

Executive

13 July 2017

Report of the Assistant Director of Planning and Public Protection

Portfolio of the Leader and Deputy Leader

City of York Local Plan

Summary

1. This report has been written to:
 - provide an update to Members on the work undertaken on the MOD sites highlighted in previous reports to LPWG and Executive;
 - seek the views of Members on the methodology and studies carried out to inform the housing and employment that the City is tasked with accommodating;
 - seek the views of Members on the most appropriate way of accommodating this future growth;
 - to ask for Members approval of non-housing and employment site specific policies; and
 - to request the approval of Members for officers to undertake the necessary work to produce a draft plan based on the recommendations of the Executive for the purposes of consultation along with associated technical papers.

Recommendations

2. Members are asked to:
 - (i) Consider the GL Hearn Report (Annex 1) and the analysis provided at paragraphs 82 - 92 and confirm whether the conclusions in respect of the Objectively Assessed Housing Need (OAHN) are agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (ii) Consider the employment land requirement included arising from the draft ELR Addendum (Annex 2) and confirm whether this is agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iii) Consider the technical analysis on sites including the MOD (Annexes, 3, 4 & 5) and confirm whether this is agreed as the evidence base upon which the Local Plan should be progressed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (iv) Consider the revised policy approach to Gypsy and Traveller provision highlighted within this report and Annex 9 and confirm whether this is agreed.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (v) Following decisions on the matters referred to in (i) to (iv) above authority be delegated to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve all housing and employment growth related policies (including site specific planning principles) and the non-site related policy modifications at schedule (Annex 7) in accordance with the approved evidence base.

Reason: So that an NPPF compliant Local Plan can be progressed

- (vi) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the approval of any changes to the non-site related policy modifications schedule (Annex 7) following the completion of viability work;

Reason: So that an NPPF compliant Local Plan can be progressed.

- (vii) Following approval of the evidence base and policy in relation to housing and employment, authority be given to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to produce a composite draft Local Plan for the purposes of consultation.

Reason: So that an NPPF compliant Local Plan can be progressed.

(viii) Delegate to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader the signing-off of further technical reports and assessments to support the draft Local Plan including, but not limited to the SA/ SEA, Viability Study and Transport Assessment.

Reason: So that an NPPF compliant Local Plan can be progressed.

(ix) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a consultation strategy and associated material for the purposes of a city wide consultation starting in September 2017 and to undertake consultation on a composite plan in accordance with that agreed strategy.

Reason: So that an NPPF compliant Local Plan can be progressed.

(xiii) Delegate authority to the Assistant Director of Planning and Public Protection in consultation with the Leader and Deputy Leader to approve a revised Local Development Scheme as per the timetable highlighted in paragraphs 98 to 101 of this report.

Reason: So that an NPPF compliant Local Plan can be progressed.

Background

3. Officers produced a publication draft Local Plan in autumn 2014. This process, however, was halted by Council resolution on the 9th October 2014. Following the Local Government Elections in May 2015 the agreement between the Conservative and Liberal Democrat Groups, to establish a joint administration for City of York Council from May 21st 2015 states that:

'We will prepare an evidence-based Local Plan which delivers much needed housing whilst focusing development on brownfield land and taking all practical steps to protect the Green Belt and the character of York.'

4. The absence of an adopted Local Plan, given the expectations embodied in the National Planning Policy Framework (NPPF) puts the Council in a much weakened position when development proposals come forward for undeveloped areas of the city. In the absence of a Local Plan, development proposals fall to be considered on a case by case basis assessed against the national policies. This gives rise to a high risk of ad- hoc provision of housing developments through appeal rather than

through the City's own strategic planning, and an increased risk of challenge to the Council's interpretation of national policy in the Courts. For example, York presently relies on the saved policies in the Regional Spatial Strategy which shows the general extent of the Green Belt – the City must assess individual proposals without the benefit of further Local Policy to inform which areas are more suitable than others for development within that general extent. In development management decision making, when weighing factors in the planning balance, the City is also disadvantaged when seeking to justify protecting land within the general extent of Green Belt, as a national policy compliant 5 year housing supply cannot be demonstrated.

5. Although in a recent decision by the Secretary of State he refused a housing proposal in the general extent of the York Green Belt, Members are advised that relying on planning by appeal will risk not being able to deliver the administration's objective of protecting the green belt and the character of York in the longer term, as it fails to provide a clear planned future strategy.
6. The last significant stage of Local Plan production occurred in 2016 with the Preferred Sites Consultation. This consultation began on 18th July 2017 and ended on 12th September 2016. Circa 2,300 individual responses were received from members of the public, developers and statutory consultees. Consultation responses were published online (redacted in line with Data Protection Act) as part of the report to Executive on 7th December 2016 and the Consultation Statement is attached as annex 6 to the Executive Report.
7. Also, as Members are aware following reports to the Executive in December and January , after the Preferred Sites Consultation concluded the Ministry of Defence (MOD) announced as part of its Defence Estate Strategy on 7th November 2016 the release of three sites in York:
 - Imphal Barracks, Fulford Road;
 - Queen Elizabeth Barracks, Strensall; and
 - Towthorpe Lines, Strensall.

The reports indicated that technical work needed to be carried out to assess if the sites represented 'reasonable alternatives' and if they did they would need to be considered as part of the Local Plan process.

8. In addition since the Local Plan Publication Draft, was reported to Members in autumn 2014, there have been a number of national and local policy updates. This includes updates to the National Planning

Practice Guidance, a new Council Plan and the approval of the One Planet Council Framework to embed One Planet principles into decision-making processes across the Council. The evidence base that underpins the emerging Local Plan has also progressed.

9. On 7 February 2017, the Department for Communities and Local Government (DCLG) published a Housing White Paper. As part of which, DCLG also consulted on changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment. The consultation ran from 7 February and closed on 2 May 2017. The outcomes of the consultation will involve amendments to the National Planning Policy Framework (NPPF) and regulations. The White Paper could lead to a number of implications for the emerging Local Plans, including potentially, a prescriptive methodology for the calculation of housing number. The full extent of any implications and the associated timescale is presently unclear.
10. In response to the context described above Officers have undertaken further work relating to the following interrelated areas:
 - The MOD sites and related supply implications;
 - Housing Need;
 - Employment Need
 - Housing and Employment Land Supply and related consultation responses; and
 - Non housing and employment land related policies.

