

City of York Council

Examination of the City of York Local Plan 2017 – 2033

Schedule of Matters, Issues and Questions for the Examination

(Revised 11 February 2022)

Phase 2 Hearings

**Strategic Vision, Outcomes and Development Principles
Housing Need and Requirement
Economic Development
Spatial Strategy – Site Selection Process
Housing Land Supply
Infrastructure Requirements, Delivery and Viability
Approach to Setting Green Belt Boundaries
Climate Change**

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Where respondents answering the following questions identify a deficiency in the Local Plan they should make clear how it should be changed.

In accordance with the Transitional Arrangements set out at paragraph 220 in Annex 1 of the National Planning Policy Framework 2021, where a plan is being examined that was submitted on or before 24 January 2019, the policies in the previous 2012 version of the Framework will continue to apply, as will any previous guidance which has been superseded. Accordingly, the Local Plan is being examined against the National Planning Policy Framework 2012. As such, all further references in this document to the 'National Planning Policy Framework' and 'the Framework' are to the 2012 version.

Matter 1 – Strategic Vision, Outcomes and Development Principles

- 1.1 Does the Strategic Vision, Outcomes and Development Principles set out within Section 2 and provided in policies DP1, DP2 and DP3 of the Plan provide a clear and appropriate framework for the strategic policies set out primarily within Sections 2 and 3 of the Plan?
- 1.2 Are the Development Principles set out in the Plan justified, effective and in accordance with national policy?
- 1.3 Is the overall strategic approach, in terms of the vision, outcomes and principles relating to development, its management and delivering the Plan's development requirements positively prepared, justified, effective and consistent with the Framework?
- 1.4 Has the Plan been informed by an adequate process of Sustainability Appraisal and Habitats Regulations Assessment in this regard?

Matter 2 – Housing Need and Requirement

Introduction

At the previous examination hearings, the Council's position was that, taking account of the 2016 based projections published by the Office for National Statistics (ONS), the need for housing in York over the Plan period was 790 dwellings per annum (dpa) and that, to meet this need and to address a shortfall in delivery of 32 dpa between 2012 and 2016, the housing requirement should be 822 dpa. Since then, the ONS has published its 2018 based projections. In response, the Council has considered whether or not those projections lead to a meaningful change in these figures. The 'Housing Need Update' (2020) concludes that economic-led housing need is in the range of 777 to 778 dpa. The Council considers that this does not amount to a meaningful change in the housing situation, such that the need for housing should be regarded as 790 dpa and the Plan's housing requirement should remain set at 822 dpa (i.e. 13,152 dwellings overall).

The objectively assessed housing need (the ‘OAHN’)

- 2.1 The introduction above sets out our understanding of the Council’s position. Is it correct?
- 2.2 In the *Housing Need Update (2020)* what methodological approach has been used to establish the OAHN and does it follow the advice set out in the Planning Policy Guidance (under the heading ‘*Methodology: assessing housing need*’)? In particular:
- a) Has the 2018-based household projection provided the starting point estimate of overall housing need? In this specific regard, has the Council’s approach to identifying the OAHN been consistent with national guidance? If not, what is the justification for that?
 - b) What bearing, if any, does the ‘standard method’ have on this Plan’s OAHN or on any other aspect of the Plan’s approach to housing?
 - c) Have market signals been taken into account and, if so, what effect have they had on calculating the OAHN?
 - d) How have employment trends been taken into account in determining the OAHN? How robust are the assumptions that have been made regarding those trends and what impact have they had on the final OAHN?
 - e) Does the economic-led OAHN assessment now still reflect an appropriate OAHN to be addressed and delivered through the Plan during the Plan period?
 - f) Overall, has the OAHN figure been arrived at on the basis of a robust methodology and is it justified?
- 2.3 Has there been a meaningful change in the housing situation in York since the Plan was submitted and, if so, how should this be addressed in the Plan?

The housing requirement

- 2.4 Is the shortfall figure (for 2012-2017) of 32 dpa which is incorporated into the 822 dpa housing requirement still a robust and justified figure?
- 2.5 Does the 822 dpa housing requirement take into account any backlog or under delivery of housing in previous years? If so, how?
- 2.6 Overall, is the housing requirement figure now proposed underpinned by robust evidence and adequately justified?

