



# City of York Local Plan Modifications Consultation 2023

QUESTION SUMMARIES

DATA TRENDS

INDIVIDUAL RESPONSES

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Respondent #341 ▼



COMPLETE

**Started:** Monday, March 27, 2023 3:44:29 PM  
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Page 1: Survey Information

### Q1

Do you confirm that you have read and understood the privacy notice? You must select 'Yes' in order to take the survey.

Yes

Page 2: Register for consultation

### Q2

Your name:

Ziyad Thomas

### Q3

Contact details: Please provide email and/or address

Organisation (optional) Planning Issues Ltd. on behalf of Churchill Retirement Living Ltd.

Address

Address 2

City/town

Post code

Email address

### Q4

Do you wish to be notified when the City of York Local Plan is adopted by the Council? If yes we will use contact details provided above

Yes

Page 3: Your response

### Q5

To which consultation document does this response relate? Please note, links shown beside each option are for associated documents.

Share Link



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459 responses



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**Q6**

To which section does this response relate?

Section 15: Delivery and Monitoring

Page 5: Section 2: Vision

**Q7**

To which modification does this response relate?

Respondent skipped this question

Page 6: Section 3: Spatial Strategy

**Q8**

To which modification does this response relate?

Respondent skipped this question

Page 7: Section 4: Economy and Retail

**Q9**

To which modification does this response relate?

Respondent skipped this question

Page 8: Section 5: Housing

**Q10**

To which modification does this response relate?

Respondent skipped this question

Page 9: Section 6: Health and Wellbeing

**Q11**

To which modification does this response relate?

Respondent skipped this question

Page 10: Section 7: Education

**Q12**

To which modification does this response relate?

Respondent skipped this question

Page 11: Section 8: Placemaking, Heritage, Design and Culture

**Q13**

To which modification does this response relate?

Respondent skipped this question

**Q14**

To which modification does this response relate?

Respondent skipped this question

Page 13: Section 10: Managing Development in the Green Belt

**Q15**

To which modification does this response relate?

Respondent skipped this question

Page 14: Section 11: Climate Change

**Q16**

To which modification does this response relate?

Respondent skipped this question

Page 15: Section 12: Environmental Quality and Flood Risk

**Q17**

To which modification does this response relate?

Respondent skipped this question

Page 16: Section 14: Transport and Communications

**Q18**

To which modification does this response relate?

Respondent skipped this question

Page 17: Section 15: Delivery and Monitoring

**Q19**

To which modification does this response relate?

MM15.1 Policy DM1: Infrastructure and Developer Contributions

Page 18: Proposed Policy Map Modifications

**Q20**

To which modification does this response relate?

Respondent skipped this question

Page 19: New evidence documents

**Q21**

To which evidence document does this response relate?

Respondent skipped this question

Page 20: Comment Form

**Q22**

Do you support or object to the proposed modification(s)?

---

Object

**Q23**

If you object, please select your reason from the list below (select all that apply):

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Not justified - i.e. there is no evidence to justify the modification

**Q24**

Please set out the reasoning behind your support or objection:Please note there is a 1000 character limit, therefore if your reason for support or objection is longer than this, please summarise the main issues raised.

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Respondent skipped this question

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27<sup>th</sup> March 2023

Dear Planning Policy Team,

**CHURCHILL RETIREMENT LIVING  
RESPONSE TO THE CONSULTATION ON THE YORK CITY COUNCIL LOCAL PLAN  
MODIFICATIONS**

Thank you for the opportunity to comment on the consultation papers for the aforementioned document.

Policy DM1: Infrastructure and Developer Contributions advises that *'Where developers demonstrate that there are exceptional circumstances which justify the need for a viability assessment at the application stage, the Council will consider the assessment. If the development is demonstrably unviable, consideration will be given to modifying the phasing of obligations and may extend to including a review mechanism in any legal agreement'*.

*Policy H10: Affordable Housing* of the City of York Local Plan does not make any reference to a review mechanism in either the wording of the policy or the supporting text.

There has been no historic consultation on a review mechanism during the public consultation process or in the Local Plan's associated evidence base.

The Planning Practice Guidance states that:

*'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles.'*

(Paragraph: 009 Reference ID: 10-009-20190509)

The inclusion of a review mechanism has therefore not been historically justified, nor consulted upon and appears, at face value, to be a very late addition to the Local Plan. There is also no indication of process, the terms of engagement, or when viability will be reassessed over the lifetime of the development.

I refer you to Paragraph 30-34 of Appeal Decision (APP/K3605/W/20/3261529) at Oatlands Drive, Weybridge. This concludes that

*'The supporting text to Policy CS21 states that if the Council is satisfied that affordable housing cannot be provided in accordance with the policy, "it will seek to negotiate alternative provision". However, there is no mention of a LRM in Policy CS21 or its supporting text. The recent SPD is a material consideration but is guidance and not planning policy, and only suggests the use of a LRM "where deemed appropriate". Planning Practice Guidance points out that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of*

*engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy CS21 does not do this'.*

The proposed addition is therefore contrary to the guidance of the PPG.

Yours faithfully,

**Ziyad**

Ziyad Thomas  
BSc (Hons), MSc, MTRPI, MRICS  
Associate Director