This work is presented in summary below. It will be presented to the Local Plan Working Group (LPWG) on 10th July 2017.

MOD Sites

11. The sites have been tested against the Local Plan Site Selection Methodology which is based on the emerging Plan's spatial strategy. The full methodology is set out in the Preferred Sites Document (2016). In summary, this is based on a four stage approach as follows:
 - Criteria 1: Protecting environmental assets (including Historic Character and Setting, Nature Conservation assets and functional floodplain);
 - Criteria 2: Protecting existing openspace;
 - Criteria 3: Avoiding areas of high flood risk (Greenfield sites in flood zone 3a);
 - Criteria 4a: Sustainable access to facilities and services; and

- Criteria 4b: Sustainable access to transport.

12. Imphal Barracks and Queen Elizabeth Barracks sites both pass criteria 1 to 4 as residential sites. The Towthorpe Line site fails criteria 4 for residential sites but does pass the criteria assessment for consideration for employment use. Following the assessment against Site Selection Criteria 1 to 4 the sites were also considered by the technical officer group. This group includes specialist officers covering areas such as ecology, archaeology, transport and landscape. The outcomes of this work are as follows (see Annex 3: Table 1):

Queen Elizabeth Barracks, Strensall

13. Officers consider that the site should be included as a residential site in the Plan. The site could provide up to 623 dwellings and could deliver from 2022/23 onwards at an annual rate of circa 70 dwellings per annum. Given the site's location adjacent to Strensall Common SSSI/SAC there will be a requirement to undertake a Habitat Regulation Assessment (HRA) prior to its inclusion in the final Plan. Further work will also be required to develop a site-specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport and access, design, provision of community facilities, ecological mitigation measures and landscaping.

Imphal Barracks

14. Officers consider that the site should be included as a residential site in the Plan. The site could potentially provide up to 769 dwellings but would not be included until later in the plan period. This reflects the timeframe for release of the site by the MOD (2031) and also the potential for significant resulting transport impacts along the A19 corridor. Further work will also be required to develop a site specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport access, design, provision of community facilities, ecological mitigation measures and landscaping.

Towthorpe Lines

15. Officers consider that the site should be included for potential employment use in the Plan. It does not pass the site selection methodology to be considered as a housing site in the plan, failing on access to services and transport. It should be noted that the MOD would

like this site to be considered as a housing site with the potential for circa 80 dwellings.

16. Technical officers felt that given the distance to facilities, access to the site and adjacency with Strensall Common SSSI/SAC it could potentially be used as a commercial site, more consistent with its current function as a depot for the MOD, subject to appropriate ecological and landscape mitigation. In addition, it was considered that any road linkage improvements required to make the site work in residential terms to connect to Queen Elizabeth Barracks may have a potential impact on Strensall Common and its management.
17. Given the site's location adjacent to Strensall Common SSSI/SAC there will also be a requirement to undertake a Habitat Regulation Assessment (HRA) prior to its inclusion in the final Plan. Further work will also be required to develop a site specific policy for the site which will include a set of planning principles to inform the subsequent masterplanning of the site. This will cover issues such as archaeology and heritage, transport and access, design, provision of community facilities, ecological mitigation measures and landscaping.
18. The inclusion of the MOD sites, as highlighted in the paragraphs above, would allow an increase of 1,392 dwellings during the proposed Green Belt timeframe (20 years from adoption). It should be noted, however, that the Queen Elizabeth Barracks site will not be released until 2021 and Imphal Barracks until 2031. Annual delivery rates are anticipated as follows:
 - Queen Elizabeth Barracks, Strensall – 623 dwellings from 2022/23 onwards at annual delivery rate of 35 p.a for first year and 70 p.a. thereafter; and
 - Imphal Barracks – 600 dwellings from 2032/33 to 2037/38 at 120 dwellings per annum. A further 169 dwellings would be delivered in 2038/39 and 2039/40.

Housing Need

19. A key objective of the National Planning Policy Framework (NPPF) is to '*boost significantly the supply of housing*'. It requires that Local Planning Authorities identify the objectively assessed need for market and affordable housing in their areas, and that Local Plans translate those needs into land provision targets. Like all parts of a development plan such housing targets should be informed by robust and proportionate evidence.

20. Paragraph 17 of NPPF sets out a set of core land-use planning principles which should underpin both plan-making and decision-taking. This includes the following:

“Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. 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”.

21. The NPPF is clear that Local Plans should provide land to meet their objectively assessed need in full, in so far as their area has the sustainable capacity to do so, stating that:

“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”.

22. The Preferred Sites Consultation (2016) included a housing figure of 841 per annum based on the SHMA (2016). This figure took account of recent migration trends (Mid Year Population Estimates 2013 and 2014, ONS¹) and improvements to household formation rates for younger households (25-34 yr age group).

23. On the 25th May 2016 Office of National Statistics (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 GL Hearn produced an addendum to the main SHMA report which briefly reviewed key aspects of the projections and highlighted what level of housing need is implied by the new information. They recommended that the Council did not need to move away from the previous advice (841 dwelling per annum).

24. Following the approval of the Preferred Sites document for consultation at Executive on 29th June 2016, DCLG published updated household projections – the 2014 based sub-national household projections in July 2016. As reported to Members of LPWG and Executive in December 2016, GL Hearn were asked to update the SHMA to take account of

¹ Office for National Statistics

these new figures, and to assess the representations received through the PSC consultation relating to OAN.

25. The GL Hearn Report (Annex 1) has updated the demographic starting point for York based on the July 2016 household projections (CLG). This increases the demographic starting point from 783 (which was the demographic starting point for the 841 housing need figure as per the 2016 SHMA) to 867 per annum. Guidance (NPPG) indicates that the official projections should be seen as a baseline only.
26. Table 1 below indicates the basis of GL Hearn's work.

Table 1: Projected growth based on 2014 SNHP

Year	Households
2012	84,271
2032	101,389
2037	104,867

Source: Derived from ONS and CLG data.

