

Executive

30 June 2016

Report of the Assistant Director of Planning, Development Services and Regeneration (The Local Plan is the portfolio of the Leader and Deputy Leader)

City of York Local Plan – Preferred Sites Consultation

Purpose of the Report

1. The purpose of this report is to ask Members to recommend that the Executive approve the publication of a document entitled ‘Local Plan – Preferred Sites 2016’ for consultation. It draws on the previous stages of consultation and technical work undertaken to support the plan. Its purpose is to allow the public and other interested parties to comment on the additional work relating to housing and employment land need and supply. This document is attached as Annex A to the report. The contents of this report were considered at the Local Plan working Group on 27th June. The minutes of that meeting have been made available to Members of the Executive.
2. In addition to the ‘Local Plan – Preferred Sites 2016’ several technical documents will also be made available during the proposed consultation. Members may wish to consider them when making a judgement about the content of the main document. These are attached as annexes to this report and comprise:
 - Annex B – Strategic Housing Market Assessment and Addendum (2016)
 - Annex C – Employment Land Review (2016)
 - Annex D – Windfall Analysis Technical Paper (2016)
 - Annex E – Sustainability Appraisal
3. In addition a draft Local Development Scheme which is effectively a project plan for future work is attached as Annex F. All annexes are available from the author of the report and on-line.

4. Subject to Member approval the intention is to commence consultation on the 'Local Plan – Preferred Sites 2016' document in July. Consultation will be in accordance with the Council's adopted Statement of Community Involvement (2007) which requires the document and any supporting information to be made available for at least a six week consultation period. Any representations made must then be taken into consideration in drafting the next stage of the plan, the publication draft.

Recommendations

5. In accordance with Option One, that the Executive:

- (i) approve the document attached as Annex A, along with supporting evidence and information for public consultation.

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

- (ii) delegate to the Director of City and Environmental Services (CES) in consultation with the Executive Member the making of any changes to the draft document attached as Annex A that are necessary as a result of the recommendations of Executive or any minor non substantial amendments that are identified prior to the issue of the consultation document.

Reason: So that changes recommended as a result of discussions at the LPWG and the Executive can be made and any presentational errors can be addressed.

- (iii) delegate to the Director of CES in consultation with the Executive Member the approval of a Consultation Strategy and associated documents.

Reason: To ensure that the proposed methods of consultation are satisfactory to Members and accord with the Council's adopted Statement of Community Involvement.

- (iv) delegate to the Director of CES in consultation with the Executive Member the approval of supporting evidence, information and documentation to be published during public consultation.

Reason: To ensure that the proposed methods of consultation are satisfactory to Members and accord with the Council's adopted Statement of Community Involvement.

(v) approve the draft LDS attached as Annex H, as the Council's project plan for progressing the Local Plan and other development plan and related documents.

Reason: So that an NPPF compliant Local Plan can be progressed and to provide information to interested parties about the next stages of development for the documents listed.

(vi) Members views are requested on whether an expression of interest should be made for site ST15: Land to the West of Elvington Lane in the context of the *DCLG Prospectus – Locally-led garden villages, towns and cities*.

Reason: To meet the DCLG deadline for expressions of interest by 31st July 2016.

Background

6. Members are reminded that planning policy sits within a national regulatory framework; non-compliance with that framework means that planning decisions by the local authority can be successfully challenged both in the Courts and through the Secretary of State. In addition failure to adopt a compliant Local Plan, given the expectations embodied in the National Planning Policy Framework (NPPF) leaves undeveloped areas of the city vulnerable to unwelcome development proposals which the Council may be unable to defend at appeal. Also given Ministerial statements, failure to progress the plan could lead to direct interventions by Government into the City's Local Plan process. In addition, the Government confirmed its intention in a consultation paper in December 2015 to withhold some or all of the New Homes Bonus in the circumstances where a local authority has not submitted a Local Plan by early 2017.
7. 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 indicated 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.'

8. In response to both the Council resolution and the changed context officers initiated a work programme culminating in 'Local Plan – Preferred Sites 2016' document and the other supporting technical documents attached to this report. The proposed levels of development for sites included in the aborted publication draft plan are highlighted for information in the relevant sections below. Prior to that stage a Preferred Options consultation was undertaken in 2013. To allow comparisons to be made the allocations included within that draft of the plan are provided as Annex G.
9. The 'Local Plan – Preferred Sites 2016' documents focuses on additional work relating to housing and employment land need and supply. This is explained in the following paragraphs.

Housing Need

10. 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.
11. 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”.
12. Paragraph 47 of NPPF states that local planning authorities should:

“ use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period”.

13. 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”.

14. Paragraph 47 of the NPPF also advises Councils to identify sufficient land annually to meet a 5-year supply of deliverable sites against their housing requirement.
15. Further guidance is provided in National Planning Practice Guidance (NPPG) published in March 2014 and by the Planning Advisory Service in their ‘Objectively Assessed Need and Housing Targets’, Technical Advice Note, July 2015. Both these documents reinforce and support the approach set out in the NPPF.
16. In September 2015 Members will recall a report was considered by the Local Plan Working Group on the issue of housing need. Its purpose was to provide an update on work relating to the Objective Assessment of Housing Need (OAHN) produced by consultants Arup to inform the emerging Local Plan. Members of the Working Group were invited to consider this evidence on the objective assessment of housing need to provide the start point for determining the amount of housing land required to be identified in the Plan.
17. The report concluded that the 2012-based sub national household projections (SNHP) published on 27th February 2015 represented the most up to date household projections and NPPF and NPPG make it clear that these projections should be used as the starting point for

assessing housing needs. However the NPPG maintains that '*plan makers may consider sensitivity testing specific to their local circumstances based on alternative assumptions in relation to the underlying demographic projections and household formation rates*'.

18. Across the period from 2012 to 2031 (the plan period at that the time of the report) the 2012 based SNHP suggest that the number of households in York is expected to grow by 14,404 dwellings (17%) to 98,651 in total. This equates to an annual average growth rate of approximately 758 dwellings based on 19 financial/monitoring years (which run from 31st March to 1st April) from the Plan start date of 1st April 2012 to 31st March 2031. Financial/monitoring years rather than calendar years were used to align with the housing trajectory to be prepared for the emerging Local Plan as housing completion data and consents data is also collated on a financial year basis.
19. In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment (SHMA). This is a study which aims to provide a clear understanding of housing needs in the City of York area. It considers housing market areas, and the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period.
20. The study produced by GL Hearn is provided as Annex B to this report. In summary the report highlights the points below.

