

# **City of York Council**

## **Examination of the City of York Local Plan 2017-2033**

### **Guidance Note for people participating in the Examination**

#### **Phase 2, 3 and 4 Hearing Sessions**

(Revised 11 February 2022)

**Inspectors:** Simon Berkeley BA MA MRTPI  
Andrew McCormack BSc (Hons) MRTPI

**Programme Officer:** Carole Crookes  
Independent Programme Officer Solutions  
PO Box 789  
Wakefield,  
West Yorkshire  
WF1 9UY

Phone: 07397 909822

Email: [york@iposolutions.online](mailto:york@iposolutions.online)

## Introduction

1. We are Simon Berkeley and Andrew McCormack , the Planning Inspectors appointed by the Secretary of State to independently examine the soundness of the City of York Local Plan ('the Plan'). We have prepared this Guidance Note, which is an update to the Guidance Note we issued in 2019 prior to the Phase 1 Hearing sessions. Its purpose is to explain the procedural and administrative matters relating to the examination.
2. The Programme Officer for the examination is **Carole Crookes**. Her contact details are given on the cover of this Note. She is acting as an independent officer for the examination, under our direction. Mrs Crookes will be responsible for organising the programme of hearings, maintaining the examination library, recording and circulating all material received and assisting with procedural and administrative matters. Any matters which the Council or participants wish to raise with us should be addressed to Mrs Crookes.

## Purpose and scope of the examination

3. Our role is to consider whether the Plan meets the legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations and whether it is sound in accordance with the National Planning Policy Framework ('the Framework'). For clarity, in this examination, as the Plan was submitted prior to 24 January 2019, the Transitional Arrangements set out in national policy are to be applied. As such, references to the Framework relate to the National Planning Policy Framework 2012.

To be sound the Plan must be:

**Positively prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified:** the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence.

**Effective:** deliverable over the plan period and based on effective joint working on cross-boundary strategic priorities: and

**Consistent with national policy.**

4. People seeking changes to the Plan have to demonstrate why it is not sound and how their suggested changes would make it sound. Representations will be considered insofar as they relate to soundness and legal requirements. However, our report will not refer to representations individually.

5. At this advanced stage of the process, any further changes to the Plan should be limited. The Council cannot itself now make any ‘main modifications’. Any changes needed to remedy soundness problems can only come about through a recommendation in our report.

## The Matters, Issues and Questions for the examination

6. We have set out the matters which will form the focus for the examination hearings identified in Phase 2. The matters to be considered in Phases 3 and 4 of the hearing sessions will be published in due course. The Phase 2 matters are shown on the Schedule of Matters, Issues and Questions (‘the MIQs’) for Phase 2 accompanying this Guidance Note.
7. The Schedule of MIQs has been circulated to representors with this Note and is also available on the examination webpage. We have also issued a draft timetable for the Phase 2 hearings alongside that Schedule. Any comments from representors on either the draft hearings timetable or the scope of the matters we have set out should be sent to the Programme Officer by **12 noon on Wednesday 9 February 2022**.

**Note:** In light of responses on the scope of the MIQs, the Inspectors have introduced some additional questions to the Schedule of MIQs for the Phase 2 hearing sessions. In addition, the Inspectors have made other amendments to, and points of clarification within, the published MIQs for Phase 2. The new or amended questions are identified within the revised Schedule of MIQs for Phase 2 (as at 11 February 2022) as follows:

<b>Matter 2: Strategic Vision, Outcomes and Development Principles</b>	Question 2.2 (a) and (b) Question 2.5
<b>Matter 4: Spatial Strategy – Site Selection Process</b>	Question 4.4 Question 4.9
<b>Matter 5: Housing Land Supply</b>	Question 5.5
<b>Matter 7: Approach to Setting Green Belt Boundaries</b>	Question 7.1 (b)
<b>Matter 8: Climate Change</b>	Question 8.1

As a result, a deadline extension for the submission of hearing statements in response to the revised Schedule of MIQs has been set as **5pm, Friday 4 March 2022**.

The revised Schedule of MIQs, this revised Guidance Note and an updated draft Phase 2 Hearings Schedule resulting from these amendments are all available to view on the examination webpage.

