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## EXAMINATION INTO THE SOUNDNESS OF THE CITY OF YORK LOCAL PLAN

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

12 February 2022

«GreetingLine»

In light of responses that have been received on the scope of the MIQs published by the Inspectors on 2 February 2022, the Inspectors have published a Revised Schedule of MIQs [EX/INS/30]. The revised MIQs include some additional or amended questions and other amendments and points of clarification. These have been provided, where appropriate, following consideration of responses made to the Inspectors' Schedule of MIQs published on 2 February 2022. As a result, there are also a Revised Guidance Note for Participants [EX/INS/32] and an update to the latest draft of the Phase 2 Hearings Schedule [EX/INS/31]. Please scroll down to read them.

As a result of these amendments and updates, the deadline for the submission of all hearing statements responding to the revised Schedule of MIQS has been extended to **5pm, Friday 4 March 2022**.

It should also be noted that a new session has been added to the latest draft of the Phase 2 hearings Schedule. Friday 18 March now includes Matter 8: Climate Change and is programmed to commence at 9.30 am.

Copies of all three revised documents [EX/INS/30], [EX/INS/31] and [EX/INS/32] are attached to this letter. The documents may also be downloaded individually in Arial size 12 font from the examination webpage at: <https://www.york.gov.uk/LocalPlanExamination>

Updates and all documents relating to the preparation of the Plan and examination are available to download or view online at: <https://www.york.gov.uk/LocalPlanExamination>

If you require any further information, please do not hesitate to contact me.

Yours faithfully

*Carole Crookes*

Carole Crookes (Programme Officer)

**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?

## City of York Local Plan 2017-2033 Examination

### Draft Hearings Schedule – Phase 2 (as at 11/02/22)

#### Phase 2 Hearings – Week 1 (In Person Hearing Sessions)

Date	Day	AM Session	PM Session
Tuesday 15 March 2022	1	Inspectors Opening  <b>Matter 1: Strategic Vision, Outcomes and Development Principles:</b> Policies DP1 – DP4 (continuing)	<b>Matter 1: Strategic Vision, Outcomes and Development Principles:</b> Policies DP1 – DP4 (continuing)
Wednesday 16 March 2022	2	<b>Matter 2: Housing Need and Requirement:</b> Policy SS1	<b>Matter 2: Housing Need and Requirement:</b> Policy SS1 (continuing)
Thursday 17 March 2022	3	<b>Matter 3: Economic Development:</b> Policy SS1, Policy EC1	<b>Matter 3: Economic Development:</b> Policy SS1, Policy EC1 (continuing)
Friday 18 March 2022	4	<b>Matter 8: Climate Change</b>	<b>Reserve</b>

Note: Week 1: Day 1 AM Session starts at 10am. On subsequent days the AM Session starts at 9.30am. The PM Session starts at 2pm each day.

#### Phase 2 Hearings – Week 2 (In Person Hearing Sessions)

Date	Day	AM Session (9.30am start)	PM Session (2pm start)
Monday 21 March 2022	5	<b>Matter 4: Spatial Strategy – Site Selection Process:</b> Policies SS1 – SS5	<b>Matter 4: Spatial Strategy – Site Selection Process:</b> Policies SS1 – SS5 (continuing)
Tuesday 22 March 2022	6	<b>Matter 5: Housing Land Supply</b>	<b>Matter 5: Housing Land Supply</b> (continuing)
Wednesday 23 March 2022	7	<b>Matter 6: Infrastructure Requirements, Delivery and Development Viability:</b> Policy DM1	<b>Matter 6: Infrastructure Requirements, Delivery and Development Viability:</b> Policy DM1 (continuing)

Thursday 24 March 2022	8	Matter 7: Approach to Setting Green Belt Boundaries	Matter 7: Approach to Setting Green Belt Boundaries (continuing)  Wrap Up Session
Friday 25 March 2022	9	<i>Reserve</i>	<i>Reserve</i>

**Note:** Reserve sessions have been scheduled to accommodate further discussions on any Matters should additional time be required.

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.**

## 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)

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## 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.**

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. **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.

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

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**