Housing Market Area (HMA)

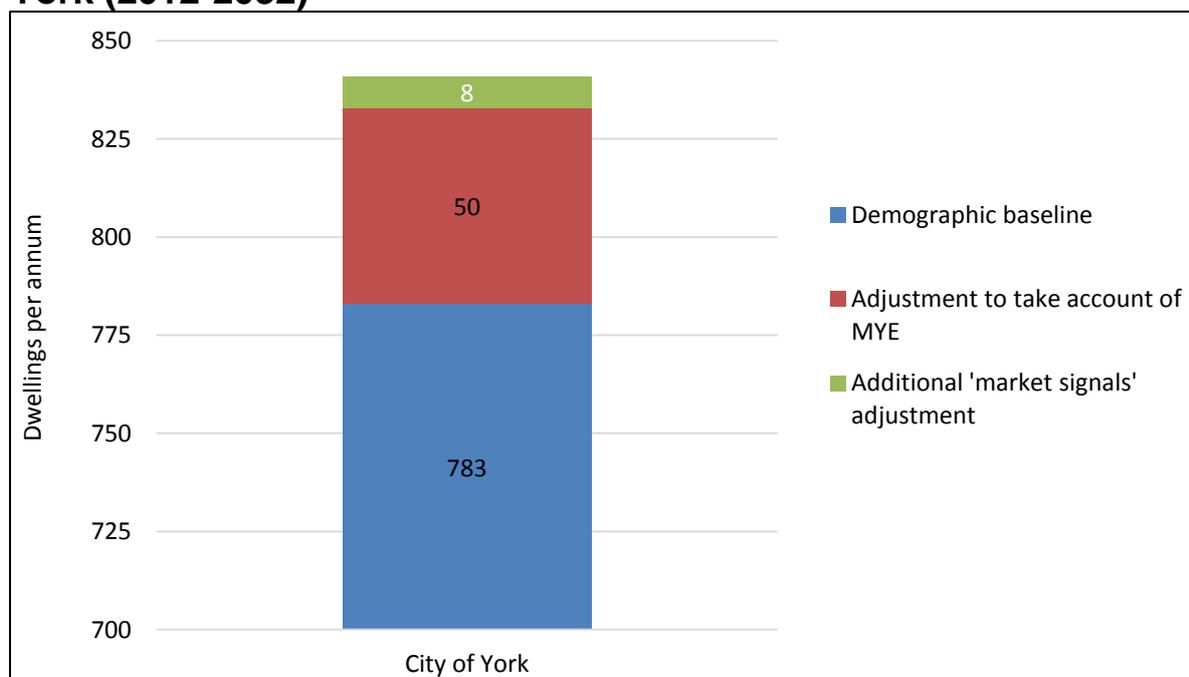
21. There are clearly a complex set of relationships across the North Yorkshire area however the balance of evidence suggests that the three main commissioning authorities (York, Hambleton and Ryedale) operate in slightly different but overlapping HMA's.
22. Analysis of both migration and travel to work patterns indicate York is very self-contained but is strongly linked to Selby. In travel to work terms York has a strong influence in the immediate surrounding districts particularly Selby, the southern part of Hambleton and the eastern parts of Ryedale and East Riding.
23. GL Hearn conclude that the evidence supports three separate HMAs but that it is important to recognise overlaps between authorities and markets. York and in particular Selby and the east of Ryedale and south

of Hambleton has quite a strong relationship. Similarly Leeds influence is likely to extend into the western periphery of York and Hambleton area. In the context of Duty to Cooperate the authorities should continue to engage on strategic housing issues.

Overall Housing Need

24. Taking account of more recent migration (Mid Year Population Estimates 2013 and 2014, ONS¹) and improvements to household formation rates for younger households (25-34 yr age group), the SHMA draws the conclusion on the overall full objectively assessed need for housing over the 2012 to 2032 period to be 841 dwellings per annum. The breakdown of this figure is illustrated in fig 1 below. This figure includes the provision of affordable homes as part of the overall housing delivery.

Figure 1: Composition of per annum Housing Needs in the City of York (2012-2032)



Source: Derived from demographic projections

Affordable Housing Need

25. The SHMA includes an assessment of the number of households each year who require some form of subsidy in meeting their housing needs. This is assessed using the Basic Needs Assessment Model and is a statutory requirement to support policies seeking affordable housing in new developments.

¹ Office for National Statistics

26. The SHMA analysis indicates that 573 net additional households per year will require support in meeting their housing needs (using a 30% income threshold). It is not appropriate to compare the need identified in the analysis with the demographic projections – they are calculated in different ways. The identified need for affordable housing also includes existing households who need alternative size or tenure of accommodation but would release their current home for another household by moving.
27. Policies for what proportion of homes should be affordable need to take account of evidence both of housing need and the viability of residential development. This work on viability and deliverability against the policies in the emerging Local Plan will be undertaken to inform the revised Publication Draft Local Plan to be brought to members of the Local Plan Working Group later in 2016.

Conclusions on Housing Mix

28. In addition to considering the overall need for housing the SHMA considers what types and sizes of homes – both market and affordable – will be needed. The SHMA identifies that there is a need for a mix of house sizes across the City. The conclusions drawn take account of how the structure of the population and households are expected to change over the plan period to 2032 and how people occupy homes. In terms of size mix the report concludes that the following (Table 1) represents an appropriate mix of affordable and market homes at a city wide level.

Table1: Need for Different Sizes of Homes across York

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	35-40%	35-40%	15-20%
Affordable	35-40%	30-35%	20-25%	5-10%
All dwellings	15%	35%	35%	15%

Source: Derived from Housing Market Model

29. This analysis is aimed at the strategic policy level and it is recognised that there will be a range of factors that will influence demand for different sizes of homes over time, including demographic changes, affordability and wider economic performance.