## Representations and written statements

8. The views of representors can be considered in three ways:
- a) you can rely on the written representation you have already made;

- b) you can, if you wish, also submit a written statement responding to the MIQs we have issued alongside this Note; or
  - c) you can, if you wish and are entitled to do so, participate in the hearing sessions – we explain this further below.
9. Everyone who has made a representation about the Plan during the pre-submission consultation that took place between 21 February and 4 April 2018, and anyone who made a representation to the consultation undertaken between 10 June and 22 July 2019 and the Proposed Modifications and Evidence Base Consultation which took place between 25 May and 7 July 2021 can either rely on what they have already submitted in writing or may, if they so wish, now submit a further written statement. **There is no need to prepare a further statement if all the points are already covered in the original representation.** For clarity, statements will be accepted from anyone who has the right to be heard but will not be accepted from anyone else.
10. For those who do choose to provide statements, they should directly address the matters we have identified in the Schedule of MIQs.
11. All statements from representors should:
- a) relate solely to the matter raised in their earlier representation;
  - b) explain which particular part of the Plan is unsound;
  - c) explain why it is unsound, having regard to the Framework;
  - d) explain how the Plan can be made sound; and
  - e) explain the precise change/wording that is being sought.
12. From the Council, a written statement in response to all individual matters identified in the Schedule of MIQs is required. These statements should include full and precise references to the evidence base to justify the policy and to demonstrate that the Plan is sound. They should also include references to any main modifications the Council considers necessary to make the Plan sound and set out the Council's position on changes sought by other parties, where relevant.
13. All written statements should be succinct, avoiding unnecessary detail and repetition. There is no need for verbatim quotations from the Plan, national planning policy or other core documents (references will suffice). Nonetheless, it is vital that the fundamental elements of cases are set out clearly and concisely since the hearings are not the place for new points or evidence to be presented for the first time.
14. Please note that it is not our role to 'improve' the Plan. We can only recommend main modifications to rectify issues of soundness.
15. Representors should attempt to reach agreement on factual matters and evidence before the hearings start and we strongly encourage everyone to maintain a dialogue with the Council and other participants in advance of the hearings. **Statements of Common Ground can be particularly helpful and are especially welcomed.**
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16. **Two paper copies** of each written statement may be sent to the Programme Officer. Where possible, an electronic copy should be provided. **Statements should be no longer than 3,000 words for each matter.** Statements which are excessively long or contain irrelevant or repetitious material may be returned. Any technical evidence should be limited to appendices and should be clearly related to the case being made. Statements should be on A4 paper and stapled. Plans or diagrams should fold down to A4 size.
17. **All statements relating to issues being discussed in the Phase 2 hearings (see the latest draft hearings timetable for details) must be received by the Programme Officer by 5pm on Friday 4 March 2022 at the latest.** If material is not received by this time, the Programme Officer will assume that written statements are not being provided.
18. Participants should adhere to the timetable for submitting written statements. **Late submissions and additional papers are unlikely to be accepted on the day of the relevant hearing session** since this can cause disruption and result in unfairness and may lead to the hearing being adjourned.
19. We will not accept any further representations or evidence after the hearing sessions have ended unless we specifically request it. Any late or unsolicited material is likely to be returned.

## Participation at hearing sessions

20. **Only those who have made representations seeking to change the Plan have a right to appear before, and be heard by, the Inspector(s).**<sup>1</sup> However, it is important to stress that written representations carry the same weight as those made orally at a hearing session. Consequently, participation at a hearing session is only necessary if in the light of the MIQs, you have specific points you wish to contribute.
21. People who are able to participate in the forthcoming hearing sessions are those who made representations seeking to change the Plan under Regulation 20 (i.e. when the Council invited representations before submitting the Plan for examination) where their representation relates to a point that is among the matters for examination. We will treat those who made representations to the consultation undertaken between 10 June and 22 July 2019 and who made a representation to the latest consultation on the most recent Green Belt work update and proposed modifications as having made a representation under Regulation 20.
22. If you have a right to be heard, and you wish to exercise that right, you should contact the Programme Officer by **4.00pm on Wednesday 16 February 2022** indicating the appropriate Matter and the hearing session that you wish to attend (see the draft Programme). You need to do this regardless of what you may have indicated previously.

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<sup>1</sup> S20(6) of the Planning and Compulsory Purchase Act 2004

**Please note that if you do not contact the Programme Officer by that date it will be assumed that you do not wish to appear and be heard and you will not be listed as a participant.** You can only request to be heard at a hearing session if you have made a relevant representation seeking a change to the Plan.

