

From: Eamonn Keogh [REDACTED]
Sent: 27 March 2023 20:09
To: localplan@york.gov.uk
Cc: [REDACTED]
Subject: Local plan Modifications
Attachments: Local plan revised policy H7obo ysj_uoy_abc Lo res.pdf; Local plan revised policy H7obo ysj_uoy_abc.pdf; Mods Reqs MM3.1 to MM3.5 an MM5.4 SUBMIT.pdf; Mods Reqs MM5.3 Policy H1 SUBMIT.pdf; Mods Reqs MM5.21; MM5.22 Policy H10 SUBMIT.pdf; Mods Reqs MM10.3 SUBMIT.pdf; PMM31 Askham Bryan College.pdf; ylp2303.mods reqs.H7v3combined.pdf; yspr2303.mods reqs.pdf

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Dear Sirs,

We have today submitted several representations on behalf of various clients using the Councils online consultation portal. However, for the avoidance of any doubt, and in the event of any technical issues, we attach copies of the representations submitted via the consultation portal.

Should you have any queries please get back to me.

Kind regards

Eamonn

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Modification Ref: **MM3.1; MM3.2; MM3.4; MM3.5; and MM5.4**

Representation on behalf Galtres Garden Village Development Company

*(For information, our comments will reference our previous representations made at Submission Stage in 2018 and representations on the modifications in 2019 and 2021. Galtres identification number is **SID 620**)*

- 1 We object to the proposed modifications.
- 2 Modification 3.1 states that the plan period is 2017-2032/33 and that to ensure Green Belt permanence beyond the plan period, sufficient land is allocated for development to meet development needs for a further minimum period of 5 years to 2038. It further states that the plan will deliver a minimum average annual net provision of 822 dwellings over the plan period.
- 3 We object to this modification on several grounds.

Plan Period

- (i) What is the Plan period? Already 7 years of the plan period have elapsed, and the six largest strategic allocations have yet to deliver a single dwelling. Indeed, the Trajectory presented in Table 1 of Housing Trajectory Note EX/CYC/107/1 (August 2022) indicates that the two largest allocation ST14 and ST15 will not deliver their first completions until 2021/26 and 2027/28 respectively. However, even those anticipated first completions are overly optimistic. Our revised trajectory for sites H1a&b; ST4; ST5; ST8; ST14; ST31 and ST33 is set out in Table 1 below and the full trajectory presented at Appendix 1 of this representation. What our adjusted trajectory demonstrates is considerable slippage in housing delivery. With 7 years of the 16-year plan gone, the plan is, de-facto a 9-year plan. Even including the additional 5 years for Green Belt would make it a 14-year plan, well short of the 15-year plan period recommended in paragraph 157 of the NPPF (2012). Put simply, the Plan will not meet the development needs of the City and in this respect it is fundamentally unsound.
- (ii) Through the Plan preparation we have argued in our representations that what the Plan requires is additional housing allocations to increase the

number of outlets that could deliver housing so that in event some sites were delayed, as is proving to be the case, the trajectory could be maintained. For example, the Council's trajectory is anticipating 1,199 completions in 2025/25. Our revised trajectory demonstrates that is more likely to be 797 units. That is primarily because site H1a&b is unlikely to deliver 215 completions in 2024/25 given that construction has not yet started. That takes 215 units out of completions for that year.

(iii) It is quite extraordinary that **8 years** into the Plan period in 2025/26 the trajectory is anticipating an 'in year' undersupply of 88 dwellings and a cumulative **undersupply** of 360 dwellings. What this demonstrates is the Plan Spatial strategy and the allocations that flow from it simply will not deliver the housing needs of the City.