SHMA Addendum – Implications of the 2014 based Sub National Population Projections released 25th May 2016

30. On the 25th May 2016 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 have produced an addendum to the main SHMA report (Annex B to this report) which briefly reviews key aspects of the projections and highlights what level of housing need is implied by the new information.
31. The full analysis is set out in the SHMA Addendum published to support this paper however in summary the 2014 based SNPP show a higher level of population growth than suggested by the 2012 based versions or the main projection developed in the SHMA (Main Report). However due to differences in the age structure there is not a direct link between the differences in population growth and household growth/housing need. Modelling the 2014 based SNPP in a consistent manner to the SHMA (and including a 'market signals adjustment) suggests a need for some 898 dwellings per annum in the 2012 to 2032 period – this is about 7% higher than derived in the main SHMA – a need for 841 dwellings per annum.
32. However as identified in the report there are some concerns relating to historic growth within the student population and how this translates into SNPP projections. This looks to be a particular concern in relation to the new 2014 based SNPP where there is relatively strong growth in some of the student age groups when compared to the previous 2012 projections. Some consideration has been given by GL Hearn to longer term dynamics although they caveat this to recognise that the evidence suggests some shift in migration patterns over the more recent years. A 10 year migration trend sensitivity test (as used in the main SHMA report) using the latest available evidence calculates a need for 706 dwellings per annum, although as noted in the report this does not fully reflect some of the more recent trends. GL Hearn recommends that this is not an appropriate starting point for which to assess housing need although it is useful to help identify the bottom end of a reasonable range.
33. Given that the main SHMA document (as highlighted in paragraphs 19 to 29 above) identifies an objectively assessed need for 841 dwellings per annum which sits comfortably within the range set out in the SHMA addendum (706 to 898 dwellings per annum), it is recommend by GL

Hearn that the Council do not need to move away from this number (841) on the basis of the newly available evidence published by ONS – particularly given concerns about the impact of student growth in the 2014 based SNPP and also longer terms trends not reflecting the most recent trends.

34. GL Hearn conclude in the addendum that other aspects of the main SHMA report are relatively unaffected by the new 2014 based SNPP; the level of affordable need would be projected to increase slightly (due to differences in projections being focussed on age groups from which households would be expected to form); the mix of housing (by size) changes slightly, but not enough to change the conclusions of the main SHMA and finally the need for accommodation for older persons is projected to be slightly lower than in the SHMA (although again differences are fairly minor).

Gypsy & Travellers and Travelling Showpeople

34. Paragraph 4 of the *National Planning Policy Framework (NPPF)* makes it clear that local planning authorities should consider the Government's *Planning Policy for Traveller Sites (PPTS)* in conjunction with the *NPPF*, when preparing plans or making decisions on Travellers sites in their area. The *PPTS* was first published in 2012 and updated in August 2015. The *PPTS* makes it clear at paragraph 3 that the Government's overarching objective is to ensure fair and equal treatment for gypsies and travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community. To deliver this it has established seven policies in the *PPTS*. In addition it sets out how the planning system defines gypsies, travellers and travelling showpeople:

35. For the purposes of planning policy, gypsies and travellers are defined in the *PPTS Annex (2015 update)* as being:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

36. In determining whether persons are gypsies and travellers for the purposes of the *PPTS*, consideration should be given to the following issues amongst other relevant matters:

- a) *whether they previously led a nomadic habit of life*
- b) *the reasons for ceasing their nomadic habit of life*
- c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

Travelling showpeople are defined by the PPTS as being:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

37. City of York Council has commissioned consultants to undertake an update of the Gypsy and Traveller Accommodation Assessment undertaken in 2014 to take account of the revised definition and to assess the implications that this may have on emerging Local Plan in relation to providing for the need of the gypsy and travellers. In the aborted Publication Draft Local Plan (2014) two sites were identified for Gypsy and Travellers:

- GT1: Land at Moor Lane and B1224 Rufforth; and
- GT2: Acres Farm Naburn.

In addition the following site was identified for travelling showpeople:

- SP1: The Stables Elvington.

38. Although the work on need has not yet being finalised these sites have been considered as a part of this site assessment process. Site GT1 – Land at Moor Lane and B1224, Rufforth is rejected on Green Belt and Access to Services grounds, and GT2 – Acres Farm is also rejected on Green Belt grounds. The site for travelling showpeople, SP1 – Land at the Stables, Elvington is identified as a potential site in the Report.

Employment Land Need

39. 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 of the guidance 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.
40. This reflects the overarching policy in NPPF (paragraph 14) of meeting the objectively assessed need for development in the Plan area.
41. The practice guidance which accompanies the NPPF provides a framework for assessing the need for employment land. It refers to the use of both quantitative and qualitative information; and sectoral and employment forecasts to help understand the demand for land along with analysis of the supply of land.
42. In September 2015 a report was considered by the Local Plan Working Group on the issue of Economic Growth. Its purpose was to present evidence of demand for employment land as a starting point for determining the amount and type of employment land required to be identified in the Plan. The technical work described in the report provides a major component of the Employment Land Review 2016(ELR) attached as Annex C to this report. The study brings together evidence on the demand for and supply of employment land.
43. In summary, demand has been calculated using a well established method of converting econometric forecasts into floorspace/employment land. The starting point for this was job growth forecasts by Oxford Economics wherein the baseline scenario for York forecast a growth of 10,500 jobs over the period 2014-2031. Two further scenarios were considered; 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.
44. Members will recall that scenario 2 was endorsed by the LPWG 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. Table 2 shows the resulting job growth by sector for scenario 2. The figures are based on OEs forecasts adjusted to include actual changes in jobs for the period 2012 to 2014.

45. Given the need for land requirements to be able to meet both the OE baseline scenario and scenario 2, from this point on in the report only figures for scenario 2 are included on the basis that this is the higher of the two requirements. Provision for this scenario therefore also meets requirements for the trend scenario.

Table 2: Job Growth by Sector

Sector	Scenario 2 2012-31
Agriculture, forestry & fishing	-135
Mining and quarrying	0
Manufacturing	-1,231
Electricity, gas, steam and air	-82
Water supply	-89
Construction	1,353
Wholesale & retail trade	2,412
Transportation & storage	687
Accommodation & Food	1,847
Information & Communication	1,169
Financial and insurance	-448
Real estate	934
Professional, scientific & tech	2,945
Admin & Support	1,933
Public Admin & Defence	-587
Education	-150
Health & Social Work	1,212
Arts, Entertainment & Recreation	472
Other service activities	757

46. The conversion of job growth into land requirements can be broken down into the following component parts:
- converting forecasts to full-time equivalent jobs
 - allocating Jobs by use class sector;
 - converting jobs to floorspace based on employment densities for different uses; and
 - factoring in vacancy (at a standard rate of 5%).
47. Table 3 shows the resultant floorspace demand between 2012-2031.