Matter 3 – Economic Development

The Plan requirement for economic development

- 3.1 Policy SS1, as currently worded in the Plan, says that sufficient land will be provided to accommodate around 650 new jobs per year.
- a) In effect, is 650 new jobs per year the Plan's requirement or target for economic growth?
 - b) How has the 650 figure been arrived at and is the evidence underpinning it both robust and consistent with national policy and guidance?
 - c) What proportion of the 650 new jobs per year target should be identified for each employment sector? Has this been assessed? If not, should such an assessment have been undertaken to assist in identifying an appropriate supply for the identified amount?
- 3.2 Table 4.1 of the submitted Plan (page 77), sets out employment land and floorspace requirements by use class for the Plan period (2017-2033) and also in the post Plan period 2033-2038. Is this assessment still the most up-to-date? If not, what is the most up-to-date position and how should this be rectified in the Plan?
- 3.3 Unless we have missed something, the Plan does not say how much land or floorspace is needed each year to accommodate the 650 new jobs per annum that are planned for. Why not?
- 3.4 If Table 4.1 in the submitted Plan is not up-to-date, how much land or floorspace is needed for each of the employment sectors expected to deliver jobs growth?
- 3.5 Should the answer to the preceding question be set out in the Plan as an explicit target?
- 3.6 Has any updated assessment of the employment requirement for land and jobs taken into account the 2020 changes to the Use Classes Order, particularly for employment uses (e.g. Use Classes B1 a), b) and c) to Class E? If not, what effect would these changes have on employment requirements? How have these Use Class changes impacted on the overall employment requirement?
- 3.7 Is it likely that the departure of the UK from the EU and/or the Covid-19 pandemic could have an impact on jobs growth during the Plan period? If so, is it possible for the Plan to properly gauge those impacts with any degree of certainty? How should the Plan respond to these issues, if at all?

The supply of land for economic development

- 3.8 Policy EC1 of the submitted Plan sets out the amount of employment floorspace that is to be provided on each identified site allocation during the Plan period. These are set out

within the policy both on strategic and non-strategic sites. Are the floorspace figures in Policy EC1 for these sites still correct and justified?

- 3.9 Is the amount of employment floorspace provision and its proposed distribution consistent with the evidence base?
- 3.10 In line with Policy SS1, has sufficient land been identified to meet employment needs of the City of York over the Plan period?

Matter 4 – Spatial Strategy and Site Selection Process

Spatial strategy

- 4.1 Is the Spatial Strategy set out in the Plan based on an appropriate and reasonable assessment and justified by robust evidence?
- 4.2 Is the approach taken in informing the Spatial Strategy and the distribution of development across the Plan area justified, effective and in accordance with national policy?
- 4.3 Does Policy SS1 provide an appropriate basis for the delivery of sustainable development and growth within the City of York?
- 4.4 Policy SS1 sets out a spatial principle for sustainable modes of transport and Paragraph 3.12 of the submitted Plan says support will be provided for a pattern of development that favours and facilitates the use of more sustainable transport to minimise the future growth of traffic.
- a) How does the Plan deliver this?
 - b) What evidence is there that the Spatial Strategy delivers what Paragraph 3.12 of the submitted Plan says?
 - c) Is it the most appropriate strategy when assessed against alternatives?
- 4.5 Is the proposed approach to new development and its location, as outlined by Policy SS1, sufficiently clear within the submitted Plan and is it supported by a robust and up to date evidence base?

Spatial distribution of development

The following questions about the spatial distribution of development and the site selection process are strategic in nature and do not intend to relate to specific sites proposed within the Plan. More detailed questions on specific sites will be considered during the Phase 3 hearing sessions.

- 4.6 Are the (broad) locations for new development the most appropriate locations when considered against all reasonable alternatives?
- 4.7 What factors have influenced the distribution of development proposed?
- 4.8 Are the factors which shape growth, as set out in Section 3 of the Plan, clearly explained, justified and set out and are they supported by robust and up to date evidence?
- 4.9 With regard to the impact of distribution of development on the transport network:
- a) What role has the transport appraisal had in influencing the distribution of development?
 - b) Is the Council's transport evidence robust and adequately up to date?
 - c) What are the cumulative impacts on the transport network of the spatial distribution of development set out in the Plan and are any adverse impacts severe? If so, how has that been addressed?
- 4.10 What role has the sustainability appraisal had in influencing the distribution of development?

Site selection process

- 4.11 With regard to the sites proposed for all types of development (i.e. housing and non-housing):
- a) How have the sites been identified, assessed and selected?
 - b) Is the methodology used for each justified?
 - c) What role has the Sustainability Appraisal had in this process?
 - d) Have any site size thresholds been applied in the site selection process? If so, what, how and why?