27. The table shows that the predicted change 2012 to 2032 is +17,118 households which equates to 856 households per annum. GL Hearn used a vacancy rate of 1.3% to convert households to the dwelling requirement leading to the figure of 867 dwellings pa. The conversion rate is based on Council Tax data for York. The previous 2016 SHMA used a vacancy rate of 3.8% taken from 2011 Census. This, therefore, represents a reduction. Using the same conversion rate and looking longer term the change 2012 to 2037 is +20,596 households which is 824 households per annum. Converted to dwellings it is 835 per annum.
28. Paragraph 47 of the NPPF indicates that to boost significantly the supply of housing, local planning authorities should:
- *'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;*
 - *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*

29. On this basis the figure of 867 is relevant baseline for the 15 year period of the plan period subject to any appropriate adjustments. There is nothing specific in guidance to advise how you look in the post plan period at OAN as most authorities are not setting a greenbelt boundary. In order to create a robust position for examination it would seem most appropriate to continue with the 15 year needs estimate for the full Green Belt time period.
30. The GL Hearn report recommends that based on their assessment of market signals evidence and some recent Inspectors decisions that York should include a 10% market signals adjustment to the 867 figure. This would increase the housing figure to 953 per annum. The market adjustment is based on an assessment of both market signals and affordable housing need. GL Hearn has considered a single adjustment to address both of these issues as they are intrinsically linked.
31. The GL Hearn Report does not review affordable housing need but it is concluded that this is unlikely to have changed significantly from the 2016 SHMA which identified a net affordable housing need of 573 dwellings. It should be noted that large parts of this need is either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).
32. In terms of market signals the SHMA reports that by Q2 2016 median house prices in York had reached £225,000 a notable 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 pcm and in the Yorkshire and Humber region of £500 pcm. GL Hearn also looked at the relationship between lower quartile house prices and lower quartile earnings. As of 2015 the lower quartile house prices in York are 8.9 times higher than lower quartile earnings.
33. On balance, GL Hearn concludes that the market signals in York are quite strong and there is a notable affordable housing need. Combined these would merit some response within the OAN. Any adjustment should however be considered as addressing both elements. National Guidance (PPG) sets out that the scale of such an adjustment should be *“a level that is reasonable”*. SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, such as in Cambridge (where a 30% adjustment has been recommended). There are also some examples across the country where a 0% market signal uplift has been accepted at Examination. This includes Mendip, Stratford-upon Avon, Crawley and

Cornwall. It should be noted, however, that each examination involved the consideration of the individual circumstances of these authorities.

34. On balance, the judgement of GL Hearn is that a 10% adjustment is justified in York on the basis of the previously established affordable housing need and the updated market signals evidence.
35. Considering the SHMA recommendation in the context of past delivery; from the effective start date of the plan the 1st April 2012 up until the latest monitoring date of 31st March 2017 there has been 3,432 net housing completions. This equates to an annual average of 686 dwellings. For context the 10 year average 2007 to 2017 is 575 dwellings per annum.

Employment Need

36. The National Planning Policy Framework (NPPF) provides a clear position on the need to build a strong competitive economy. In respect of Local Plans it states, at paragraph 21 the Plan should: -
 - set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; and
 - set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.
37. The Employment Land Review (ELR) July 2016 published as part of the Preferred Sites Consultation used econometric projections by Oxford Economics (OE) dated May 2015 as the forecast for employment land demand over the Local Plan period. These forecasts provided the starting point for determining the amount and type of employment land required to be identified in the Plan. The projections by Oxford Economics presented a baseline scenario for York forecasting a job growth of 10,500 jobs over the period 2014-2031. Two further scenarios were considered by OE; scenario 1 – higher migration and faster UK recovery, which identified an additional 4,900 jobs above the baseline over the same period and scenario 2 – re-profiled sector growth which identified 500 additional jobs above the baseline. Scenario 2 was endorsed as it reflected the economic policy priorities of the Council to drive up the skills of the workforce and encourage growth in businesses which use higher skilled staff.
38. To sensitivity test the original 2015 OE projections, the latest Experian economic forecasts used within the Regional Econometric Model (REM)

have been used for comparison. While both econometric models use national forecasts applied through a set of assumptions as to the breakdown, the assumptions differ slightly. Neither models are more accurate than the other but use different modelling assumptions about what could happen with the economy over the next 15 to 20 years.

39. In terms of the Local Plan it is important to ensure there is sufficient flexibility within the land supply for a range of scenarios rather than an exact single figure which one can precisely plan to with complete certainty. In summary the Experian model broadly supports the original growth projections included in the OE 2015 model.
40. The case for further flexibility is enhanced by recent changes to permitted development enabling offices to be converted to housing without having to apply for planning permission. For York, based on completions only, there has been some 19,750sqm of office space lost to residential conversion over the last three monitoring years between 2014/15 and 2016/17. Records show that unimplemented Office to residential conversions (ORC) consents at 31st March 2017 include for the potential loss of a further 27,300sqm of office floorspace if implemented.
41. The employment based forecasts arising from the model are then used to calculate floorspace and site requirements against the planning use classes. In addition they are also adjusted in the following ways:
 - The timeframe has been changed to reflect the revised plan period 2012 – 2032/33 2037/38;
 - Account has been taken of development between 2012 – 2017; and
 - A 5% vacancy factor and an additional 2 year land supply to allow for time for developments to be complete.

The outcomes of this work are set out in Table 2.

Table 2: Scenario 2 Employment Land Requirements 2017-2038 (including 5% vacancy), Factoring in Change of Supply 2012-2017 and including 2 Years Extra Supply

Use Class	Scenario 2 2017-33		Scenario 2 2033-38		Scenario 2 Total 2017-2038	
	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)
B1a	94,771.32	11.7	12,310	2.1	107,081	13.8
B1b	7,883.40	2.1	1,644	0.4	9,527	2.5
B1c	8480.6	1.5	1,435	0.4	9,916	1.9
B2	0.00	0.0	0	0	0	0.0
B8	69,034.70	12.9	15,705	3.2	84,740	16.1
B uses sub-total	180,170	28.2	31,094	6	211,264	34.3
D2	15,577	2.7	4,398	1.1	19,975	4
Total	195,747	30.9	35,492	7.1	231,239	38

Housing Land Supply

42. The plan period runs from 2012 to 2033, in addition as York is setting detailed Green belt Boundaries for the first time it is also important to consider the period beyond the end date of the plan to 2038 to provide an enduring Green Belt; a requirement of the NPPF. The plan uses a start date of 2012 as it's required to fit with the start date for Government projections. This means that any under delivery between 2012 and 2017 against levels of housing completions has to be met during the plan period. This is known as the 'shortfall' or 'under-supply'.
43. When considering the supply of houses it is important to consider completions to date and unimplemented positions. The current position is summarised in table 3 below.