Table 3: Floorspace Demand 2012 -2031

Use Class	Scenario 2 2012-31			
	Floorspace (m2)	With 5% vacancy	Land (Ha)	With 5% vacancy
B1a	51,887	54,481	8.6	9
B1b	7,541	7,918	1.9	2
B1c	5,570	5,849	1.4	1.5
B2	-18,746	-19,683	-4.7	-4.9
B8	56,359	59,177	11.3	11.9
D2	16,186	16,995	4	4.2
Total²	137,543	144,420	27	29

48. However, whilst the evidence base was commissioned to project to 2031, the plan period has adjusted to 2032. The figures in Table 4 therefore have been adjusted by calculating the yearly average and adding one year to the original totals set out in table 3.

Table 4: Floorspace demand from forecast job growth 2012 – 2032

Use Class	Scenario 2 2012-32			
	Floorspace (m2)	With 5% vacancy	Land (Ha)	With 5% vacancy
B1a	54,617.9	57,348.4	9.1	9.5
B1b	7,937.9	8,334.7	2.0	2.1
B1c	5,863.2	6,156.8	1.5	1.6
B2	-19,732.6	-20,718.9	-4.9	-5.2
B8	59,325.3	62,291.6	11.9	12.5
D2	17,037.9	17,889.5	4.2	4.4
Total³	144,782.1	152,021.1	28.6	30.1

Further Technical Work on Sites

49. Members will recall that the Local Plan publication draft presented in 2014 and subsequently halted following the resolution of Full Council, included a potential portfolio of housing and employment sites. These sites were selected using a methodology based on the plans spatial strategy. The key tenets of which are set out below.

- **The protection of the City's unique heritage** – Sites deemed to be in areas important to the historic character and setting of York,

² Totals only include positive land requirements, so exclude any projected negative demand for B2.

³ Totals only include positive land requirements, so exclude any projected negative demand for B2.

such as, land forming 'Green Wedges' around the historic Strays and river corridors, areas preventing coalescence of villages between themselves and to the main urban area; and areas that retain the rural setting of the city providing views of key landmarks such as the Minster were eliminated from consideration.

- **The protection of environmental assets** – York's Green Infrastructure is considered central to managing any future growth, whether it is publicly or privately owned, statutory or non statutory, identified for its nature conservation or recreational value. Any sites affecting such areas were ruled out of consideration to completely protect environmental assets.
- **Appropriate management of Flood risk** – The geography of the city and its surroundings are such that there are significant areas at risk of flooding. Areas that are considered at high risk of flooding were ruled out.
- **Achieving accessibility to sustainable modes of transport and a range of services** – York is a compact city with generally good public transport services. The relationship of potential sites to this network and ensuring that future sites are in proximity to basic service was a key factor in site selection. Although it was acknowledged that sites over a certain size would be big enough to create their own services and public transport.

50. Since the Local Plan Publication draft was taken to Members in autumn 2014, the evidence base that underpins the emerging Local Plan has progressed and it is important to take this into account when deciding on our preferred sites and boundaries for allocations in the Local Plan. Officers have undertaken further work to refine and reconsider previous assessments, which has included:

- **Re-appraising all consultation comments** previously received in relation to sites.
- **Updating sustainability criteria** including access to services to an updated baseline position at February 2016.
- **Evaluating Agricultural Land Classification** - to understand whether the sites are identified on best and most versatile land.
- **Sequential Flood Risk** - looking again at the designated flood risk zone of every site.
- **Additional work on openspace, transport and education.**

51. With regard to potential employment sites further work was undertaken to consider the market attractiveness of sites. This is detailed in the

Employment Land Review attached as Annex C. All the work highlighted has been done in conjunction with appropriate technical officers working across the Council. The approach and results are presented more fully in the 'Local Plan – Preferred Sites 2016' attached as Annex A.

52. As highlighted the protection of the City's unique heritage is a key element that underpins the approach to sites. This includes ensuring that areas important to the historic character and setting of York, such as, land forming 'Green Wedges' around the historic Strays and river corridors are kept open. This also involves, where possible, the identification of new green wedges as York grows. It will be the intention to protect such areas through appropriate policies in the revised publication draft plan.

Housing Land Supply

53. The plan period runs from 2012 to 2032 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 2037 to provide an enduring Green Belt; a requirement of the NPPF.
54. When considering the supply of houses in this period it is important to consider completions to date and unimplemented positions. The current position is summarised in table 5 below.

Table 5: Committed Supply and Windfalls

Plan period 1st April 2012 to 31st March 2032	
Total Need 2012 -2032 (based on 841)	16,820
Completions 1st April 2012 to 31st March 2016	2455
Unimplemented Permissions @ 1st April 2016	4112
Windfalls (from Year 4) @ 152 pa	1976
Requirement Remaining	8,277

55. The need calculation for the period 2032 to 2037 is based on 660 pa. This is derived from the national household projections for the period 2032 to 2037 from CLG (using the 2012 National Household Projections, CLG). This would lead to a requirement of 3300 dwellings reducing to a figure of 2,540 dwellings using a similar windfall trend.

Windfalls

56. It should be noted that table 5 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.’

57. These unidentified sites are typically not allocated for development or highlighted within the Strategic Housing Land Availability Assessment. An analysis of historic windfall trends is included in Annex D to this report.

58. Paragraph 48 of the NPPF states:

‘Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens’. NPPG states that ‘A windfall allowance may be justified in the five-year supply if a local planning authority has compelling evidence as set out in paragraph 48 of the National Planning Policy Framework’.

59. In the emerging local plan only sites above 0.2ha have been identified as draft allocations. To ensure we properly understand the potential for development on very small sites below this allocation threshold an assessment of the trends in the historic rate of windfall delivery along with changes of use and conversions has been carried out.
60. It should be noted that the period evaluated in Annex D covers a time during which York had no adopted development plan in place and therefore continued high levels of windfall supply are unlikely to be maintained over the plan period, especially in the case of larger windfall sites above 0.2 ha (the threshold used for the allocation of sites). This is important because the NPPF requires not just compelling evidence of historic windfall rates but also evidence of expected future trends in order to justify using a windfall allowance within housing supply.

61. During the last 10 years the largest proportion of windfalls comes from conversions and from very small sites (below 0.2ha). Together these two categories account for more than 50% of the total net windfalls. These totals are significant in as much as they fall outside the threshold used to identify potential housing sites in the Local Plan and therefore will not be identified in future years. By including a qualified allowance for this type of windfall within the housing supply this would ensure that an appropriate estimate of future windfall supply is included within the housing trajectory. The figure for windfalls included in Table 5 is effectively a mean average for these two categories of windfalls calculated over a historic 10 year period.

