

**Notice of a public meeting of
Executive**

To: Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Runciman, Smalley, Waller and Widdowson

Date: Thursday, 9 December 2021

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday, 13 December 2021**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex 3 to Agenda Item 6 (Securing the Future of the Bootham Park Hospital Site) on the grounds that it contains information relating to the financial or business affairs of particular persons (including the authority holding that information), which is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 7 December 2021.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. **Forward Plan** (Pages 3 - 6)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

- 5. Haxby Station – Site Selection** (Pages 7 - 36)
The Corporate Director of Place to present a report which provides an assessment of the two potential locations for a new rail station in Haxby and asks Members to endorse a single preferred site for further development.
- 6. Securing the Future of the Bootham Park Hospital Site** (Pages 37 - 76)
The Director of Housing, Economy & Regeneration to present a report which sets out the terms negotiated with NHS Property Services Limited, Enterprise Retirement Living Limited and the York and Scarborough Teaching Hospitals NHS Foundation Trust to help secure the future of the former Bootham Park Hospital site, and seeks approval for a series of legal agreements and leases relating to public use of land around the site.
- 7. City of York Planning Policy Housing Delivery Action Plan** (Pages 77 - 136)
The Corporate Director of Place to present a report which asks Executive to approve the council's first Planning Policy 'Housing Delivery Action Plan' (HDAP), prepared in response to the Government's introduction of the Housing Delivery Test.
- 8. Housing Energy Efficiency Programme Update - Utilising Grant Funding to Deliver Additional Retrofit Works** (Pages 137 - 164)
The Director of Housing, Economy and Regeneration to present a report which provides an update on works to reduce carbon emissions within the housing sector in York and the sub-region, and seeks approval to procure a new retrofit delivery partner to undertake improvement works, and to enter into a Memorandum of Understanding with the United Nations to support York becoming an International Centre of Excellence on High Performance Buildings.
- 9. Domestic Abuse Act 2021** (Pages 165 - 196)
The Director for Public Health to present a report which provides an update on the introduction of the Domestic Abuse Act 2021 and the new statutory responsibilities for local authorities under the Act, and seeks approval of proposed governance arrangements for a new statutory Domestic Abuse Local Partnership Board.

10. Lord Mayoralty 2022/23 (Pages 197 - 200)

The Director of Governance to present a report which invites Members to consider the points system for the annual nomination of the Lord Mayor of York and to formally confirm who will qualify for nomination as Lord Mayor for the 2022 -2023 municipal year.

Note: the above item has been listed on the Forward Plan for less than 28 days and is not a key decision. It has been added to the agenda under informal urgency procedures to enable the nomination to be progressed within the necessary timescales.

11. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-lateral-flow-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/order-coronavirus-covid-19-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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Forward Plan: Executive Meeting: 9 December 2021

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 13 January 2022

Title and Description	Author	Portfolio Holder
<p>Future Libraries Investment Programme</p> <p>Purpose of Report To provide an update on the Council’s investment programme into Libraries, including proposals for investment based on public consultation and the Explore vision for libraries and archive services.</p> <p>Executive will be asked to:</p> <ul style="list-style-type: none"> - approve the capital expenditure for the programme against each project; - approve related property matters that are part of the projects solutions offered; - approve the procurement of building contracts; - approve lease arrangements between partners involved. 	Andrew Laslett	Executive Member for Culture, Leisure & Communities
<p>National Reforms to the NHS and Impact on the Council</p> <p>Purpose of Report To consider a report on local work within the NHS to plan for the changes and work within CYC to assess the implications for the Council.</p> <p>Executive will be asked to note the progress report and consider some of the options for the York Health and Care System and the implications for the Council.</p>	Sharon Stoltz	Executive Member for Health & Adult Social Care
<p>Provision of Affordable Homes on New Developments Scrutiny Review Final Report</p> <p>Purpose of Report To present the findings of a scrutiny review into affordable homes on new developments.</p> <p>Executive will be asked to: note the findings of the review and approve the recommendations in the final report of the Housing & Community Safety Policy & Scrutiny Committee.</p>	Rachel Antonelli	Executive Member for Housing & Safer Neighbourhoods

Title and Description	Author	Portfolio Holder
<p>Extension of Contract for Long-Acting Reversible Contraception</p> <p>Purpose of Report</p> <p>To seek Executive approval to extend the provider’s current Long-Acting Reversible Contraception Services, by directly awarding a brand new contract for provision of the same for a further two years to June 2024 without re-advertising the service through tender exercise under the Public Contract Regulations 2015 or the Council’s Contract Procedure Rules.</p> <p>Executive will be asked to:</p> <ul style="list-style-type: none"> • approve the direct award of a brand new LARC Services contract to NIMBUSCARE for 2 years without first carrying out any competitive tender or request for quotes under the PCRs and/or CPRs; • sign off the financial envelope on the combined budget of £888,692.75. 	Sharon Stoltz	Executive Member for Health & Adult Social Care

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 7 February 2022

None currently listed

Table 3: Items Slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason
<p>Provision of Affordable Homes on New Developments Scrutiny Review Final Report</p> <p><i>See Table 1 for details</i></p>	Rachel Antonelli	Executive Member for Housing & Safer Neighbourhoods	9/12/21	13/1/22	To enable additional work to be undertaken in drafting the report.
<p>Occupational Health Provision</p> <p>Purpose of Report To seek permission to re-procure an Occupational Health Provision for the council.</p> <p>Executive will be asked to: agree to procure an occupational health provision effective from June 2022 and delegate to the Chief Operating Officer power to select the appropriate procurement route and award the contract to the successful bidder.</p>	Kay Crabtree	Executive Member for Finance & Performance	13/1/21	n/a	This item has been withdrawn from the Forward Plan, as it is a standard contract renewal that can be approved as an officer decision.