Table 3 Committed Supply and Windfalls

Plan period 1st April 2012 to 31st March 2033 / 2038	
Net Completions 1st April 2012 to 31st March 2017	3432
Unimplemented Permissions @ 1st April 2017	3758
Windfalls (from Year 4) @ 169 pa	2197 / 3042
Contribution to Supply	10,232

44. Table 3 includes an allowance for windfalls. Windfalls sites, as defined in the NPPF (March 2012) are:

'Sites which have not been specifically identified as available in the Local Plan process – they normally comprise previously developed sites that have unexpectedly become available.'

The inclusion of these unidentified sites represents an element of risk and are typically not allocated for development or highlighted within the Strategic Housing Land Availability Assessment.

45. During the consultation on Preferred Sites responses were received from the public, developers and landowners all of which need to be considered before progressing the Local Plan to its next stage of development.
46. Following the consideration of all consultation responses officers have identified a number of sites where Members may wish to consider accepting a change to the previous Preferred Sites (2016) position. Annex 3 to the Executive report summarise the outcomes of this work and includes:
 - Sites where no or minor changes are suggested (Table 4 below);
 - Sites with a more significant change which Members may wish to consider (including boundary changes and deletions) (Table 5);
 - New sites which conform with the Council's approach to sites selection, which Members may wish to consider (Table 5); and
 - Sites where proposed boundary changes not considered appropriate.

Table 4: Housing sites with minor or no suggested changes from PSC (2016)

Allocation Reference	Site Name
ST1	British Sugar/Manor School
ST2	Civil Service Sports Ground, Boroughbridge Rd
ST4	Land adjacent to Hull Road
ST5	York Central
ST8	Land North of Monks Cross
ST9	Land North of Haxby
ST16	Terry's Extension Sites 1 (Terry's Car Park) & 2 (Land to the rear of Terry's Factory)
ST31	Land at Tadcaster Rd, Copmanthorpe
ST32	Hungate
ST33	Station Yard, Wheldrake
H1	Heworth Green Gas Works
H3	Burnholme School
H5	Lowfield School
H6	Land R/O The Square, Tadcaster Road
H7	Bootham Crescent
H8	Askham Bar Park and Ride
H10	The Barbican
H20	Oakhaven EPH
H21	Woolnough House
H22	Heworth Lighthouse
H29	Land at Moor Lane, Copmanthorpe
H31	Eastfield Lane, Dunnington
H39	North of Church Lane, Elvington
H43	Manor Farm Yard, Copmanthorpe
H51	Morrell House
H52	Willow House EPH
H53	Land at Knapton Village
H55	Land at Layerthorpe
H56	Land at Hull Road

Table 5: Sites including significant change which Members may wish to consider

Allocation Reference	Site Name
Sites 934/935/936	Queen Elizabeth Barracks, Strensall
Sites 624/937/939	Imphal Barracks
ST7	Land East of Metcalfe Lane
ST14	Land West of Wigginton Road
ST15	Land West of Elvington Lane
ST17	Nestle South
Former SF15	Land North of Escrick
Site H2b	Land at Cherry Lane
Site H12	Land R/O Stockton Lane/Greenfield Park Drive
Site H23	Grove House
Site H25	Heworth Green North
Site H28	Land to north of North Lane, Wheldrake
Site H37	Land at Greystones, Haxby
Site H38	Land to rear of Rufforth Primary School
Site H46	Land North of Willow Bank and East of Haxby Road
Site H54	Whiteland Field, Haxby
Site H57	Poppleton Garden Centre
Former SF10	Land North of Riverside Gardens, Elvington
New Site	Land at Victoria Farm, Rufforth
New Site	Land at Maythorpe, Rufforth
New Site	Former Clifton Without Primary School

47. The sites in table 4 above include sites with no or suggested minor changes to the Preferred Sites Consultation (2016) position. This includes the York Central site whose overall quantum for residential is 1500 dwellings with 1250 dwellings in the plan period. As Members are aware however, the York Central site is subject to detailed ongoing technical work and masterplanning which may increase the overall residential capacity of the site. This will be confirmed as the Local Plan progresses towards Publication stage and will be reflected in future iterations of the Plan.
48. The sites in table 5 above include more significant changes which Members may wish to consider. These include the MOD sites previously highlighted in this report and deletion of three sites; Heworth Green North, which following revisions falls below the site allocation threshold, Poppleton Garden Centre which is now identified potentially for employment uses and Whiteland Field Haxby. It also includes Nestle South which has been amended to reflect the revised planning application and associated work. The inclusion of Grove House and Clifton Without reflect decisions made by the Council's Executive. Other sites included follow the consideration by Officers of submitted technical work.

49. If Members accept the recommendation of the GL Hearn Report then the additional sites and boundary revisions highlighted in Annex 3 would need to be incorporated within the Local Plan (including the MOD sites). If, however, Members do not agree the GL Hearn Report and the sites included in Annexes 3, 4 and 5. They will need to particularise concerns and consider whether they wish further work to be commissioned.

Employment

50. The Preferred Sites Document (2016) included a portfolio of employment sites (both strategic² and non-strategic) that would provide for the employment need requirements identified in the ELR (2016). The work undertaken by Officers does not suggest that the overall need figure needs to be revisited and this does not, therefore, lead to a need for additional land. However, a number of strategic high-level responses were received as part of this consultation in relation to the proposed employment sites and overall levels of employment growth. These are summarised below.
51. Flexibility requirements were discussed in the original ELR (2016). A number of comments were received through the consultation stating that further work was needed on assessing flexibility requirements. Make it York stated that it is important in confirming the employment allocations that the Council has ensured not only a sufficient overall quantum but that there is sufficient range and flexibility to deliver land requirements throughout the whole plan period. Following what Make it York call 'significant losses' of office accommodation under permitted development (PD) rights, it has been suggested that there is a severe shortage of high quality Grade A office stock within the city centre and old stock being removed from the market that is not currently being replaced.
52. The York and North Yorkshire Chamber of Commerce suggested that on the basis of sites identified in the Preferred Sites Consultation (2016) it is unlikely that the future supply will offer a sufficient range of choices of location for potential occupiers and that there will be a risk that York would lose out on investment for potential occupiers. The Chamber considers that further land should be identified to broaden the portfolio of sites available to cater for York's diverse high value added business. Make it York also suggested that allocating land flexibly amongst the use classes would help to mitigate risk of undersupply and is strongly welcomed.