Potential Housing Allocations

62. As highlighted above there is a need to allocate sufficient land for around 8,277 dwellings for the period 2012 – 2032 and 2,540 dwelling for the period 2032 and 2037.

63. When considering housing land supply authorities expected to show that housing delivery is sufficiently flexible across the full plan period to deal with changes or uncertainty. For example, Eastleigh Local Plan was found unsound in February 2015 partly on the basis that it was considered by the Inspector that the supply of housing would be too inflexible to buffer for changing market signals and delivery rates over the lifetime of the plan. The Inspector concluded that (apart from a time-consuming plan review) the authority had no means of increasing supply if there is a problem and that the plan needed to demonstrate that there is some flexibility to respond to changing circumstances.

64. There are different ways of addressing this issue that involve building an allowance into the supply of sites. The levels of supply put forward within the 'Local Plan – Preferred Sites 2016' document would effectively provide an approximately 2.2 year over supply on year 15 of the plan and a 1.6 year over supply at year 20. The level of flexibility within the identified housing land supply is an important factor when considering whether the plan is sound. As the plan is developed towards its publication stage this will need to be consider further. This includes taking into account additional viability and deliverability work. This further testing will also include seeking legal advice to ensure that the position is appropriate.

65. It should be noted a range of factors affect annual completion rates on residential development sites. The scale of the site and number of active

housebuilders on sites (or ‘outlets’) are key elements. It is important to recognise that whilst a site may have an estimated total site yield based on an assessment of its net site area and density (dwellings per hectare) there is also an assessment of an estimated annual yield for each potential site – this varies depending on the size of the site (strategic or non-strategic) and also the number of likely ‘outlets’ or developers.

66. Informed through responses made to the Housing Implementation Survey undertaken in Summer 2015 we have re-assessed site delivery rates – i.e. the number of dwellings sites could deliver per annum .This along with additional viability and deliverability work will inform the Housing Implementation Survey which will accompany the detailed housing trajectory to be included within the Publication Draft Local Plan later in 2016. Where possible, subject to delivery rates, when phasing sites brownfield sites will be prioritised before greenfield.
67. In the context of the identified need officers undertook a review of the additional technical work. This is presented in the ‘Local Plan – Further Sites 2016’ document attached as Annex A. In summary this led to the position on potential housing sites described in Tables 6 to 12 below.

Table 6: Potential Strategic Housing sites (greater than 5ha) with no substantial changes to site size from 2014 Publication Draft

Site Name	Revised Capacity			GF/BF
	Site Size	Total dwellings	Total dwellings Plan Period	
ST1 British Sugar	40.7	1140	805	BF
ST2 Civil Service Sports Ground	10.4	292	292	GF
ST4 Land adj Hull Road	7.54	211	211	GF
ST17 Nestle	6.8	315	315	BF

Table 7: Potential Strategic Housing sites (greater than 5ha) amended from 2014 Publication Draft

Site Name	Publication Draft			Revised Capacity			GF/BF
	Site Size	Total dwellings	Total dwellings plan period	Site Size	Total dwellings	Total dwellings Plan Period	
ST5 York Central	10.55	410	410	35	1500	1250	BF
ST7 Land East of Metcalfe Lane	113.28	1800	1330	34.5	845	805	GF
ST8 Land North of Monks Cross	52.28	1400	1200	39.5	968	875	GF
ST9 Land North of Haxby	33.48	747	747	35	735	735	GF
ST14 Land to West of Wigginton Road	157.09	2800	2591	55	1348	840	GF
ST15 Land to west of Elvington Lane	392.58	4680	2380	159	3339	1610	GF
ST16 Terrys (Extension Sites 1 & 2)	0	0	0	2.04	89	89	BF

Table 8: Potential Non Strategic Housing sites (Less than 5ha) with no substantial changes to sites size from 2014 Publication Draft

Site Name	Publication Draft			Revised Capacity			GF/BF
	Site Size	Total dwellings	Total dwellings plan period	Site Size	Total dwellings	Total dwellings Plan Period	
H1 Former Gas Works, Heworth Green	3.54	283	283	3.54	336	336	BF
H7 Bootham Crescent	1.72	73	73	1.72	86	86	BF
H8 Askham Bar Park and Ride	1.57	50	50	1.57	60	60	BF
H10 The Barbican	Included as site with consent (13/02135/FULM)			0.96	187	187	BF
H20 Oakhaven EPH	0.33	15	15	0.33	17	17	BF
H21 Woolnough House	0.29	11	11	0.29	12	12	BF

H22 Heworth Lighthouse	0.29	13	13	0.29	15	15	BF
H29 Land at Moor Lane, Copmanthorpe	2.65	74	74	2.65	88	88	GF
H31 Eastfield Lane, Dunnington	2.51	70	70	2.51	84	84	GF
H38 Land RO Rufforth Primary School	0.99	28	28	0.99	33	33	GF
H39 North of Church Lane, Elvington	0.92	29	29	0.92	32	32	GF
H43 Manor Farm Yard, Copmanthorpe	0.25	8	8	0.25	12	12	GF
H51 Morrell House EPH	0.23	10	10	0.23	12	12	BF

Table 9: Potential Non Strategic Housing sites(Less than 5ha) with amendments from 2014 Publication Draft

Site Name	Publication Draft			Revised Capacity			GF/BF
	Site Size	Total dwellings	Total dwellings plan period	Site Size	Total dwellings	Total dwellings Plan Period	
H3 Burnholme School	2.7	25	25	3.9	81	81	BF
H5 Lowfield School	2.24	72	72	3.64	137	137	BF
H46 Land to North of Willow Bank and East of Haxby Rd, New Earswick	4.16	118	118	2.74	104	104	GF

Table 10: New Potential Strategic Housing Sites

Site Name	Capacity			GF/BF
	Site Size	Total dwellings	Total dwellings Plan Period	
ST31 Land South of Tadcaster Rd, Copmanthorpe	8.1	170	170	GF
ST32 Hungate (Phases 5+)	4.8 ⁴	305	305	BF
ST33 Station Yard, Wheldrake (Previously included as a non strategic housing site)	6	147	147	MIX