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Executive**9 December 2021**

Report of the Corporate Director of Place
Portfolio of the Executive Member for Transport

Haxby Station – Site Selection**Summary**

1. This report provides an assessment of the two potential locations of a new rail station in Haxby. To take this project forward, Members are asked to consider the potential sites and endorse a single preferred site for further development.

Recommendations

2. The Executive is asked to:
 - 1) Note the decisions made at previous Executive on 30 September 2021 concerning the Haxby Station project.
 - 2) Approve *Site 2 – Towthorpe Road*, as the preferred location for a station in Haxby to take forward for further development.
 - 3) To note the further public consultation, which is planned to be undertaken during the next development stage to understand any local concerns and the measures which should be considered to mitigate any impact of progressing the preferred site
 - 4) Note that further reports will be brought to Executive to update on progress.

Reason: To afford City of York Council the best opportunity to progress this project and present the strongest case possible to Central Government (the Department for Transport; and Treasury) for the granting of funding to enable the full delivery of a new rail station at Haxby.

Background

3. The background to this specific project was recently reported in paragraphs 3 – 12 of the previous report to Executive on 30 September 2021, titled *Haxby Station – Update & Land Acquisition*.
4. The bid to Department for Transport's (DfT) *New Stations Fund* (NSF) in 2020 was based on an assumption at the time that the new station would be constructed at Station Road (*Site 1*), within the vicinity of the previous rail station, closed in 1930. However, four other sites have been considered and assessed for suitability, comprising Towthorpe Road (*Site 2*); Strensall (*Site 3*); A1237 Outer Ring Road (*Site 4*); and New Earswick (*Site 5*).
5. An early appraisal of the five sites was undertaken which considered a number of factors for suitability as a potential location for a new station. A fundamental consideration was acceptability in terms of development and potential for achieving planning consent. Only two of the five sites were assessed as feasible – Station Road and Towthorpe Road, *Sites 1 & 2*, (see **Annex A**). Due to this being such a critical factor for the viability of progressing this project, it led to the latter three sites being rejected and investigations focused on *Site 1* Station Road (**Annex B**) & *Site 2* Towthorpe Road (**Annex C**).
6. As Annex A illustrates, the majority of *Site 1* Station Road is a circa 2 acre site, currently in use as allotments. It is bounded to the north by Station Road and to the west by residential properties (Calf Close), with the railway line to the south of this site. A small area of additional land is required to the east of the line.
7. As Annex B illustrates, the majority of *Site 2* Towthorpe Road is an approximate 4 acre site, currently in use as agricultural farmland. It is bounded to the east by Towthorpe Road, with the railway line to the west of this site. Some additional land is required to the west of the line.
8. As agreed recently at Executive on 30 September 2021, City of York Council have now agreed and completed an off market acquisition of 6.8 acres of land off Towthorpe Road, to de-risk the delivery of this project. This land could deliver the *Site 2* station option, but alternatively could be utilised (in part) for the provision of a replacement location for the allotments displaced in the event that *Site 1* was the preferred option (and/or in part for the provision of forestry; agricultural purposes; and/or for use as a pony paddock).

9. With two credible potential sites for the proposed station, DfT requested that CYC and their delivery partners Network Rail (NwR) undertake work to hone the proposal to just one single preferred site to take forward and develop to the required level. As such, a pre-feasibility technical study and appraisal of the two sites has been undertaken. NwR now require a formal instruction from CYC on which site to develop further in preparation for submission to the DfT in the first half of 2022.

Consultation

10. Public consultation on the *principle* of a Station at Haxby was undertaken locally during May 2020, as part of the bid process for DfT New Station Funding. 1,311 responses were received, with 91% supporting the idea of building a station in Haxby (82% strongly supporting).
11. There were widespread announcements from the local MP and local leaders in November 2020 that Haxby Station had received support from the DfT and the Treasury.
12. Further public consultation is planned to be undertaken during the next development stage to understand any local concerns and potential measures which should be considered to mitigate the impact of progressing the preferred site, prior to a decision on funding being made by Central Government (the *Department for Transport*; and *Treasury*) for their anticipated granting of funding. This would also be in advance of a potential submission of a planning application, expected later in 2022.

Options

13. There are three options available to the Executive:
 - 1) Approve *Site 1 – Station Road* option as the preferred location for a station in Haxby.
 - 2) Approve *Site 2 – Towthorpe Road* option as the preferred location for a station in Haxby.
 - 3) Do nothing.

Analysis

14. A great many factors need to be considered when making a direct comparison and evaluation of the two potential sites in order to reach a recommendation on which site to take forward. These are considered in

detail within **Annex D**. Please note that some of these items are deemed more critical to the potential future delivery of the project and as such have been considered in a priority order (highest priority items first). The conclusions of these are summarised below:

15. Land Acquisition

Land outside the railway boundary is required (at both sites) on both sides of the track for construction of the platforms, bridge supports and the provision of a carpark and safe access. Three land parcels in total are required to facilitate a station at Site 1 (Station Road) (land to the west of the line; land to the east of the line; and land to facilitate the relocated allotments). For Site 2 (Towthorpe Road) only two land parcels are required as there is no displacement of allotment.