4 We have consistently maintained in our representations that the trajectory was always ambitious, but Table 1 of EX/CYC/107/1 proves that. When compared to the Trajectory presented at the examination in March 2022 (which has a base date of 2021) the delivery of some sites has moved significantly. Some examples are given in table 1 below. What this table demonstrates is that the delivery of some sites which lie at the heart of housing delivery and, affordable housing delivery in particular, has slipped significantly. For example, first delivery of dwellings on the largest site ST15, will not happen until 2027/28 - **10 years after the start date of the Plan!**

5 This calls into question the credibility the Local plan strategy.

Table 1

Site	First completions anticipated			Comments
	EX/CYC/69 base date 1 April 2021	Appendix 1 of EX/CYC/79 Appendix 1 Housing trajectory base date 1 April 2022 (Supersedes EX/CYC/69)	Our amendments to Appendix of EX/CYC/79	
H1a&b	2023/24	2024/25	2025/26	Planning permission but no construction has started.
ST4	2023/24	2024/25	2025/26	Application submitted but not determined.
ST5	2023/24	2024/25	2025/26	
ST7	2024/25	2025/26	2026/27	No Application submitted
ST8	2022/23	2023/24	2024/25	Outline PP granted but no reserved matters submitted.
ST14	2023/24	2025/26	2026/27	No Application Submitted.
ST31	2023/24	2023/24	2024/25	Application submitted but not determined.
ST33	2023/24	2023/24	2024/25	Application submitted but not determined.

6 We believe our estimates of revised delivery trajectory is reasonable based on our experience of similar schemes and the Council's assumptions on delivery set out in paragraph 2.11 of EX/CYC/76a. These (conservative) changes alone remove 460 dwellings that the Council were anticipating would be completed in 2022/22 – 2026/27 and push 379 dwelling that should have been completed on sites ST5, ST8 and ST14 in the Plan period the 5year beyond the plan period.

7 In many respects many of the elements of housing supply such as windfall aan student housing that the Council have includes will not address the 3 keys issues we identified in our representations:

- The shortage of housing
- The shortage of affordable housing
- The shortage of purpose built housing for an older population

8 These needs can only be addressed by strategic allocations. But most of the strategic allocations will not deliver housing for another 3-4 years - almost 10 years into the plan period!

Safeguarded Land

9 Proposed modification MM3.1 states:

“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.”

10 The evidence we have submitted at the various stages of the Local plan Consultation and to the examination demonstrates the Plan does not provide sufficient land to ensure Green Belt permanence. Leaving aside the question of additional allocations, an obvious way to address the issue of permanence would have been to identify safeguarded land which would have met the NPPF requirement of providing for the development needs well beyond the Plan period.

11 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.

12 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.

13 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 our previous evidence has demonstrated, the Draft Plan has not allocated adequate land to meet housing needs within 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.

14 As we pointed out in our representations the 2019 Modifications 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 and by the advice obtained from John Hobson QC who advised the Council that in his opinion a 10 year horizon beyond the life of the Plan would be appropriate. His opinion concluded by advising the Council that:

"...if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to 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"

15 Having received this advice, officers recommended to the January 2015 Local Plan Working Group that safeguarded land designations be included in the Plan to ensure that the Green Belt will endure for a for a minimum of ten years beyond the end of the Plan period.

16 The omission of this key component of safeguarded land from the Local Plan spatial strategy results in the Plan being fundamentally unsound, particularly as the Plan period is only up to 2033 and from the point of anticipated adoption in 2023 it will only be a 9-year plan with land identified for development needs for a further 5 years. This would give a Green Belt Boundary of 14 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.

Unmet need for Family housing

17 When it comes to the type of housing most needed in the City both the 2016 SHMA (SD051 and SD052) and the more recent analysis in the *Local Housing Needs Assessment* by Icení (EX_CYC_92) confirm the majority of new units (up to 80%) should be 2 and 3 bedroom houses rather than flats, although consideration will

need to be given to site specific circumstances (which may in some cases lend themselves to flatted development). Additionally, the Council should consider the role of bungalows within the mix – such housing can be particularly attractive to older person households downsizing and may help to release larger (family-sized) accommodation back into the market.

- 18 Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay. In addition the IcenI analysis finds that the proportion of households with dependent children in York is fairly low with around 25% of all households containing dependent children in 2011 (compared with regional and national averages of 29%).
- 19 However, this finding is not surprising given that significant shortfall in housing completions since 2011 coupled with the high level of communal establishments and student accommodation include included as part of the total completions. We have addressed this issue extensively in our representations over the years and in our submission to Phase 2 Matter 2 of the Examination (Housing Need and Requirement). Our evidence, based on the Council’s annual monitoring reports¹ and the Council’s housing trajectory identifies the shortfall in family housing in to be 2,605 dwellings (see table 2).