For the above question, we ask the Council to set out the site selection process for each different use of sites including housing, employment and education.

- 4.12 How has the Council taken into account Green Belt issues in the site selection process? In particular:
- a) has the openness of the sites considered, and the degree to which that openness contributes to the fundamental aim of Green Belt policy (preventing urban sprawl by keeping land permanently open), been taken into account?

- b) has the degree to which land does or does not serve the purposes of including land in the Green Belt been an influencing factor?
- c) have any reasonable alternative sites been rejected on the basis that the Council considered that it could not demonstrate the 'exceptional circumstances' it considered necessary to justify including the site in the supply? If so, in the light of our views concerning 'exceptional circumstances' (which is set out in our letter dated 12 June 2020 (EX/INS/15)), is that a problem?

4.13 Have any other factors come forward - or steps been taken - since the sites identified in the Plan were selected which would exclude any sites from inclusion in the Plan for any particular reason? If so, what and why?

Matter 5 – Housing Land Supply

The housing land supply overall

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

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

- 8,642 dwellings on allocated new strategic housing sites (ST)
- 1,703 dwellings on allocated housing sites (H)
- 1,853 dwellings (commitments – unimplemented permissions as at 1 April 2021)
- 3,113 dwellings (cumulative completions between 2017-2021)
- planning permission or resolution to grant planning permission as at 1 April 2021)
- 720 dwellings in communal establishments /student accommodation
- 1,764 dwellings on windfall sites (from 2024/25 – 2032/33 @196 per annum)

This provides a total housing supply of a minimum of 17,795 dwellings during the Plan period. Is this correct?

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

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

- 5.5 Are the suggested rates of planned housing development realistic and achievable when considered in the context of the past completion rates? What actions are being taken to accelerate housing delivery? Where is the evidence to support the approach adopted?
- 5.6 Is the housing trajectory update [EX/CYC/69] realistic? In the context of footnote 11 of the NPPF, does it form an appropriate basis for assessing whether sites are deliverable?

Five-year housing land supply

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

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

- 5.8 Will the Council be able to demonstrate a rolling five-year housing land supply upon adoption of the Plan?
- 5.9 The five-year housing supply, as set out in the latest housing trajectory update [EX/CYC/69], includes an allowance for windfall sites – the aforementioned 196 per annum:
- a) What is the compelling evidence that such sites have consistently become available in the local area and that they will continue to provide a reliable source of supply?
 - b) Is the allowance made realistic, having regard to paragraph 48 of the Framework?
- 5.10 Does the five-year housing land supply position, as set out in the updated Housing Trajectory 2021 [EX/CYC/69], present the most up-to-date position? Is it consistent with all other remaining up-to-date housing evidence? If not, how is this to be addressed?
- 5.11 Paragraph 5.9 of the submitted Plan identifies that the Council accepts that there has been a persistent under delivery of housing as defined by the NPPF. As such, does the submitted Plan, and any subsequent submitted evidence on meeting housing need and supply, take into account the requirement for a 20% buffer to be applied to the housing supply? Has this buffer been applied to any subsequent update of evidence or proposed modification to the Plan identified?
- 5.12 Overall, is there a supply of specific deliverable sites sufficient to provide five years' worth of housing, with an appropriate buffer (moved forward from later in the Plan) to ensure choice and competition in the market for land?

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

Matter 6 – Infrastructure Requirements, Delivery and Development Viability

The following questions deal with relevant infrastructure, delivery and development viability matters at a strategic level rather than at a site-specific level. More detailed questions relating to site-specific infrastructure, delivery and viability issues will be considered during the forthcoming Phase 3 and 4 hearing sessions.

- 6.1 What are the key infrastructure requirements for the successful delivery of the housing and economic development planned?
- 6.2 Does the Plan take a justified and suitably evidenced-based approach to infrastructure requirements and delivery? Does it set out the infrastructure requirements arising from the level of growth / new development proposed in the Plan in sufficient detail?

Paragraphs 15.14 and 15.15 of the submitted Plan provide a useful starting point. However, it is not sufficiently detailed in order for us to understand the infrastructure requirements for each of the site allocations proposed.