16. It is quite clear that the land acquisition requirements for Site 1 (Station Road) presents a significant risk and potential cost to future delivery. Even if a sale of the majority of the land required (the western portion) can be agreed, there are considerable timing concerns and conditionality issues and uncertainty with outcome of decision by the Secretary of State and the planning authority. Furthermore, the additional land required to the east presents a high risk of an expensive negotiation and could realistically result in a lengthy Compulsory Purchase Order (CPO), along with the expense of having to re-site the allotments and provide for them. Timescales for a potential CPO are such that it is exceedingly unlikely that a station in this location could feasibly be delivered by March 2024.

17. With the plot of land for Site 2 (Towthorpe Road) now already acquired by the council, and only access to the western platform to be resolved, this site presents a much stronger case for the station location. The acquisition of Site 2 provides all of the land required to facilitate the construction of a station in this location and Officers are optimistic that successful negotiations with the adjoining landowner for the pedestrian and cyclist access rights from Swarthdale will be possible, thereby facilitating the use of Site 2 as a station. This considerably de-risks the potential delivery of the project in terms of required land assembly and means that construction of a station in this location is still feasible by March 2024.

18. Constructability

Site 2 (Towthorpe Road) offers clear advantages in terms of constructability over Site 1 (Station Road), being easier to access; of a much greater size; and further away from the busy urban area, especially it's reduced proximity to the local primary school.

19. Population & Transport Modes

Evidently Site 1 (Station Road) is located closer to the population centre of Haxby and would potentially attract a greater number of passengers via foot and possibly by bus. For Site 2 (Towthorpe Road) the primary access would be off Towthorpe Road. However it is envisaged that there would be pedestrian and cycling access from Swarthdale (discussions with landowner ongoing) which would provide better sustainable access to Wigginton via Oaken Grove. In addition it should be noted that Site 2 is likely to see a modest growth in population in close proximity to that respective location as a result of proposed development in the Local Plan (strategic housing allocation ST9 – land to north of Haxby).

20. Bus Services 13 & 14 currently would serve both Sites (with some small alterations to bus stop / turn-around locations). There are currently no bus services which would serve either Site from Strensall, but subject to this project progressing the council would actively seek to discuss the potential for providing a new route / changing the route of current services to provide a new route between Strensall, the new station, and Haxby.

21. Both sites have comparable numbers within their cycling catchments. Additionally, as both sites are relatively close in driving catchment terms and located on similar local connector roads, it is likely that they would attract drivers from a very similar catchment. Site 2 appears to offer greater resilience for potential car parking numbers (it has double the space available) and it is anticipated will cause less issues with *fly parking* on nearby residential streets. Furthermore, a greater number of cycle parking spaces are also possible at this site given it is twice the size of Site 1.

22. Planning

The principle for the delivery of a new railway station in Haxby is established through the Local Plan policy T2. Although Site 1 (Station Road) appears to be easier to deliver in planning terms, given it is identified as the potential location under T2iv, there is a residual risk that development could be resisted by abutting residential property owners, particularly to the east of the railway. Significant Part 1 compensation claims are likely. For Site 1 the existing allotments would need to be re-provided elsewhere, including associated costs for establishing (although utilising part of the Site 2 plot for this purpose would be feasible).

23. Site 2 (Towthorpe Road) requires very special circumstances given that it is wholly located within the Green Belt which means there is additional

planning evidence and justification required, although it is anticipated that its use as a new station and the work underpinning the consideration of different locations would likely satisfy these circumstances. Site 2 is less likely to be resisted by nearby residential property owners who are separated by a greater distance from the site. It is also less likely to result in significant Part 1 compensation claims.

24. For both sites, a Habitat Regulation Screening Assessment is required to understand the likelihood of adverse effects on Strensall Common Special Area of Conservation as a potential result of an uplift in travel, particularly from the A64 via Strensall / Flaxton Road. Natural England engagement would be necessary.

25. Local Highways

In terms of potential down-time on controlled highway level-crossings, Site 1 (Station Road) is clearly the most favourable with minimal impact. However the potential impact on the Public Right of Way (PRoW) from Calf Close associated with Site 1 is considerable. Any proposed stopping-up or diversion of the PRoW is likely to be heavily resisted locally. Additionally, new parking/waiting restrictions are likely to be required in proximity to this site to deter potential commuter parking and provide safe access to the station.

26. Site 2 (Towthorpe Road) has an acceptable level of increased down-time at Strensall level crossing; and its likely impact on the Calf Close PRoW is minimal; however its impact on York/Haxby Road level crossing is of most concern as this area already experiences congestion, occasionally backing-up to the A1237. The increases (of between 20–40 seconds) are however *worst-case* values and would need to be fully assessed as part of the scheme development to determine their acceptability and any potential mitigations. As part of the further development of this scheme, empirical evidence is being gathered to look at actual vs. theoretical road closure times for York/Haxby Road. This would allow more accurate estimations of any road closure time increases.

27. Track

Potential issues are the same for both sites.

28. Signalling

Both sites appear to be initially similar in terms of the level of changes required to existing signalling. However as discussed above, for Site 2 (Towthorpe Road), further mitigation may be required to minimise the controlled York/Haxby Road level crossing down-time which could involve further changes to signalling equipment.