² Strategic sites are sites 5ha and above.

53. Make it York state that it will be very important to monitor and respond to the change of supply over the whole plan period. Allowing flexibility to adapt and change use classes within site allocations will be critically important in ensuring the risk of undersupply is mitigated.
54. The York Central Partnership noted that the ELR (2016) allows for 'churn' through the provision of an additional 2 years worth of employment land. However, the fact that the Preferred Sites Document (2016) proposed to meet all B1a office need through a single allocation at York Central, may be perceived to undermine the objectives of building in churn. Whilst development will be phased at York Central allowing multiple developers, outlets and phased schemes, the partnership suggest that it may be appropriate for the Local Plan to allow small scale B1a uses to be accommodated on additional sites in the city.
55. In addition we received a significant number of representations and technical evidence to support sites not included in the Preferred Sites Consultation and the submission of new sites not considered previously through the emerging Local Plan.
56. Following the Preferred Sites Consultation officers have completed a thorough appraisal of all the evidence submitted from developers and landowners as well as considering responses from the public and other groups. This has led officers to identify a number of sites where Members may wish to consider accepting a change to the Preferred Site position. These are detailed in Annex 4 to the Executive report which includes:
 - Sites where no or minor changes are suggested (Table 6);
 - Sites with a more significant change which Members may wish to consider (including boundary changes and deletions) (Table 7);
 - New sites which conform with the Council's approach to sites selection, which Members may wish to consider (Table 7); and
 - Sites where proposed boundary changes not considered appropriate.

Employment Land Supply

Table 6: Employment sites with minor or no suggested changes from PSC (2016)

Allocation Ref	Site Name
E2	Land North of Monks Cross Drive, Huntington
E8	Wheldrake Industrial Estate
E9	Elvington Industrial Estate
E10	Chessingham Park, Dunnington
E11	Annamine Nurseries, Jockey Lane, Huntington
E12	York Business Park

Table 7: Sites including significant change which Members may wish to consider

Allocation Reference	Site Name
925	Towthorpe Lines, Strensall
ST5	York Central
ST6	Land North of Grimston Bar
ST19	Northminster Business Park
New Site	Land to the north of Northminster Business Park
ST26	Land at Elvington Airfield Business Park
ST27	University of York Expansion
New Site	Land to the north of Elvington Industrial Estate
Site 246	Whitehall Grange, Autohorn, Wigginton Road

57. The sites in table 7 above include significant changes which Members may wish to consider. These include the Towthorpe Lines MOD site previously discussed in paragraphs 15 to 17 of this report and the addition of Whitehall Grange following the recent planning consent granted by the Council. It is also proposed that the Grimston Bar (ST6) site be deleted.
58. It also includes the potential expansion of Land at Elvington Airfield Business Park (ST26), the existing Elvington Industrial Estate and the previous University allocation (ST27). The Northminster Site (ST19) was previously included but another site in close proximity has also been put forward. It is important to consider this in light of the transport comments included in paragraph 73. All changes are following the consideration by Officers of submitted technical work.
59. In addition, Table 7 includes the York Central site which was previously identified within the plan, for office development at 80,000 sqm; it is now 61,000 sqm. As already highlighted the York Central site is subject to detailed ongoing technical work and masterplanning which may increase the overall quantum. This will be confirmed as the Local Plan progresses towards Publication stage and will be reflected in future iteration of the Plan. In addition it should be noted that the York Central site is also

identified for a range of other commercial uses (outside the B use classes) including retail and leisure.

60. It should be noted that these additions, over and above minor changes, are in response to the consultation responses seeking further flexibility within the overall supply. In addition to the consideration of increasing the supply of sites, where appropriate, Officers are looking to increase flexibility in the use of sites. Previously office uses (B1a) would be directed to City Centre location with other sites identified for industrial and storage uses. It is proposed that out of centre sites are now also proposed to be identified for office use.

Non Site Related Policies

61. Since the Local Plan Publication Draft was taken to Members in autumn 2014 there have been a number of national and local policy updates. The evidence base that underpins the emerging Local Plan has also progressed. It has therefore been important to take these national and local updates into account when developing the local plan policies. On this basis Officers have undertaken further work to refine the local plan policies. The changes are wide ranging and provided in Annex 7 for the consideration by Members. They include the key changes highlighted below.

Local Plan Vision

62. The Local Plan Vision has been revisited to fully reflect the Council Plan 2015-19 which has been published since the Local Plan publication draft. The York Economic Strategy 2016 – 2020 and One Planet York principles have also been taken into account. These updates haven't altered the vision itself but some wording revisions have been made to the outcomes to reflect the new local strategies.

Gypsy and Travellers

63. The publication of the government's revised version of Planning Policy for Traveller Sites (PPTS) in August 2015, included a change to the definition of Travellers for planning purposes. The key change to this national policy was the removal of the term *persons...who have ceased to travel permanently*, meaning that those who have ceased to travel permanently will not now fall under the planning definition of a Traveller for the purposes of assessing accommodation need in a Gypsy and Traveller Accommodation Assessment (GTAA). Those households who do not meet the updated planning definition will form a subset of the wider housing need.

64. In light of this change in national planning policy, the Council commissioned consultants ORS to undertake an update of the 2014 GTAA. The full GTAA is attached as Annex 8 to this report. Necessary revisions to the policy approach to gypsy and travellers in the local plan have been made to reflect the updated evidence base.
65. The proposed policy approach to address the needs of Gypsies, Travellers and Showpeople is split into different parts. The first part states that the existing sites will be safeguarded unless it can be demonstrated that they are no longer needed or that alternative provision is to be provided elsewhere. The second part sets out the approach for those households who have been identified in the GTAA Update as meeting the definition. The draft local plan policy states that the Council will identify additional site provision within the existing Local Authority sites. The third part addresses the needs of those households who do not meet the planning definition. The proposed approach is to meet the need either as a part of strategic site provision or through commuted sum payments arising from such development. The full draft policy is attached as Annex 9 for Member's consideration.

