX/CYC/17]) to 196 dwellings per annum in the 2021 Housing Trajectory [CYC/EX/69]. Is this correct? If so, what is the basis and justification for this change in the windfall allowance?*

- 2.12 LDP do not comment on this matter but reserve the right to do so following receipt of CYC's answer to this Question.

*Question 5.4: Is the estimate of windfall numbers identified by the Plan appropriate and realistic? Is the approach consistent with the Framework? Given the time that has passed since the Plan was submitted, is the identified windfall allowance in the Plan (169 dwellings per annum) still appropriate, realistic and justified?*

- 2.13 LDP do not comment on this matter.

*Question 5.5: Are the suggested rates of planned housing development realistic and achievable when considered in the context of the past completion rates? Where is the evidence to support the approach adopted?*

- 2.14 In view of the comments on Q 5.2. LDP reserve the right to comment on the realism and achievability of the planning housing development once the housing trajectory evidence base is published.

*Question 5.6: Is the housing trajectory update [EX/CYC/69] realistic? In the context of footnote 11 of the NPPF, does it form an appropriate basis for assessing whether sites are deliverable?*

- 2.15 In view of the comments on Q 5.2. LDP reserve the right to comment on the realism of the housing trajectory evidence base once it is published.

### 3 Five Year Housing Land Supply

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*Question 5.7: What is the five-year housing supply requirement upon adoption of the Plan?*

*The Council is asked to clearly set out the calculation for the five-year housing supply requirement.*

- 3.1 LDP reserve the right to comment on the calculation adopted by CYC for the five-year housing and slight requirement once it is published.

*Question 5.8: Will the Council be able to demonstrate a five-year housing land supply upon adoption of the Plan?*

- 3.2 LDP reserve the right to comment on the five-year housing land supply information once it is published.

*Question 5.9: The five-year housing supply, as set out in the latest housing trajectory update [EX/CYC/69], includes an allowance for windfall sites – the aforementioned 196 per annum:*

*a) What is the compelling evidence that such sites have consistently become available in the local area and that they will continue to provide a reliable source of supply?*

*b) Is the allowance made realistic, having regard to paragraph 48 of the Framework?*

- 3.3 LDP do not comment on this matter at this stage but reserve the right to participate in discussion on this matter once they have seen CYC's response to Q 5.9.

*Question 5.10: Does the five-year housing land supply position, as set out in the updated Housing Trajectory 2021 [EX/CYC/69], present the most up-to-date position? Is it consistent with all other remaining up-to-date housing evidence? If not, how is this to be addressed?*

- 3.4 LDP reserve the right to respond to Q 5.10 once the CYC's evidence base for the Housing Trajectory has been published.

*Question 5.11: Paragraph 5.9 of the submitted Plan identifies that the Council accepts that there has been a persistent under delivery of housing as defined by the NPPF. As such, does the submitted Plan, and any subsequent submitted evidence on meeting housing need and supply, take into account the requirement for a 20% buffer to be applied to the housing supply? Has this buffer been applied to any subsequent update of evidence or proposed modification to the Plan identified?*

- 3.5 LDP again reserve the right to comment on this matter once CYC's have responded to the Question 5.11.

- 3.6 The inspectors are however drawn to the comments in Section 2 of this Hearing statement, and the demonstration that the CYC have been persistently under delivered on their housing requirement and have failed the housing delivery test and are now in a situation where the presumption applies with a tilted balance in decision making.



- 3.7 It is also notable that CYC has recently accepted that they are unable to prove a five-year housing land supply, and at the recent appeal into new homes on Land at Huntington South (Moor Lane)<sup>8</sup> and the appeal relating to draft allocation ST8<sup>9</sup> CYC have acknowledged that this housing land supply is between only 2.79 and 3.45 years.

*Question 5.12: Overall, is there a supply of specific deliverable sites sufficient to provide five years' worth of housing, with an appropriate buffer (moved forward from later in the Plan) to ensure choice and competition in the market for land?*

- 3.8 LDP reserve the right to comment on this question further, in response to the CYC's evidence on housing supply once has been published.

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<sup>8</sup> [Link.](#)

<sup>9</sup> [Link.](#)



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