29. Level Crossings

For most level crossings, the impact is likely to be similar for either Site. The exception being Calf Close PRow: This is significantly impacted by Site 1 (Station Road), whereas is likely to be minimally affected by Site 2 (Towthorpe Road).

30. Buildings & Civils

Site 2 (Towthorpe Road) would appear to be more favourable to develop, not least due to its potential for any future expansion on-site, but also because of fire safety requirements, multiple escape routes from each platform can be easily provided at Site 2, which appear to be considerably more difficult to achieve at Site 1 (Station Road).

31. Drainage

Both sites appear to be similar in terms of flood risk, that being that both have a low risk of flooding. The strip to the far north of Site 2 (Towthorpe Road) is at a greater risk of flooding, however this particular area would not form part of the main station site, so is not of concern.

32. Conclusion

Considering the above items, on balance Officers consider that *Site 2* Towthorpe Road would be the most favourable site for the preferred location of a new station in Haxby.

33. As already stated, the greatest risk to the potential deliverability of a new station in Haxby before the end of March 2024 (subject to funding being awarded by DfT) is land acquisition. This risk is considerable. With the entire land requirement for the construction of a new station at *Site 2* Towthorpe Road already purchased (following the decision made at Executive on 30 September 2021) and further land for pedestrian/cycle access via Swarthdale under negotiation, it is evident that this presents a significantly stronger case for a preferred location than at *Site 1* Station Road, where potential land assembly is in doubt and remains extremely high risk.

34. Regarding other factors which have been considered, it is accepted that *Site 2* Towthorpe Road is further to the edge of the Haxby urban area than *Site 1* Station Road, however it is considered that the positives of *Site 2*, such as:

- it is double the size;
- reduced impact on neighbouring residential streets (parking);

- reduced impact on road safety in proximity to the local primary school;
- less constrained;
- easier constructability;
- less likely to have to divert the PRoW from Calf Close;
- no requirement to provide alternative allotment site;
- reduced likelihood of local resistance (including Part 1 compensation claims),

... overwhelmingly outweigh this fact.

35. Additionally, with an anticipated increase in local population to the north of Haxby in the medium to long term as a result of the proposed strategic site allocation for housing at ST9 (submitted Local Plan (2018)), the differences between the population numbers that would be served by either station location (i.e. walking catchments) becomes more balanced.
36. The primary risk identified with a station at *Site 2* Towthorpe Road is its potential impact on the likely down-time at the controlled vehicular level crossing at York Road / Haxby Road. An initial assessment has indicated potential increases of 20 to 40 seconds down-time. However it is acknowledged that these are worst-case values and would need to be assessed fully as part of the scheme development to determine their acceptability and what potential mitigations may be introduced to reduce this figure. As part of the further development of this scheme, empirical evidence is being gathered to look at actual vs. theoretical road closure times for York/Haxby Road. This will allow more accurate estimations of any road closure time increases.
37. Recommendation
Executive is recommended to approve *Option 2 – (Site 2) Towthorpe Road* site as the preferred location for a station in Haxby to enable further development work to be undertaken. It is considered that this option presents a considerably reduced risk in terms of future potential deliverability, and importantly means that the project can still be delivered within the timescales mandated by DfT.
38. Moving forward, this option will afford City of York Council the best opportunity to present the strongest case possible to Central Government for the granting of funding to enable the full delivery of a new rail station at Haxby.

Council Plan

39. The proposal accords with the Council Plan 2019-2023 in specific regard to the following core outcomes of the Plan:

Getting around sustainably – New accessible rail station for the town of Haxby and surrounding villages and suburban area.

Well-paid jobs and an inclusive economy – Provides potential opportunity for residents to access a wider range of jobs within the region.

A greener and cleaner city – More commuting into the city by rail, rather than by private vehicle, reducing pollution and improving air quality.

Implications

40. Financial

The purchase of 6.8 acres of land at Towthorpe Road was approved at Executive on 30 September 2021 utilising unallocated Highways capital budgets.

41. The Council has received development funding of £400k to take forward the business case with a preferred site funded by Department for Transport.

42. Should the Council be successful with the DfT New Station Fund bid, the Council will need to identify the required 25% match funding from other contributions or Council prudential borrowing. There is currently no budget approved to support the construction but would have to be considered in future budget rounds. The land purchase at Towthorpe Road would be considered as part of the match funding.

43. Human Resources

There are no human resources implications.

44. One Planet Council / Equalities

The potential new station would be designed with equalities in mind and fully accessible to all users. An Equalities Impact Assessment (EIA) will be undertaken at the appropriate time in the project.

45. Legal

In relation to *Site 2*, legal arrangements to secure the pedestrian and cyclist access to the platform to be located on the western side of the railway line are important to the delivery of a new station at *Site 2*. An approach has been made to the relevant landowner in relation to agreeing to such rights in principle. However, a binding legal agreement, such as a Deed of Easement or a Lease in relation to the relevant land will need to be entered into as soon as possible in order to comply with the funding deadlines.

Please note that in relation to the proposed access to the western platform within *Site 2*, the need for positive third party involvement may have an impact upon deliverability within the proposed timescale. However, Officers have advised Legal, and we concur that irrespective of this issue (which needs commercial and legal resolution), there are fewer land assembly issues with *Site 2*, than there are with *Site 1*.