Sustainable Construction and Design and Renewable Energy

66. The climate change section of the plan included policies demonstrating how the Council will tackle the challenges of climate change. These policies are now out of date, following a number of changes to Government legislation and guidance. Local strategic priorities have also altered during this period. The Carbon Trust, an independent partner helping organisations to contribute and benefit from carbon reduction who have extensive experience of developing Local Plan policies, were commissioned to update this section of the Local Plan in conjunction with officers. The revised section more strongly ties the policies to the social and economic benefits of low carbon developments which consider sustainable design and construction principles.

Public Health

67. The community facilities section of the plan has been revised to have a greater focus on health and wellbeing, and has been renamed accordingly. Building happy, healthy and resilient communities is a priority set out in the Council Plan (2015-19). It was, therefore, deemed beneficial to more closely align existing policy prescriptions with the specific health challenges identified in York's Joint Health and Wellbeing Strategy. The new section covers the protection and enhancement of sports, healthcare, childcare, and community facilities. An additional

policy related to healthy placemaking has been added which encourages designing environments that encourage health-promoting behaviours. It also reflects work undertaken with the Tees, Esk and Wear Valleys NHS Trust to review mental health provision in York including the provision of a new site.

Culture

68. Following responses received through the preferred sites consultation and a number of key stakeholders in York expressing a need to strengthen culture in the Local Plan, a new cultural provision policy has been developed and other additions made to appropriate sections of the plan. Policy formation has included consulting with a steering group and looking at best practice from other local authorities. A workshop with key stakeholders, organised by partners, was also held on 11 February 2017. The aim is to support development proposals where they are designed to sustain, enhance and add value to the special qualities and significance of York's culture.

Sustainability Appraisal and Strategic Environmental Assessment

69. When producing Local Plans, authorities are required to consider, at each stage of production, the impacts their proposals are likely to have on sustainable development. The emerging Local Plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment (SA/SEA) as required through NPPF. SA/SEA is a means of ensuring that the likely social, economic and environmental effects of the Local Plan are identified, described and appraised to identify how they support the Council's sustainable development objectives.
70. In order to support discussion, a SA/SEA has been undertaken of the overall spatial strategy (drawing on the SA which accompanied the 2014 Publication Draft Local Plan) and housing and employment growth recommendations along with a high level appraisal on the proposed spatial distribution of the strategic sites. Please see Annex 10 for the full SA/SEA Technical Note.
71. Following the decision on growth levels and sites by Members and their inclusion in a composite draft Plan along with the non-site policy changes, which will also be appended to this report, a full SA/SEA will need to be undertaken prior to consultation.

Transport Assessment

72. Initial transport modelling of residential and employment allocations has shown that there is unlikely to be a significant difference in the increase traffic growth, travel time and total delay across the network between the demographic starting point trajectory of 867 dwellings per annum and the demographic starting point with 10% market signals uplift trajectory of 953 dwellings per annum.
73. Initial transport modelling of potential residential and employment sites has shown that increased queues and delays are being forecast in the Poppleton area, exacerbated by the potential level of development projected for that area, including potential employment sites at Northminster Business Park (ST19), Land to the North of Northminster Business Park and the former Poppleton Garden Centre. The initial modelling undertaken assumes trip rates generated by B1 (office) use only at Northminster Business Park and Land to the North of Northminster Business Park. However, if the existing split at Northminster Business Park is continued at 40/60 B1a to B2/B8 the delays forecast may be an overestimate at this initial stage and would need to be subject to more detailed assessment.
74. Following the decision on growth levels and sites by Members a full analysis of city-wide transport implications will need to be completed. This will be made available to support the consultation.

Viability

75. Ensuring sites are viable and deliverable in the context of planning policy is a requirement of national guidance. Following the decision on growth levels and sites by Members and their inclusion in a composite draft Plan a Local Plan Viability Assessment will need to be undertaken. This may necessitate changes to the non-site specific policies, attached as Annex 7 to the Report, where they include planning obligations.

Duty to Cooperate

76. The Localism Act (2011) requires that local planning authorities demonstrate co-operation in plan making with adjoining or nearby authorities and other organisations in relation to cross boundary issues. Section 110 of the Localism Act transposes the Duty to Co-operate into the Planning and Compulsory Purchase Act 2004 and introduces Section 33A, which sets out a Duty to Co-operate in relation to the planning of sustainable development ('the Duty'). The Duty applies to all local planning authorities, county councils and 'prescribed bodies' and

requires that they must co-operate with each other in maximising the effectiveness with which development plan documents are prepared.

77. The Local Plan is required to consider and respond to issues which extend beyond the district boundary. Officers have previously consulted with adjoining authorities as part of the Local Plan process to date to fulfil the requirements of the Duty to Cooperate.
78. The representations at Preferred Sites Consultation (2016) by neighbouring local authorities and the York North Yorkshire and East Riding Local Enterprise Partnership (LEP) were varied. East Riding of Yorkshire Council and Hambleton District Council support the approach taken by CYC. North Yorkshire County Council recognises the importance of the City having a robust and high quality Local Plan in place that enables it to unlock economic growth and prosperity for the benefit of its communities and those of its wider hinterland. Ryedale district Council did not, in principle object to the apparent reduction at Preferred Sites of earlier proposed growth strategies, but did express concerns. Harrogate Borough Council also expressed concerns and the LEP considers the delivery of critical infrastructure and key employment sites, underpinned by an ambitious Local Plan and strong partnership with both LEPs and Central Government to be vital, adding that an ambitious plan, which can deliver this strategic infrastructure would provide the confidence to investors that York can deliver on its potential. Furthermore the LEP stated that for York, the dualling of the A1237 Outer Ring Road and the delivery of York Central are critical.
79. The concerns expressed by Ryedale District Council (RDC) and Harrogate Borough Council (HBC) centre around their doubts that there is sufficient flexibility in the plan to meet its requirements towards the end of the plan period and beyond the plan period, once a Green Belt boundary has been established through the plan, as this could lead to RDC and HBC facing pressure to meet the housing needs of the city. HBC also expressed that the way CYC is proposing to deal with its Green Belt boundary in terms of its permanence is a risk to the plan being found unsound.
80. It will be important that the view of Neighbouring Authorities and other prescribed bodies are sought on the next reiteration of the Plan. Reports will be submitted to North Yorkshire, York and East Riding Heads of Plan and the associated Spatial Planning and Transport Board; LCR Heads of Planning and associated Planning Portfolio Members group and associated LEPs for both areas.

Analysis

81. The report presents to Members technical work undertaken on the MOD sites, housing, employment and policies. It highlights the choices that need to be considered in moving forward with the Local Plan. This is summarised below.