Table 2
Shortfall in family housing 2012/13- 2021/22

A	Requirement (790 x 10)	7,900
B	Completions	7,013
C	Shortfall (A-B)	887
D	Student accommodation and communal establishments included in completions	1,718
E	Potential shortfall in family housing (D+E)	2,605

- 20 So, in many respects the finding by IcenI of a smaller proportion of households with dependent children in the population can be explain in large part be explained by the shortfall in housing provision generally and the shortfall in family dwellings in particular.

¹ As summarised in Table X on page 6 of our paper presented on Matter 2 of the Phase 2 hearings.

21 This points to the need to include within the Plan even greater provision for sites that can deliver family housing, to redress this imbalance.

22 We have maintained through our representations, that the housing requirement figure is too low and, consequently, the level of house allocations it informs will not maintain a sufficient or steady supply of housing to meet the City's needs.

Affordable Housing

23 One of the more serious consequences of the slippage in the housing trajectory is the consequential slippage in the provision of affordable housing. Both the 2016 SHMA (SD051 and SD052) and the more recent *Local Housing Needs Assessment* by Icení (EX_CYC_92) highlight the pressing need for affordable housing. Paragraph 4.61 of the Icení assessment notes that "...the analysis identifies a notable need for affordable housing, and it is clear that provision of new affordable housing is an important and pressing issue across the City".

24 The Icení analysis suggests a need for 592 affordable homes per annum across the City an additional need across the City for 467 Affordable Housing Ownership (AHO) units per annum. However, additional supply from resales of market homes (below a lower quartile price) could reduce the need for AHO. Regardless, the need for affordable housing is significant.

25 One of the bullet points in modified policy SS1 (MM3.1) states:

Deliver at least 45% of the 9,396 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market.

26 This would mean the Local plan delivering 4,228 affordable dwellings in the Plan period.

27 The Council's Affordable Housing Note EX/CYC/107/2 (August 2022) indicates a total delivery of 3,255 affordable dwellings in the plan period. We estimate that at best delivery will be 3,046, allowing for slippage in the trajectory of Sites ST5, ST7, ST8 and ST14. In addition, we believe the Council has double counted site H56, Land at Hull Road. That site was completed in 2021/22 so would have been included in the figures for completions between 2017 and 2022. That reduces the completions in Table 2 of Appendix 1 of EX/CYC/107/2 to 2,151.

Table 3 – Affordable Dwellings Delivery 2017/18-2032/33

	Councils Figures*	Galtres Adjusted
Sites with Extant Permission	223	223
Completions Apr 2017-Apr2022	612	612
Council delivery program	60	60
Local Plan Allocations	2360	2151
	3,255	3,046

* Appendix 1 of EX_CYC_107-2

- 28 The annual average affordable delivery is therefore 190 dwellings per annum ($3046 \div 16$), compared with a need for 592 affordable homes (excluding AHO). This is an extremely low rate of affordable provision against the identified need. In addition, as we highlighted in our submission to Matter 1 of the Phase 3 hearings of the Examination (affordable housing), the existing stock of affordable housing in the City is being reduced annually by right to buy sales. In the 4 years 2017/18 to 2020/21, right to buy sales averaged 59 units per annum (Table 2 of our submission to Matter 1 Phase 3). If this rate were to be maintained over the Plan period, the annual addition of 190 affordable dwellings would be reduced to a net annual addition of 131 affordable dwellings.
- 29 The Council state that their aspiration of trying to achieve 45% of the identified affordable housing need would require an additional 88 affordable houses per annum to be delivered over the remainder of the Plan period (paragraph 11 of EX/CYC/107/2. Based on our estimates of affordable housing delivery the figures would be 107 units per annum ($(4,228 - 3046) \div 11$)). There is no evidence whatsoever to demonstrate that this is achievable.
- 30 Consequently, the objective to realise 2,360 affordable homes through the operation of these policies cannot be realised. Changes to the wording of paragraph 3.3 (MM3.5) are therefore proposed.
- 31 For the reasons set out in our submission to Matter 1 Phase 3 the significant need for affordable housing alone points to a need for additional housing provision and additional allocations.