Legal cannot comment on the likely outcome of a planning application in relation to either site, and in particular in relation to the requirements which may or may not be imposed within a Section 106 Agreement, and in relation to a decision which may be made in relation to an application to develop the Allotment Land, but concur with the summary detailed previously within this report.

Particular issues to highlight in relation to *Site 1*

To add further detail in relation to the position in relation to the Allotment Land (forming the majority of *Site 1*), along with all of the other considerations which the local planning authority will have to apply in connection with any planning application, the local planning authority is under a duty pursuant to the Local Government Planning and Land Act 1980 and the Local Government and Planning (Amendment) Act 1981 to safeguard existing allotment land. Detail of the relevant guidance is set out within *PPG 17 Annex 3*:

“Development that would result in the loss of allotments should not be permitted unless replacement allotment sites are provided, and these should be of acceptable quality:

- 1. Be comparable in terms of size, accessibility and convenience, and should not normally be $\frac{3}{4}$ of a mile from the centre of demand;*
- 2. Have a soil quality and condition comparable or superior to that of the existing allotments;*
- 3. Avoid detrimental impact on landscape character and other landscape features.”*

Should a decision be made to proceed with *Site 1*, whilst Officers would propose to use part of *Site 2* as the location for any replacement allotments, there is no guarantee that either the planning authority and/or The Secretary of State would consider that such replacement allotments would in fact be acceptable. We highlight that Officers cannot anticipate how either the planning authority and/or The Secretary of State would exercise their respective discretion.

In relation to *Site 1*, this uncertainty in outcome is compounded by uncertainty in timing of the delivery of such decisions, and the impact that may have on any associated surrender of the current lease by Haxby Town Council; the timing of services of Notice to Quit on Tenants; and the acquisition of the freehold interest in *Site 1*. The tripartite legal arrangements which would be necessary between the freeholder of *Site 1*, Haxby Town Council, and City of York Council would be complicated and they would need to be conditional. They would be costly to draft and negotiate. For example, any proposed surrender of the lease dated 18 October 1919 of the Allotment Land made between Rev. A. L Whitaker and Haxby Council, (the Existing Allotments Lease) would need to be conditional upon obtaining the consent of The Secretary of State to such disposal. We would recommend that the surrender should also be conditional upon the grant of a satisfactory planning permission (which would also need to be satisfactory to Network Rail). The surrender of the Existing Allotments Lease would need to be timed to take effect following the expiry of the lawful service of Notices to Quit on the tenants (12 months or more to expire on or before 6th April or on or after 29th September).

In the context of this necessary process, the Council would be reliant upon Haxby Town Council to be proactive and to properly comply with the legislative requirements relating to the necessary Notices to Quit. This reduces the level of control which the Council would have in this pivotal process.

The transfer of the freehold interest in *Site 1* could only take place upon expiry of the notices to quit referred to.

Further, these legal arrangements in relation to the land located within the western parcel of the *Site 1* would need to be dovetailed with conditional arrangements in relation to any Deeds of Easement and/or Agreements for Sale in relation to land located on the east side of the railway track. It is observed that, given anticipated difficulties and associated delays and uncertainty with the outcome of the process with

the Allotment Land, Officers have not to date considered it prudent to approach relevant landowners in relation to that parcel of land. Accordingly, we cannot at this stage comment any further on the likely legal implications of arrangements relating to that part of *Site 1*.

46. Crime and Disorder

At this stage within the project, there are no crime and disorder implications.

47. Information Technology

There are no IT implications.

48. Property

All property implications are covered within this report.

49. Highways

At this stage within the project, highways implications have not been fully explored, however subject to the project advancing, a full highways impact assessment will be undertaken as part of the planning consent process.

Risk Management

50. The project has already been substantially de-risked by the early acquisition of land, as land assembly is considered the greatest risk to delivery of this project within the applicable timescales. It is considered that the early acquisition of the land will demonstrate to DfT the council's significant commitment to the project.

Contact Details

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Report **Date** 29 November 2021
Approved

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Wards Affected: Haxby & Wigginton

All

For further information please contact the author of the report

Background Papers:

Report to Executive (30 September 2021):
"Haxby Station – Update & Land Acquisition"

Annexes:

Annex A: Plan of both potential locations for a new Haxby Station

Annex B: Indicative site plan for a station at *Site 1* Station Road

Annex C: Indicative site plan for a station at *Site 2* Towthorpe Road

Annex D: Analysis and Evaluation of the Two Sites

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Annex A
Haxby Station
Potential Locations

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Ralph Butterfield
Primary School

Station
Road

Existing
Level Crossing
(signals/barrier)

Towthorpe
Road

York
Road

Landing
Lane

Car Park
area

Overbridge;
Steps; & Lifts

2x Platforms
(150m in length)