Housing

82. The Preferred Sites Consultation (2016) was based on a housing growth figure of 841 dwellings pa for the plan period. This figure was calculated using a demographic baseline of 783 then adding adjustments of 58 dwelling pa. The work undertaken by GL Hearn advises the Council that the demographic baseline for assessing housing need has now increased from the Preferred Sites (2016) position from 783 to 867. Planning Practice Guidance (NPPG) makes it clear that current household projections published by the Department for Communities and Local Government should provide the starting point for estimating overall housing need therefore the previous 841 figure is not an option that the the Council can consider in the production of a Local Plan if it is to be successful when subject to examination by a member of the Planning Inspectorate.
83. The GL Hearn Report recommends that based on the market signals evidence a reasonable adjustment for York is a 10% market signals adjustment to the 867 figure. This would increase the housing figure to 953 per annum. The market adjustment is based on their assessment of both market signals and affordable housing need.
84. National Guidance (PPG) sets out that the scale of any adjustment to the DCLG housing baseline projections for an area should be "*a level that is reasonable*". SHMAs around the country have generally applied adjustments to improve affordability of up to 20%. There have been exceptions to this, including Cambridge (where a 30% adjustment has been recommended). There are however some examples across the country where a 0% market signal uplift have been accepted at Examinations. These authorities include Mendip, Stratford upon Avon, Crawley and Cornwall. It should be noted however, that each examination involved the consideration of the individual circumstances of these authorities.
85. In terms of past delivery and the context for reasonable market adjustment; from the effective start date of the plan the 1st April 2012 up until the latest monitoring date of 31st March 2017 there have been 3,432 net housing completions. This equates to an annual average of 686

dwellings. For context the 10 year average 2007 to 2017 is 575 dwellings per annum. Clearly achieving both the demographic baseline and the SHMA figure will require a considerable uplift in delivery amounting to 26% increase in housing delivery from the 5 year average.

86. During the Preferred Sites Consultation (2016) responses were received on the overall levels of growth and sites this included from the public, developers and landowners. In terms of the public response a significant number of respondents supported the level of housing growth proposed (841 dwellings per annum from 2012) and felt that it better represented the City's characteristics than that published as part of Preferred Options in 2013 (1090 p.a.). This view is particularly representative of comments from the general public and Parish Council's.
87. Some respondents, however, felt that the Preferred Sites figure of 841 p.a continued to overestimate housing need and that more consideration of the environmental cost of this provision should be given. There were also views expressed that the methodology suggested by NPPF over-inflated housing need in York, that the actual growth for the city could adequately be met on brownfield land alone and the need to review housing need in light of Brexit and likely reduced international migration.
88. In addition there were also a number of objections suggesting that the Council had underestimated housing need. A number of respondents consider that there is an inadequate assessment of housing need in the Strategic Housing Market Assessment (SHMA) and flaws in the calculation of the City's housing requirement in terms of taking account of market signals or the need to apply an uplift to meet needs of those households requiring affordable homes. Issues were also raised around supply, highlighting persistent under-delivery against the housing target, lack of consistency with City's economic ambitions or those of the LEP, and unrealistic density assumptions. Several OAHN were submitted by developers and landowners as part of the Preferred Sites Consultation. The GL Hearn report includes a summary of these responses in Appendix A to their report.
89. The Preferred Sites (2016) position in terms of housing supply was based on the delivery of 841 dwellings per annum in the plan period from 2012 to 2032 and 660 dwellings per annum in the post plan period to 2037. The figure of 660 per annum in the post plan period reflected the CLG household projections in the period 2032-2037. This approach included dealing with any shortfall in the period 2012-2016 (based on net completions), factoring in established supply at that point and appropriate levels of flexibility. If the MOD sites were included within the Plan as detailed in paragraph 18 of this report then the Council could

achieve the demographic starting point of 867 dwellings per annum from 2012 through the plan period and proposed Green Belt timeframe. It should be noted that need and supply shouldn't be in parity and the additional 1035 dwellings in the post plan period provides additional flexibility to that included in the Preferred Sites Document (2016) and would help increase the robustness of the plan.

90. Paragraphs 82 to 89 above set out those factors Members need to consider when coming to a view on housing need and supply. These comprise:
- (i) The recommendations of the GL Hearn Report including the need to incorporate market signals to a level that is reasonable;
 - the GL Hearn advice on a reasonable market adjustment would equate to 953 dwellings per annum.
 - (ii) The revised DCLG baseline;
 - the update in national projections effectively excludes the 2016 consultation figure of 841 dwellings per annum and create a new baseline of 867 dwelling per annum.
 - (iii) Relevant inspectors decisions as described in paragraph 84.
 - (iv) Consultation responses;
 - comments both support and contest the previous 841 Dwellings per annum based plan.
 - (v) Technical work on sites, including the MOD sites;
 - this work demonstrates that land could be made available to accommodate the market adjusted figure of 953 dwellings per annum for York.
 -
91. If having considered the factors set out in paragraphs 82-90 of this report, the OAHN of 953 dwellings per annum is not agreed, Members should provide reasons for departing from the conclusions in that report. Reasons should also be given to justify any alternative OAHN figure.
92. Plan making is not without risk and will be subject to an Examination in Public conducted by an Inspector appointed by the Secretary of State. Therefore, Members will need to satisfy themselves (and subsequently the Inspector appointed in the Examination in Public) of the rationale for

discounting and substituting a different perspective to some or all of the GL Hearn recommendations. In this regard, Members are referred to the legal implications section and the statutory duty to only submit a Plan for examination that is considered to be 'sound'.

Employment

93. The revised forecasts support the position taken in the Preferred Sites Consultation (2016). However, the report highlights that during consultation key organisations argued for increased flexibility in the proposed supply to provide choice. This includes addressing the loss of office space to residential development through ORC's and to provide additional choice for B1a (office) provision in the earlier part of the plan period as an alternative to the York Central sites. Officers have provided technical information on the provision of additional sites and boundary revisions which could be incorporated within the Local Plan. The additions Members may wish to consider are included in Annex 4.
94. It should be noted any additions, over and above minor changes, are in response to the consultation responses seeking further flexibility within the overall supply. As highlighted Officers are looking to increase flexibility in the use of sites.

