

BANKS PROPERTY LIMITED

**EXAMINATION OF THE CITY OF YORK LOCAL PLAN
BANKS PROPERTY RESPONSES TO MATTERS, ISSUES AND
QUESTIONS FOR THE EXAMINATION**

MATTER 5: HOUSING LAND SUPPLY

FILE NOTE

The housing land supply overall

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?

We agree that Policy SS1 does provide an appropriate policy framework for the delivery of housing over the plan period. However, as set out in our response to other questions in Matter 5 and other Matters, we do not believe that the plan identifies sufficient sites to meet the minimum housing requirement over the plan period.

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?

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?

We would expect to see the number of houses delivered through windfall sites reduce following adoption of the local plan due to the allocation of new housing sites which will provide the focus on new housing development.

There does not appear to be any evidence to support an increase in the windfall allowance. Such an increase suggests a lack of confidence that the council has allocated sufficient housing land. Instead of increasing the windfall allowance, the Council should look to improve the flexibility of the plan by including policy wording to facilitate approval of edge of settlement developments.

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?

The windfall allowance is not appropriate nor realistic. The current windfall figures have been falsely inflated due to the protracted period over which York has failed to adopt a local Plan, this has given rise to an increase in tilted balance planning applications being submitted. The windfall allowance should be reduced to a more realistic figure and the shortfall in housing supply should be addressed by allocating more housing or by allocating Safeguarded Land to allow more flexibility in the delivery of housing over the plan period.

5.5 Are the suggested rates of planned housing development realistic and achievable when considered in the context of the past completion rates? What actions are being taken to accelerate housing delivery? Where is the evidence to support the approach adopted?

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?

Five-year housing land supply

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.

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

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?

As per Banks Property's response to question 5.3 of this Matter, the approach taken to the windfall allowance is not appropriate. The context in which windfall sites would come forward would be drastically changed due to the adoption of a local plan in York for the first time. Tilted balance planning applications would have a much lower probability of approval, hence windfall sites would not provide a consistent or "reliable" source of housing. More specifically, the council has not given due regard to "expected future trends" (NPPF 48, 2012) of windfall sites, which will inevitably decrease following the adoption of a plan (assuming that the council have allocated sufficient land to meet the requisite five-year housing land supply).

- 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?**
- 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?**
- 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?**

If there is uncertainty regarding the allocations meeting this buffer, this uncertainty could be addressed through allocation of safeguarded land across the district. This would meet the longer term needs of the plan and identify the most suitable locations for the local plan review in 5 years-time, at which point any issue of 5 year land supply could be addressed.

We ask the Council to clearly set out how the five-year supply requirement has been calculated and, as part of this, to identify the specific deliverable sites against which that five-year requirement will be met. Please ensure that this tallies with the delivery of housing shown in the Infrastructure Requirements Gantt Chart (January 2022) [EX/CYC/70].

J Perkins/SJC
25 March 2022