Calf
Close

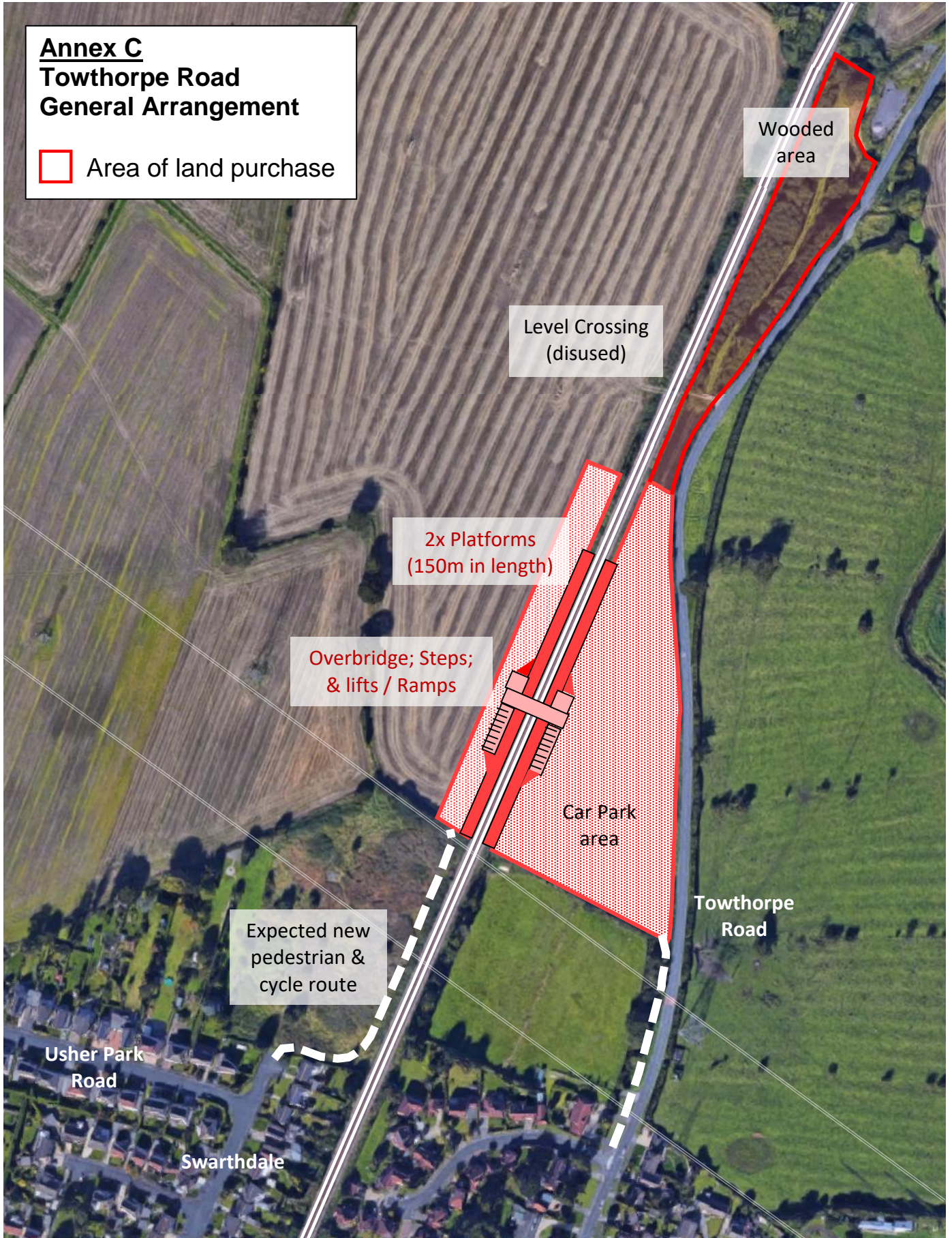
Existing Public Right of Way
(& Level Crossing)

Annex B
Station Road
General Arrangement

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Annex C
Towthorpe Road
General Arrangement

 Area of land purchase



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Annex D Analysis and Evaluation of the Two Sites

Item	Site 1 – Station Road	Site 2 – Towthorpe Road
Land Acquisition	<p>Land purchase required on the west side of the track (currently allotments) “the Allotment Land”.</p> <p>Provisional discussions taken place with land owner indicating a willingness to sell; and with Haxby Town Council who are the beneficiary of a lease of the Allotment Land.</p> <p>However as the allotments within the Allotment Land are likely to be considered to be “statutory” allotments, they have legal protection under the Allotments Act 1925. This means that the consent of the Secretary of State (SoS) would be required to the proposed surrender of the lease of the Allotment Land by the Haxby Town Council to the freehold proprietor of the Allotment Land. Whilst the SoS has guidelines to follow (which includes an assessment of whether adequate provision is made for the allotment holders), the SoS has a wide discretion. There are concerns relating to the process and timing of obtaining or not obtaining such consent, especially as CYC would not be in direct control of that process. At best i.e. if consent is obtained, CYC would have a statutory duty to provide alternative allotment site within ¾ miles, plus an extended period for holders to transfer their holdings between the two sites before construction on Station Road site could feasibly commence.</p> <p>Comments within the Planning Section are to be noted here, as it would not be prudent to acquire the Allotment Land without planning permission being in place, and we detail how the planning authority has to follow specific guidance to protect allotment land. It is possible that even if the SoS were to consent to the proposed disposal, the local planning authority may not.</p>	<p>Land purchase required on the east and west sides of the railway to accommodate the station.</p> <p>The assumption at this stage is that the main station access and car parking would be situated to the east of the railway, with vehicular access from Towthorpe Road.</p> <p>As per the decision made at Executive on 30 September 2021, CYC have now purchased the freehold title to this land.</p> <p>A separate pedestrian and cycle access route is proposed on the west side of the railway, connecting the station to the residential street, Swarthdale.</p> <p>Initial approaches have been made to the respective land owner to negotiate a route across their plot.</p> <p>Securing sufficient rights of access for pedestrians and cyclists from the west is important to the feasibility of Site 2 as the proposed station.</p> <p>Officers have secured rights of access for construction purposes over land connecting Usher Lane to the west of the site (proposed western platform).</p>