## The hearing sessions

23. The Phase 2 hearing sessions will start on **Tuesday 15 March 2022 at 10am**. We will be using a 'hybrid' approach. There will be an 'in person' hearing session for each of the Matters we have identified. However, where people who would wish to participate either cannot do so for reasons related to Covid-19 or would not feel comfortable attending in person because of the pandemic, we will offer a 'virtual' hearing session using Microsoft Teams. Precisely how we run any virtual sessions that are necessary will depend on the number of people wishing to participate this way and the range of Matters involved. We will set out further details once these two factors are known, shortly after 16 February.
24. **To be clear, at the time of indicating their right to be heard, all participants must also indicate whether they wish to participate in either the 'in-person' or the 'virtual' hearing sessions. Please note that participation at both forms of hearing sessions will not be permitted.**

The 'in-person' sessions will be held in the Gimcrack Rooms at York Racecourse, Knavesmire Road, York YO23 1EX.

In the event that 'virtual' sessions are necessary, then they would commence on Monday 28 March at 9.30am. If required, further details for those wishing to participate virtually will be sent out, where appropriate.

25. Every effort will be made to keep to the draft timetable, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will endeavour to inform the participants of any later changes to the timetable, **but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme. Participants need to be ready to attend on the Reserve time indicated on the programme – this will be used if necessary to complete any unfinished sessions.**
26. The hearings will take the form of a round table discussion which we shall lead. It will not involve the formal presentation of cases by participants or cross-examination. There will be a lot to cover and all contributions should be focused.
27. **'In person' sessions in Phase 2 will normally start at 9.30am (except the first day which will start at 10.00am) and 2.00pm each day, with a break for lunch at about 1.00pm, and a finish at about 5.00pm.** A short break will be taken mid-morning and mid-afternoon.

28. Please let the Programme Officer know as soon as possible if you have any specific needs in relation to attendance and participation at the hearing sessions.

## Phasing of the hearing sessions

29. Further to the phasing outlined earlier in the examination, and in our previous Guidance Note for participants, the examination hearings will now be taking place across four Phases.

**Phase 1 hearings** were held in December 2019 and covered the Duty to Cooperate, legal and procedural requirements, the housing strategy (including the objectively assessed housing need [OAHN], the housing requirement and the spatial distribution of housing) and strategic level Green Belt matters. Given the significant amount of time that has passed and the updated information provided since the Phase 1 hearings were held, some of these matters are to be revisited in the forthcoming phases of hearing sessions.

**Phase 2 hearings** will be held in March 2022 and will cover the Strategic Vision, Outcomes and Development Principles set out in the Plan; climate change and the Plan; the identified housing need and requirement; the economic development requirement; the spatial strategy and the site selection process to deliver development; housing land supply; strategic infrastructure requirements and delivery and the approach to setting Green Belt boundaries.

**Phase 3 hearings** will likely be held in June 2022 and are anticipated to cover affordable housing, student accommodation, gypsy and traveller accommodation, strategic and non-strategic housing and non-housing sites and the assessment of the inner and outer Green Belt boundaries, other densely developed areas in the general extent of the Green Belt and free-standing settlements.

**Phase 4 hearings** will likely be held in July 2022 and are anticipated to cover economy and retail; all other housing policies; health and wellbeing; education, placemaking, heritage, design and culture, green infrastructure; managing appropriate development in the Green Belt; specific climate change matters; environmental quality and flood risk, waste and minerals; transport and communications and delivery and monitoring.

30. Further details relating to Phases 3 and 4 of the hearing sessions will be published in due course and most likely after the Phase 2 hearings have been completed.

## Our report

31. After the final hearing session, we will write a report setting out our conclusions about the soundness of the Plan, including recommendations on any actions or modifications we consider necessary to make it sound.

32. The examination will remain open until our report has been submitted to the Council. However, as mentioned above, we will not accept any further representations or evidence after the hearing sessions have ended unless we specifically request it. Late or unsolicited material may be returned.
33. We trust that you find this updated Guidance Note helpful. If you have any further queries please contact Mrs Crookes – she will be happy to assist if at all possible.

*Simon Berkeley* and *Andrew McCormack*

Inspectors

### Reminder of key dates:

#### **Phase 2 Hearings**

- Deadline for comments on Matters Schedule/Hearings Timetable: **12 noon, Wednesday 9 February 2022**
- Deadline to confirm with Programme Officer that you wish to exercise the right to be heard if you made a relevant representation seeking a change to the Plan, indicating the appropriate Matter and the hearing session (including either 'in person' or 'virtual') that you wish to attend: **4pm, Wednesday 16 February 2022**
- Deadline for submission of Phase 2 Hearing Statements (including from the Council): **5pm, Friday 4 March 2022**
- Phase 2 Hearing sessions open: **10am, Tuesday 15 March 2022**