Non Site Related Policies

95. Non housing and employment site related policies were last subject to consultation in July 2013 as part of the Preferred Options Consultation. Whilst updates were then made to policies in the Draft Plan following Preferred Options, this was never consulted on following the halting of the Plan in October 2014 by Members.
96. Since the plan was last consulted on in 2013 at the preferred options stage there have been a number of changes in national policy and local strategies. There has also been significant evidence base work undertaken and consultation outcomes to consider from the preferred sites consultation in 2016. The changes Officers believe are necessary to update the plan are highlighted in Annex 7 to this report.
97. In addition Members attention is specifically drawn to the proposed changes to the Gypsy and Traveller policies highlighted in Annex 9.

Next Steps

98. Given the proposed level of change to the 2013 version of the Plan, notwithstanding the consultation on sites in 2016, a consultation on a full

plan and policies would be recommended. This would involve producing a plan based on the recommendations highlighted within this report along with necessary technical documents. This would start with pre publicity in Our City in August and formal consultation commencing in September for 6 weeks. This will ensure that the Council's position is transparent and clear before moving to the final publication draft consultation early next year.

99. Following consultation in September, subject to the number of representations received, it would be Officers intention to bring a publication draft document to Executive in January 2018. This would be subject to consultation in February 2018 with the intention of submitting a plan for Examination in April / May 2018. It is anticipated that the Examination would take between 6 to 9 months.
100. Following the Executive, officers if Members agree, will produce a composite draft Plan including both site and non-site related policies along with an overall vision and spatial strategy for the city. A city-wide proposals map showing all land allocations and designations will also need to be produced. In addition this document will be accompanied by the following which will need to be prepared after the Executive:
- SA/SEA;
 - Habitat Regulation Assessment (HRA);
 - City-wide transport model;
 - Viability Assessment;
 - Strategic Housing Land Availability Assessment (SHLAA);
 - Any technical addendums necessary arising from the recommendations of this report relating to growth and sites.
101. Officers will seek dialogue with key partners including neighbouring authorities, the County Council and both LEPS. In addition dialogue will also be sort with both DCLG and the Planning Inspectorate.

Impacts

102. **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur. It should be noted that the original budget

was based on the approved Local Development Scheme (Local Plan Project Plan).

103. It was reported to the Executive in January that if the MOD sites were to be included within the plan this would necessitate additional costs. These will have to be factored into future years budget allocations. The extension of time arising from the addition of the MOD sites would require maintaining existing staffing levels for 18/19 and additional funding to cover consultation and technical work. The costs in 2017/2018 can be contained within the current Local Plan budget however the impact of additional costs of finalising the plan will need to be considered as part of future budget processes.
104. **Financial (2)** - It should also be considered that if the approach taken is subsequently judged to be non compliant with Government Guidance either before or after submission this could lead to further technical work and additional consultation adding to the identified costs and creating delay.
105. **Financial (3)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations.
106. **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within EAP.
107. **Better Decision Making Tool** – Please see Annex 11.
108. **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
109. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.

110. In order for the draft Local Plan to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).

111. The Council also has a legal “Duty to Co-operate” in preparing the Plan. (S33A 2004 Act). In due course Council will be asked to approve the publication draft Local Plan which will be subject to examination by a member of the Planning Inspectorate before being finally adopted. If the draft Local Plan is not prepared in accordance with legal requirements, fully justified and supported by evidence, the draft Local Plan is likely to be found unsound at examination and would not be able to proceed to adoption.

112. **Crime and Disorder** – The Plan addresses where applicable.

113. **Information Technology (IT)** – The Plan promotes where applicable.

114. **Property** – The Plan includes land within Council ownership.

115. **Other** – None

Risks

116. In compliance with the Council’s risk management strategy, the main risks in producing a Local Plan for the City of York are as follows:

- The need to steer, promote or restrict development across its administrative area;
- The potential damage to the Council’s image and reputation if a development plan is not adopted in an appropriate timeframe;
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments, increased potential to lose appeals on sites which may not be the Council’s preferred development options;
- Financial risk associated with the Council’s ability to utilise planning gain and deliver strategic infrastructure;

- Failure to progress a plan could lead to direct interventions by Government into the City's Local Plan making; and
- Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

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Cllrs D Carr & K Aspden

**Report
Approved**



Date

Specialist Implications Officer(s):

Patrick Looker, Finance Manager
Alison Hartley, Senior Solicitor, Planning

Wards Affected: *List wards or tick box to indicate all*

 All

For further information please contact the author of the report

Annexes (to final Executive report)

Figure 1 – Preferred Sites Consultation (2016) citywide map

Annex 1: Draft Strategic Housing Market Assessment, GL Hearn (SHMA) - available online;

Annex 2: Draft Employment Land Review Addendum (ELR) - available online;

Annex 3: Officers Assessment of Housing Sites following Preferred Sites Consultation (2016) - available online;

Annex 4: Officers Assessment of Employment Sites following Preferred Sites Consultation (2016) - available online;

Annex 5: Officers Assessment of other sites following Preferred Sites Consultation (2016) - available online;

Annex 6: Consultation Statement - available online;

Annex 7: Non housing and employment site related policy modifications since 2013 Preferred Options Local Plan - available online;

Annex 8: Gypsy and Travellers and Travelling Showpeople Needs Assessment (ORS) - available online;

Annex 9: Draft Gypsy and Traveller Policy - available online;

Annex 10: SA/SEA Technical Note - available online;

Annex 11: Better Decision Making Tool - available online.

Background Papers:

Glossary of Abbreviations

LPWG – Local Plan Working Group
NPPF – National Planning Policy Framework
NPPG – National Planning Practice Guidance
OAHN – Objective Assessment of Housing Need
MOD – Ministry of Defence
SCI – Statement of Community Involvement
SHLAA – Strategic Housing Land Availability Assessment
SHMA – Strategic Housing Market Assessment
SNHP - Sub National Household Projections
SNPP – Sub National Population Projections
SHMA – Strategic Housing Market Assessment
SSSI – Site of Special Scientific Interest
SPA – Special Protection Area
SAC – Special Area of Conservation
ORC – Office to residential conversion
ELR – Employment Land Review
DCLG – Department for Communities and Local Government
HRA – Habitats Regulations Assessment
SA – Sustainability Appraisal
SEA – Strategic Environmental Assessment
OE – Oxford Economics
REM – Regional Econometric Model
PD – Permitted Development
GTAA – Gypsy and Traveller Accommodation Assessment