SUGGESTED CHANGES TO THE PLAN

(i) Policy SS1 (MM3.1)

The plan will not ensure permanence of the Green Belt boundaries beyond the Plan period, because, de facto, there will only be 9 years of the Plan period left assuming the Plan is adopted in late 2023. In other words, the 5 years beyond the Plan period have become part of the Plan period. This shortfall could be remedied by identifying safeguarded land that could be brought forward in the event there is a shortfall in housing provision at the first review of the Plan. The Inspectors have evidence before them of omission sites, such as Galtres (Site ref: 964) that were considered suitable for allocation, that could be identified as safeguarded land.

The following sentence to be added at the end of the first paragraph of MM3.1

"In addition safeguarded land is identified to ensure that any deficiency in housing supply arising at review of the Plan can be rectified"

(ii) Policy SS1 (MM3.1)

The minimum annual average annual net provision of 822 dwellings per annum in bullet point of MM3.1 should be replaced with a figure of 1,026. In our previous representations at the various stages of the Local Plan and in our submissions the Examination we have present out case for an uplift to the housing requirement of 1,026 dwellings per annum. (Our representations on the proposed Modification in 2021 set out our evidence).

We have made the case in our previous representations on the Local Plan for the allocation of additional land (Galtres Garden Village) (Site Ref.) to address this uplift in the housing requirement but the modifications do not accommodate further discussion on this point.

(iii) Bullet point 4 of MM3.1 should be deleted

~~*Deliver at least 45% of the 9,396 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market.*~~

(iv) Policy SS1 explanation paragraph 3.3 (MM3.5) suggested revised wording

~~at least 2,360 affordable homes are expected to~~ could be delivered within the plan period through the operation of these policies. Combined with recorded completions (to 1st April 2022), other sources of forecast supply on windfall sites and known provision secured through the Council's Housing Delivery Programme, it is estimated that around ~~3,265~~ 3,046 affordable homes could will be delivered in the plan period.

~~To help increase the proportion of need being met to more than 35%, the Council has set a target of providing at least 45% of its affordable housing need. Through its annual monitoring (in accordance with the delivery and monitoring framework at table 15.2), the Council will review progress on meeting the target and take appropriate action and intervention should delivery rates fall short. e market.~~

(v) Figure 5.1 – modification MM5.4

Because of the changes we have outlined to the Housing trajectory in Appendix 1, consequential changes will have to be made to the graph at Figure 5.1 of the Plan.

APPENDIX 1

Revised Housing Trajectory

(Our changes to Site trajectories are highlighted in Green)

Modification Ref: **MM5.3;**

Representation on behalf Galtres Garden Village Development Company

*(For information, our comments will reference our previous representations made at Submission Stage in 2018 and representations on the modifications in 2019 and 2021. Galtres identification number is **SID 620**)*

1 We object to the proposed modification.

Paragraph 5.3

2 Paragraph 5.3 of proposed modification M5.3 states that:

The sites allocated for housing will provide a range and choice of sites capable of meeting future requirements and in line with the spatial strategy for the City detailed in section 3.

3 This statement is clearly incorrect and misleading. The representations we have made to proposed modifications MM3.1; MM3.2; MM3.4; MM3.5, demonstrate that because of slippage in the delivery of first completions on strategic sites, the proposed housing allocations and therefore the Local Plan will not meet the future requirements of the City

4 Paragraph 5.3 goes on to state that:

An estimated yield is attributed to each site and is an indicative figure to demonstrate how the Local Plan housing requirement can be met.

5 Again we believe this statement to be incorrect because the Council's Trajectory has demonstrated there is a cumulative shortfall in housing delivery 7 years into the Plan Period. Our revision of the housing trajectory (see appendix 1) demonstrates this shortfall persists 8 years in to the Plan period.