	<p>Assuming both the consent of the SoS is obtained, and planning permission granted, there are statutory requirements in relation to the service of timings of Notices to Quit on allotment holders which would need to be observed. This process would prejudice preferred and necessary delivery of the proposed project within the timescale required.</p> <p>The legal arrangements necessary to address all of these issues as between the Council, the freehold landowner, and the leaseholder (Haxby Town Council) would be complicated and costly.</p> <p>Additional land would need to be purchased to provide the new allotments location.</p> <p>A strip of land also required on the east side of the track for the platform, footbridge and any routes required for escape to meet fire standards. Whilst no discussions have been had with the land owner, this is understood to form part of a private residence and its use as part of a station would detract from their amenity and the value of such.</p>	
<p>Constructability</p>	<p>Approx. 2 acres available on the western side of the track.</p> <p>This site is constrained and bounded to the west by housing.</p> <p>Access to the main site (western part) is only available from Station Road, although this would probably be sufficient for the majority of construction work and a site compound etc.</p> <p>Access to the eastern side of the track only appears possible via the railway unless temporary access can be negotiated with the land owner (but the site is very constrained and access from the highway looks to be difficult).</p>	<p>Approx. 4 acres available on the eastern side of the track.</p> <p>This site is relatively open, being bounded to the east by the highway.</p> <p>Access to the main site (eastern part) is available from Towthorpe Road, and is thus considered adequate for plant material and deliveries etc.</p> <p>Access to the western side of the track is possible via temporary access rights acquired as part of the sale of the land to CYC. Alternatively a temporary level-crossing could be installed during construction, or deliveries via the railway.</p>

	<p>Plant material and deliveries would have to be via Station Road, close to the local primary school and where there is considerable on-street parking.</p>	<p>As this location is outside the urban Haxby area, congestion and on-street parking is negligible.</p>
Population & Transport Modes	<p>There is an estimated local population of approx. 2,500 persons within 800m walking distance.</p> <p>There is an estimated 17,500 persons within 3km cycling distance – The majority of these are actually found within the first 2km (which covers the entirety of Haxby, Wigginton and Earswick).</p> <p>Bus Services 13 and 14 both directly serve this location. Bus Services 1 and 20 both run relatively close to this site (York Road).</p> <p>Credibly, pedestrian / cycle access only available from main Station Road entrance.</p> <p>Space for approximately 150 car parking spaces and a bus turning circle, as well as cycle and scooter parking.</p> <p>Anticipated issues with <i>fly parking</i> on nearby residential streets.</p> <p>This site is in close proximity to Ralph Butterfield Primary School on Station Road.</p>	<p>There is an estimated local population of approx. 1,750 persons within 800m walking distance. This is likely to increase in the future as strategic housing is planned within this radius (proposed allocation ST9 'Land North of Haxby' in the submitted Local Plan (2018)).</p> <p>There is an estimated 17,500 persons within 3km cycling distance. This picks up all of Haxby; Wigginton and Earswick, but also some of Strensall.</p> <p>Bus Services 13 and 14 both terminate and turn-around close to this site (via West Nooks). It is credible that these services could be extended to; and turned around at a station here.</p> <p>It is hoped that a bus service could be provided (or diverted) to connect the site to Strensall.</p> <p>Credibly, pedestrian / cycle access available from main Towthorpe Road entrance, but also from the west linking to Swarthdale and Usher Lane area.</p> <p>Space for approximately 300 car parking spaces and a bus turning circle, as well as cycle and scooter parking.</p>
Planning	<p>The principle of a new station is supported in the draft Local Plan under policy T2iv, wherein we have identified it for delivery in the long-term. Applicable to this policy, is this site which is identified on the Policy Map North.</p> <p>The green belt boundary runs along the existing railway line with land to the east of this identified to be of importance to prevent coalescence</p>	<p>The principle of a new station as outlined in Policy T2iv is still applicable to this site. However, this site is identified within the Green Belt; The Green Belt boundary for Haxby does not include this parcel as part of the village inset or identify it as a separate inset to the village. Unless a recognised use within the Green Belt, development is considered inappropriate unless very special circumstances can be demonstrated. Therefore, in terms of planning, this</p>