⁴ Total site size

Table 11: New Potential Non Strategic Housing Sites

Site Name	Revised Capacity			GF/BF
	Site Size	Total dwellings	Total dwellings Plan Period	
H57 Poppleton Garden Centre (Former site E16)	2.8	93	93	BF
H56 Land at Hull Road (former site E15)	4	190	190	GF
H55 Land at Layerthorpe (former site E4)	0.2	20	20	BF
H52 Willow House EPH	0.2	10	10	BF
H53 Land at Knapton Village	0.33	11	11	GF
H54 Whiteland Field, Haxby	1.3	46	46	GF

Table 12: Deleted Sites from 2014 Publication Draft

Site Name	Site Size	Total dwellings	Total dwellings plan period	GF/BF
ST11 Land at New Lane Huntington	13.76	400	400	GF
ST12 Land at Manor Heath, Copmanthorpe	20.08	421	421	GF
ST13 Land at Moor Lane, Copmanthorpe	5.61	125	125	GF
ST29 Land at Boroughbridge Road	5.75	135	135	GF
ST30 Land to North of Stockton Lane	5.92	165	165	GF
H2a Land at Racecourse, Tadcaster Road	2.44	98	98	GF
H2b Land at Cherry Lane	0.44	18	18	BF
H6 Land R/O The Square ⁵	1.53	49	49	GF
H9 Land Off Askham Lane	1.3	42	42	GF
H11 Land at Frederick House, Fulford Rd	0.78	33	33	BF
H12 Land R/O Stockton Lane/Greenfield Park Drive	0.77	33	33	GF
H19 Land at Mill Mount	0.36	16	16	BF
H23 Grove House EPH	0.25	11	11	BF
H25 Heworth Green North	0.22	20	20	BF
H26 Land at Dauby Lane, Elvington	4.05	114	114	GF
H27 Land at the Brecks	4.00	102	102	GF
H28 Land to North of North Lane, Wheldrake	3.15	88	88	GF
H30 Land to South of Strensall Village	2.53	71	71	GF
H33 Water Tower Land, Dunnington	1.66	46	46	GF
H34 Land North of Church Lane, Skelton	1.74	49	49	GF

⁵ Included as site for specialist housing (Use Class C3b) in connection with the Wilberforce Trust

H35 Land at Intake Lane, Dunnington	1.59	44	44	GF
H37 Land at Greystones Court, Haxby	3.47	34	34	GF
H40 West Fields, Copmanthorpe	0.82	26	26	GF
H48 Haxby Hall EPH	0.42	15	15	BF
H50 Land at Malton Road	2.92	70	70	GF

Employment Land Supply

68. The plan period runs from 2012 to 2032 in addition as York is setting detailed Green belt Boundaries for the first time it is also important to consider the period up to 2037 to provide an enduring Green Belt; a requirement of the NPPF.
69. When considering the supply of employment land in this period it is important to initially consider the following factors:
- completions between April 2012- March 2016 - we had a net total of 12,249 m² (3.5ha) of employment completions, predominantly in B1a (Office) and D2 (Leisure) sectors;
 - churn and flexibility requirements 2016-2032; an additional 2 year land supply is allowed;
 - the need to provide land for between 2032-2037 to ensure Green Belt boundaries endure. This was taken as an average of job growth demand over the period 2012-2031 using the Oxford Economics baseline forecast.
70. Factoring in these additional criteria results in an overall employment land supply requirement of 33.3 hectares of B use employment land between 2016-2037. This is highlighted in table 13 below.

Table 13: Employment land requirements 2016-37 (Inc. 5% vacancy and change of supply 2012-2016)

Use Class	Scenario 2 2016-32*		Scenario 2 2032-37*		Scenario 2 Total 2016-2037*		Scenario 2 Total 2016-2037 INCLUDING 2 years extra supply	
	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)
B1a	52,560	8.4	12,310	2.1	64,870	10.5	71,049	11.4
B1b	7,467	2	1,644	0.4	9,111	2.4	9,978	2.7
B1c	6,149	1.5	1,435	0.4	7,584	1.9	8,306	2.0
B2	0	0	0	0.0	0	0.0	0	0.0

	(-20,719)	(-5.2)	(-5,260)	(-1.3)	(-25979)	(-6.5)		
B8	62,292	12.5	15,705	3.2	77,997	15.7	85,425	17.2
B uses sub-total	128,468	24.4	31,094	6.0	159,562	30.4	174,758	33.3
D2	9,434	2.2	4,398	1.1	13,832	3.3	15,149	3.6
Total	137,901	26.6	35,492	7.1	173,393	33.7	189,907	37.0

* Excludes 2 years extra for flexibility.

71. In the context of the identified need officers undertook a review of the additional technical work. This is presented in the 'Local Plan – Preferred Sites 2016' document attached as Annex A. In summary this led to the following position on sites. Given that D2 uses tend to be located in City Centres or other sustainable locations, policies within the plan will seek to guide future D2 development but will not specifically allocate sites for this purpose.

Table 14: Potential employment sites with no substantial changes from 2014 Publication Draft

Site Name	Size (ha)	Floorspace (sqm)	BF/GF	Proposed Use class
ST5 York Central	3.33	80000	BF	B1a
ST26 Land South of Elvington Airfield	7.6	30400	GF	B1b / B1c /B2/ B8
E2 Land North of Monks Cross Drive	0.4	3000	BF	B1c /B2 / B8
E5 Land at Layerthorpe/James Street (2)	0.2	900	BF	B1c /B2 / B8
E8 Wheldrake Industrial Estate	0.45	1800	GF	B1b / B1c /B2/ B8
E9 Elvington Industrial Estate	1	3980	BF	B1b / B1c /B2/ B8
E10 Chessingham Park, Dunnington	0.24	950	BF	B1c /B2 / B8
E11 Annamine Nurseries	1	4150	GF	B1c /B2 / B8
E12 York Business Park	0.8	3300	GF	B1c /B2 / B8

Table 15: Potential employment sites included in 2014 publication draft but now amended.