Suggested Amendment to the wording of paragraph 5.3 (MM5.3)

~~The sites allocated for housing will provide a range and choice of sites capable of meeting future requirements and in line with the spatial~~

~~strategy for the City detailed in section 3. An estimated yield is attributed to each site allocated for housing to each site and is an indicative figure to demonstrate how the Local Plan housing requirement can might be met.~~

Paragraph 5.9 (MM5.3)

- 6 References in paragraph 5.9 to 822 dwellings should be amended to 1,024 dwellings for the reasons set out in our representations on proposed modifications MM3.1; MM3.2; MM3.4; MM3.5

Paragraph 5.10 (MM5.3)

- 7 Paragraph 5.10 of modification MM5.3 states that:

A number sites are not expected to complete within the plan period. The total allocated capacity of sites exceeds the Council's housing requirement and if delivery rates can be increased then these sites could provide additional supply to react to market signals.

- 8 This statement contradicts the Council's own evidence set out in the housing Land Supply Update EX/CYC/76a. That document explains that the Council considers it appropriate to retain the previously assumed rate of 35 dwellings per outlet per annum having regard to:

- build rates recorded up to 2021 on completed and under development sites, (evidence presented in table 4, EX/HS/P2/M5/HLS/1);
- local intelligence from site developers and promoters, provided through the Council's bi-annual Developer Forum; and,
- build rates recently applied in neighbouring local authorities, including those which are in/partly in the same housing market area.

- 9 What this demonstrates is that the build out rates are based on reasonable evidence and cannot simply be turned up in response to increased demand. The development of sites is based on requirements for construction workers, materials orders; sales staff etc.... and is determined by the anticipated sales rates and cannot be quickly changed – particularly in an industry with well documented worker shortages.

- 10 We have explained in our previous representations that consistency of supply can only be guaranteed by having a broader range of sites and outlets and not by simply "turning up" supply on existing outlets.

Suggested Amendment to the wording of paragraph 5.10 (MM5.3)

A number sites are not expected to complete within the plan period. The total allocated capacity of sites exceeds the Council's housing requirement and if delivery rates can be increased then these sites could provide additional supply to react to market signals

APPENDIX 1

Revised Housing Trajectory

(Our changes to Site trajectories are highlighted in Green)

Modification Ref: **MM5.21; MM5.22**

Representation on behalf Galtres Garden Village Development Company

*(For information, our comments will reference our previous representations made at Submission Stage in 2018 and representations on the modifications in 2019 and 2021. Galtres identification number is **SID 620**)*

- 1 We object to the proposed modifications.
- 2 Paragraph i. of modified Policy H10 states:
affordable housing is provided in accordance with Table 5.4 as a minimum. Higher rates of provision will be sought where development viability is not compromised.
- 3 The modification to paragraph 5.22 (policy H10 explanation) however states:
Based on viability evidence prepared in support of the Local Plan, developments within York are expected to provide minimum levels of affordable homes set out in Policy H10. Therefore, no individual assessment will be required where proposals achieve these policy requirements.
- 4 There is clearly a contradiction between the policy wording and supporting text. In order to determine whether higher rates of affordable housing could be provided in a scheme, as required by the policy, a viability test would be required for every scheme subject to an affordable housing requirement. However, the supporting text wording clearly says that no individual assessment will be required if the policy requirement is met.
- 5 Furthermore, the policy should not specify minimum requirements as some schemes may not be able to achieve the “minimum” if other cost requirements, for example remediation of contamination, impact on viability. In addition, the Draft CIL charging schedule proposes a levy of £200 per sq m on residential development which could impact schemes – bearing in mind that the levy is calculated on “typical typologies” and is not scheme specific.

6 Suggested amendment to Policy H10 wording: (MM5.21)

affordable housing is provided in accordance with Table 5.4. ~~as a minimum. Higher rates of provision will be sought where development viability is not compromised~~

7 Suggested amendment to Paragraph 5.22 wording: (MM5.22)

*Based on viability evidence prepared in support of the Local Plan, developments within York are expected to provide **the target** ~~minimum~~ levels of affordable homes set out in Policy H10. Therefore, no individual assessment will be required where proposals achieve these policy requirements.*