- 6.3 The Council has provided an update to the infrastructure requirements for the planned growth set out in the Plan [EX/CYC/70] which builds upon the Infrastructure Plan 2018 (the IDP) [SD128] that was submitted with the Plan and a subsequent update to Annex 4 of the IDP, published and submitted in November 2018 [EX/CYC/7b and EX/CYC/7c]. What reassurances are there that the elements set out in this evidence can, and will, be delivered when and where they are needed?
- 6.4 Has the cost of these infrastructure elements been estimated reasonably, robustly and with justification and are appropriate and realistic funding sources identified?
- 6.5 Does the evidence base support the site allocations overall and demonstrate that they are viable and deliverable, having regard to all of the policies contained within the Plan, including in relation to the provision of necessary infrastructure?
- 6.6 In terms of the provision of necessary infrastructure, are the viability assessments contained within the evidence base sufficiently robust and are they based on reasonable assumptions? In particular:
- a) do the viability assessments adequately reflect the nature and circumstances of the proposed allocations?
 - b) has the cost of the full range of expected requirements on new housing been taken into account, including those arising through policy requirements identified by the Plan (e.g. affordable housing and infrastructure)?
 - c) have the costs of upgrading the strategic transport infrastructure and public transport services been suitably identified in the Infrastructure Delivery Plan (IDP) and have

necessary mechanisms for securing it been incorporated into the Plan? If not, why not and what are the implications for the delivery of the Plan?

- d) have the costs of meeting education needs been identified in the IDP and has the necessary mechanism for funding been secured to provide for those needs? If not, why not and what are the implications for the delivery of the Plan?
- e) have the costs of ecological mitigation measures been identified in the IDP and has the necessary mechanism for funding been secured? If not, why not and what are the implications for the delivery of the Plan?
- f) does the evidence base demonstrate that the above costs would not threaten the delivery of the housing and economic growth planned?
- g) is there a reasonable prospect that the housing and economic development sites identified will come forward for development when anticipated during the Plan period?
- h) the Council is requested to provide a clear explanation as to what methodology has been used to assess viability and how infrastructure requirements have formed a part of that methodology.

6.7 Is the development proposed in the Plan, as set out in Policy SS1, financially viable?

6.8 In what way does the Plan and its policies provide a clear and effective framework for securing the necessary infrastructure or other obligations to support or mitigate the effects of development?

Matter 7 – Approach to Setting Green Belt Boundaries

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 3 hearings will address issues in relation to specific parts of the boundaries proposed, including those around development sites. In responding to the following questions, consideration should be in the context of the Council's submitted evidence to date, including its Topic Paper 1 relating to the Green Belt [CD021], its subsequent Addenda to Topic Paper 1 [EX/CYC/18; EX/CYC/18a-f; EX/CYC/50 and EX/CYC/50a-d and EX/CYC/59 and EX/CYC/59a-g]; and the modifications proposed by the Council, to the submitted Plan resulting from these documents set out in the Examination Document Library.

7.1 This Local Plan will formally define the boundaries of the York Green Belt for the first time. The Council's approach to defining the Green Belt boundaries now proposed is set out in 'Topic Paper TP1 – Approach to Defining York's Green Belt: Addendum' (January 2021) [EX/CYC/59]. In the light for the evidence, in setting the proposed Green Belt boundaries:

- a) how, in simple summary, have the proposed boundaries been arrived at?

- b) what influence have heritage assets and other environmental designations, such as conservation areas and SSSIs had on the setting of Green Belt boundaries?

In response to the above questions we ask the Council to produce a very brief and straightforward summary that sets out in simplified terms the method(s) used to identify the boundaries proposed.

- c) how does the approach now taken in the aforementioned new evidence differ from the method previously used by the Council and what is the reason for the differences?
- d) how has the need to promote sustainable patterns of development been taken into account?
- e) how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?
- f) how do the proposed Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development?

7.2 As a matter of principle, do the proposed Green Belt boundaries include any land which it is unnecessary to keep permanently open?

7.3 Overall, is the approach to setting Green Belt boundaries clear, justified and effective and is it consistent with national policy?

Matter 8: Climate Change

Further to our initial Question 1.8 in the Matters, Issues and Questions for Phase 1 of the hearing sessions, we have the following question relating to climate change matters.

8.1 Neither the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990, nor the associated Regulations, set out specific requirements or targets for local plans in relation to climate change. In light of this, do the Government's wider climate change commitments have any bearing on the legal requirements for, or soundness of, the Plan? If so, what changes are required to make the Plan legally compliant and/or sound and why are they necessary?