Site Name	Publication Draft		Revised Capacity		GF / BF	Proposed Use Class
	Size (ha)	Floorspace (sqm)	Size (ha)	Floorspace (sqm)		
ST19 Northminster Business Park (was E17)	2.5	10000	15	60000	GF	B1c/B2/B8
ST27 University of York	25	24000	21.5	20000	GF	B1b/ B1c
ST6 (SF13) Land East of Grimston Bar	5	N/A ⁶	5.5	20000	GF	B1c /B2/B8

Table 16: Employment sites either completed, deleted or reallocated for another use

Site Name	Size (ha)	Floorspace (sqm)	GF/BF
ST16 Terry's	1.5	6000	BF
ST18 Monks Cross North	8	64000	GF
E1 Hungate	1.51	12000	BF
ST25 South of Designer Outlet	9.8	23,520	GF
E4 Land at Layerthorpe/James Street	0.2	900	BF
E7 Wheldrake Industrial Estate	0.5	0.5	GF
E15 Land at Hull Road	4	16000	GF
E16 Poppleton Garden Centre	2.8	11200	BF
ST21 York Designer Outlet	n/a	12000	BF

Safeguarded Land

72. The NPPF paragraph 83 says authorities should consider Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period. In helping to achieve this degree of permanence paragraph 85 provides further guidance for Local Authorities indicating they should where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.
73. The Preferred Options consultation draft of the Local Plan and the subsequent aborted publication draft included a policy and allocations of safeguarded land. The sites identified at the aborted Publication Draft were as follows:

⁶ Included as safeguarded land site SF13 in aborted Publication Draft Local Plan (2014)

- Land south of Strensall Village 29 ha
- Land to North of Clifton Moor 54 ha
- Land north of Haxby 30 ha
- Land to west of Copmanthorpe 22 ha
- South of Airfield Business Park, Elvington 8 ha
- Land at Northminster Business Park 51 ha
- Land at Intake Lane, East of Dunnington 5 ha
- Land at Elvington Village 4 ha
- East Field, Wheldrake 5 ha
- Land at Moor Lane, Woodthorpe 17 ha
- Land East of Grimston Bar 5 ha
- Earswick 95 ha
- Land North of Escrick 10 ha

74. Several of the Strategic Sites identified in the ‘Local Plan – Further Sites 2016’ document have anticipated build out times beyond the fifteen year trajectory included within the plan; this coupled with a small windfall allowance and an approach to Green Belt predicated on boundaries enduring for a minimum of 20 years mean that it is no longer necessary to designate Safeguarded Land. It should be noted that some of the revised site boundaries may include land that was previously identified in this way.

Brownfield / Greenfield land

75. Table 17 below shows a summary of the proportion of housing and employment sites on greenfield and brownfield sites at the Preferred Options (2013), the previous Publication Draft (2014) and Preferred Sites (2016) stages of the emerging plan. The amount of safeguarded land included at previous stages is detailed in Table 18.

Table 17: Greenfield/Brownfield split of Housing and Employment Allocations in Emerging Plan

Allocations	Preferred Options Draft (2013)	Aborted Publication Draft (2014)	Preferred Sites Consultation (2016)
	Total Allocations (Hectares)		
Housing Allocations	649	957	481
Employment Allocations	30	61	57
Total Allocations	679	1018	538
Allocations by Brownfield/Greenfield Split (Hectares)			
Brownfield Housing Allocations	76	85	101
Greenfield Housing Allocations	568	862	366
Brownfield Employment Allocations	11	11	5
Greenfield Employment Allocations	16	49	51
Mixed Housing Allocations	5	10	14
Mixed Employment Allocations	3	0.8	0.8

Table 18: Safeguarded Land

Plan	Total Safeguarded Land* (ha)
Preferred Options 2013	397 ha
Publication Draft 2014	335 ha
Preferred Sites Consultation 2016	0 ha

*All Greenfield Land

DCLG Prospectus – Locally-led garden villages, towns and cities

76. The DCLG have published a prospectus entitled ‘Locally Led Garden Villages, Town and Cities’ which set out the government’s latest initiative to significantly increase the level of house building across the country. It offers tailored government support to local areas with ambitious and innovative proposals to deliver 1500 homes and above. The prospectus is divided into two parts covering expressions of interest for different scales of development. The first part of the prospectus invites expressions of interest by 31 July 2016 for new ‘garden villages’ of between 1,500 to 10,000 homes. Up to 12 garden village proposals will

be selected for support. The second part of the prospectus invites expressions of interest on a rolling basis in new garden towns and cities of more than 10,000 homes.

77. In order to meet the eligibility criteria, these proposals must be new, discrete and not an extension to an existing town or village. To support wider housing and growth ambitions, expressions of interest must be led by local authorities, but with encouragement for submissions supported by private sector developers / landowners. It may include land already allocated for housing or otherwise outside a Local Plan.
78. There is no single model; factors which will be taken into account in deciding which expressions of interest to take forward will include:
- Local leadership and community support;
 - Potential economic benefits, with support from the LEP;
 - High-quality design;
 - Effective use of brownfield and/ or public land are encouraged;
 - Form part of a wider strategy to meet local needs, but with a commitment to deliver over and above objectively assessed need;
 - Demonstrate viability and deliverability, with reference to infrastructure, land value capture, minimising land costs and deferral of land receipts;
 - Additional or accelerated delivery;
 - High-quality starter homes to be offered at least 20% discount for young first-time buyers;
 - Support for small and medium enterprise home builders;
 - Innovative forms of delivery such as off-site construction, self-build, custom-build and a direct commissioning approach; and
 - Infrastructure needs are clearly assessed and met as part of any proposal.
79. In return, the Government will provide funding and technical support to enable delivery and help overcome barriers, as well as provide 'planning freedoms' to support housing growth. Consideration will also be given to forming a dedicated delivery vehicle in certain circumstances, including publicly-led arm's length bodies, public-private partnerships or statutory development corporations. Legislation to update the New Towns Act 1981 will be brought forward to ensure that there is a fit for purpose vehicle for the delivery of new garden villages.

80. The prospectus provides an opportunity to bring forward new settlements across the country. Within this Council's administrative area, the only potential strategic site that would be relevant and fits the criteria is ST15: Land to the West of Elvington Lane. As Government support for garden villages and towns is tailored to site-specific circumstances, it is not yet known what level of support would be received. However, a successful bid would likely provide funding and expertise which would help progress development of such sites from the plan-making stage towards implementation. Members views are sought on whether the Council show express an interest at this time.

Sustainability Appraisal

81. 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. This is done through undertaking a Sustainability Appraisal (incorporating a Strategic Environmental Assessment) of the document concerned. This has been an integral part of the further work carried out and is summarised in the 'Local Plan – Preferred Sites 2016' attached as Annex A. Additional information is also provided in Annex E to the report.

Duty to Co-operate

82. 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. Further detail on how the provisions of the Act should be implemented is provided within the NPPF. The NPPF states that Local Planning Authorities are expected to demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts when Local Plans are submitted for examination.
83. The Local Plan is required to consider and respond to issues which extend beyond the district boundary; these include changes to infrastructure such as the strategic highway network and activities which

have a catchment beyond the district. For example, the York housing market extends beyond the district boundary. This requirement is a statutory duty under the Localism Act and will require the Authority to demonstrate and evidence to the Inspector at the Examination in Public how it has engaged constructively with neighbours on these matters.

84. 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. In producing the 'Local Plan – Preferred Sites 2016' document the previous views provided by relevant authorities and bodies have been considered.
85. In addition officers have explored in more detail with neighbouring authorities the potential to accommodate part of York's housing need outside the City of York Council area given the wider housing market area. This has taken the form of reports to the North Yorkshire and York Spatial Planning and Transport Board. However, given the position of neighbouring authorities with their own development plans it has been indicated that it is not possible to fully explore this option at this stage. Nevertheless given the potential of sustainable brownfield sites in the wider York housing market area officers will continue this dialogue, along with discussing current proposals, to ensure if appropriate any opportunities can be properly assessed and included within the future land supply.

Status of the Local Plan in decision making

86. Officers have considered the status of the 'Local Plan – Preferred Sites 2016' in influencing planning decisions at this stage in its preparation. In general, the emerging plan and associated evidence are material considerations, but only have any weight where they are in accordance with the NPPF.
87. The NPPF sets out at Paragraph 216 that :"*decision makers may give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:*
 - *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

- *the degree of consistency of the relevant policies in the emerging plan to the policies of this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

Consultation

88. If Members approve the 'Local Plan – Preferred Sites 2016' attached as Annex A, the document will be subject to an eight week city wide consultation period beginning in July 2016. Consultation will be carried out in conformity with the Councils adopted Statement of Community Involvement. Comments received as part of the consultation will then be considered by officers and reported to Members along side the Publication Draft Local Plan later this year.

Options

89. Officers request that Members consider the following options:

Option 1: That the Executive, subject to any recommended changes, approve the 'Local Plan – Preferred Sites 2016' Document attached as Annex A, along with supporting evidence and information for public consultation.

Option 2: That the Executive instruct officers to make changes to the 'Local Plan – Preferred Sites 2016' document and produce a further report and draft for consideration.

Analysis of Options

90. National guidance currently indicates that for a plan to be 'sound' it must be 'justified'. This means a plan must be founded on a robust and credible evidence base. It also highlights the importance of undertaking and reflecting public consultation and indicates that a plan must be 'effective', that is to say, 'deliverable' and 'flexible'.
91. Given the work that has been undertaken since the aborted Local Plan Publication Draft (2014) it is important to test the emerging position along with new evidence. An important part of this exercise is public consultation.
92. It is important to carry out this additional consultation prior to the preparation of the publication document in order to demonstrate that the

emerging plan has been tested and that the Plan submitted for examination is fully justified. Not carrying it out risks an unsound plan at examination or legal challenge at the adoption stage.

93. It should be noted that the final draft Local Plan will not be consulted on and submitted for public examination until early next year. The 'Local Plan – Preferred Sites 2016' document (attached as Annex A to this report) is part of the development of the final Local Plan and there will be opportunities to consider comments and reflect in policy development. In addition there will also be opportunities to do further technical work and consider any legal and regulatory issues. Option 1 is therefore recommended as the most appropriate way forward. Option 2 is not supported by officers as it is considered that the recommended option relates to the current evidence.

Next Steps

94. It is anticipated, subject to Member approval, that the 'Local Plan – Preferred Sites 2016' will be published for an eight week statutory consultation in July.
95. Annex F attached to this report comprises a Draft Local Development Scheme (LDS) which sets out a project plan for the progression of the Local Plan over the next two year in addition to other related documents. It highlights the intention to consult on a publication draft plan early in 2017 with submission to Government following in May 2017. The LDS has an important role in informing the public and other interested parties about the next steps. In addition it provides a clear position statement for government. This is particularly important given Ministerial statements indicating failure to progress Local Plans could lead to direct interventions by Government.

Council Plan

96. The option outlined above accords with the following priority from the Council Plan:

A prosperous city for all – through meeting the York's future needs for employment and housing whilst protecting the City's unique natural and built environment.

A Council That Listens To Residents – the report recommends that Members approve the Local Plan Preferred Sites document for public consultation, which demonstrates an example of listening to residents.

Implications

97. The following implications have been assessed.

- **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. Further cost will have to be factored into future years budget allocations.
- **Financial (2)** - managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations. In addition it may lead to the reduction of funding from government such as New Homes Bonus.
- **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 CES.
- **Community Impact Assessment** A Community Impact Assessment (CIA) has been carried out as the plan has developed; including at this stage and is attached. This will be undertaken again at the next stage of production.
- **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.

98. 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.

99. 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.

100. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).

101. 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.

- **Crime and Disorder** – The Plan addresses where applicable.
- **Information Technology (IT)** – The Plan promotes where applicable.
- **Property** – The Plan includes land within Council ownership.
- **Other** – None

Risk Management

102. 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 utilize 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
- The Government has stated its intention to remove the New Homes Bonus in the case of an authority that has not submitted its Local Plan by early 2017.

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 21 June 2016

Specialist Implications Officer(s):

Patrick Looker, Finance Manager
Sandra Branigan, Senior Solicitor, Planning

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

All

For further information please contact the author of the report

Background Papers:

None

Glossary of Abbreviations

CES – City and Environmental Services;
ELR – Employment Land Review;
HMA – Housing Market Area;
LPWG – Local Plan Working Group;
NPPF – National Planning Policy Framework;
NPPG – National Planning Practice Guidance;
OAHN – Objective Assessment of Housing Need;
ONS – Office for National Statistics;
PAS – Planning Advisory Service;
SHLAA – Strategic Housing Land Availability Assessment;
SHMA – Strategic Housing Market Assessment;
SNHP - Sub National Household Projections;
SHMA – Strategic Housing Market Assessment.

Annexes

Annex A: Local Plan – Preferred Sites (2016)
Annex B: Strategic Housing Market Assessment & Addendum(2016)
Annex C: Employment Land Review (2016)
Annex D: Windfall Analysis Technical Paper (2016)
Annex E: Sustainability Appraisal
Annex F: Local Development Scheme
Annex G: Sites included in the Local Plan Preferred Options Draft (2013)

Please note: Annexes B to G are available online, or a paper copy of these annexes may be obtained by contacting the report authors (details set out above)