	<p>with Earswick within which we would resist development.</p> <p>Whilst likely to support the delivery of a station in this location, CYC may require very special circumstances to locate any development (platforms etc) to the east of the line as this is located within the draft Green Belt.</p> <p>The site is bounded to the west and east by residential properties who potentially may object to the proximity of a station on their boundary and would likely have significant Part 1 compensatory claims.</p> <p>The existing allotments are identified as designated open space in the open space study update (2018) and we would statutorily be obliged to re-provide this elsewhere nearby.</p> <p>Officers cannot anticipate how the planning authority will exercise its discretion when implementing the guidance of PPG17 Annex 3 and assessing whether any proposed replacement allotment sites (to replace the Allotment Land) are of acceptable quality (see Legal Implications below). Accordingly, it is possible that the proposed replacement allotments would not be deemed to be acceptable by the planning authority, which would in itself prejudice obtaining planning permission.</p> <p>The location of the station is likely to attract additional traffic from Strensall and Towthorpe. An uplift in travel between the location may have an adverse effect on Strensall Common SAC. This would need to be firstly addressed through a Habitat Regulation Assessment Screening report.</p>	<p>site would require very special circumstances to be demonstrated in line with the National Planning Policy Framework and Policy GB1 of the Local Plan. Whilst this will need further detailed consideration, it is not considered an insurmountable issue as the very special circumstances case would need to demonstrate the business case for why this location has been chosen in comparison to other potential sites (i.e. information contained within this report).</p> <p>Modifications to the Local Plan in relation to Policy T2iv and the Policies Map would be required to update the policy to reflect the change in timescale for delivery and the change in location – as this would likely be a main modification to the plan we would need to provide the evidence for this proposed modification and propose the modification prior to policy discussions at our Examination hearing sessions. This evidence will broadly align with that compiled in this report and subsequently relating to any planning application.</p> <p>There is a buffer of 100+ metres of open agricultural/paddock land between the site and nearest residential properties, reducing the likelihood of significant local objections or Part 1 compensatory claims.</p> <p>The location of the station is likely to attract additional traffic from Strensall and Towthorpe. An uplift in travel between the location may have an adverse effect on Strensall Common SAC. This would need to be firstly addressed through a Habitat Regulation Assessment Screening report.</p>
<p>Local Highways</p>	<p>Minimal impact on controlled Station Road level crossing down-time. Vehicular and pedestrian use would likely increase due to pedestrians and vehicles using the station, especially from the Strensall direction. Measures</p>	<p>Minimal impact on controlled Station Road level crossing down-time. This area may experience a small increase in vehicular traffic due to users from Haxby and Wigginton travelling to the station but this is not likely to</p>

	<p>to control the risk of blocking back may be required such as parking restrictions on approaches.</p> <p>Minimal impact on controlled York Road level crossing down-time. Small risk of significant increases in down-time but the likelihood of this is currently low.</p> <p>Minimal impact on controlled Strensall level crossing down-time.</p> <p>Medium to Significant impact on uncontrolled Public Right of Way level crossing from Calf Close. The proximity of a station here to the PRow uncontrolled crossing would be unacceptable in safety terms and significant mitigation would be required, ranging from a minimum of Miniature Stop Lights (MSL) (although these may not be appropriate here); to a worst case scenario of having to divert the PRow.</p> <p>New Traffic Regulation Orders likely to be required on Station Road and nearby residential streets to prevent any waiting / parking, especially close to the local school.</p>	<p>significantly increase risk. Pedestrians and cyclists accessing the proposed station would be unlikely to cross the railway at Station Road if there was an alternative foot/cycle route directly from Swarthdale / Usher Lane area.</p> <p>Medium to Significant impact on controlled York Road level crossing down-time. Potential increases of between 20–40 seconds, dependent on precisely how the crossing is operated. If the increase in road closure time cannot be mitigated through changes to signaller behaviour, then major changes to the lineside signalling, interlocking and panel would be required.</p> <p>Medium impact on controlled Strensall level crossing down-time. Potential increase of approx. 20 seconds, although this is deemed acceptable in this location.</p> <p>Minimal to medium impact on uncontrolled Public Right of Way level crossing from Calf Close. Potential mitigations range from do nothing (subject to risk being agreed as tolerable); to Miniature Stop Lights (MSL) being installed.</p> <p>Unlikely to require any new Traffic Regulation Orders.</p>
Track	<p>Potentially some minor alterations to track alignment, achievable by tamping, to accommodate the proposed platforms.</p> <p>Rail fastening on the Up line may need to be replaced (due to type and condition) in order to facilitate tamping.</p> <p>Relocation of the Up cess track drain into the six-foot. The outfall of this drainage is system has not been identified.</p>	<p>Potentially some minor alterations to track alignment, achievable by tamping, to accommodate the proposed platforms.</p> <p>Rail fastening on the Up line may need to be replaced (due to type and condition) in order to facilitate tamping.</p> <p>Relocation of the Up cess track drain into the six-foot. The outfall of this drainage is system has not been identified.</p>
Signalling	<p>Relocation of one main signal (S5) on the Down Scarborough line, as it is currently located midway along the length of the proposed new platform.</p>	<p>Relocation of the cable route around or within the new platform. No further lineside equipment would require alterations (unless major signalling</p>

	<p>This would bring it closer to Station Road Level Crossing, but it would still be in a compliant position relative to the crossing. Associated train detection and ancillary equipment would need to be moved accordingly.</p> <p>Relocation of the cable route around or within the new platform.</p> <p>Train detection alterations (most likely in the form of additional track circuits) in order to assist the signaller in operating the manually-controlled level crossings. Road closure times at controlled level crossings would be <i>similar to or less than</i> existing, except as described below.</p> <p>In the Up direction, it is proposed that Haxby Road level crossing is initiated for stopping trains while the train is stopped at the new platform. The level crossing protecting signal would be around 900m from the end of the platform, so this is subject to signal sighting and driveability assessment, but it is not considered likely that any major issues would be raised. In the unlikely event that this is determined to be unacceptable, it is likely that road closure time at this crossing would be increased significantly, requiring additional signals and/or major relocation of existing signals as mitigation.</p> <p>Alterations to the interlocking and control panel in Strensall Signal Box.</p>	<p>changes are proposed in the area to minimise level crossing road closure times, see further points below).</p> <p>As with Site 1, train detection alterations (most likely in the form of additional track circuits) would be required in order to assist the signaller in operating the manually-controlled level crossings. Road closure times at level crossings would be adversely affected for the Strensall crossings, which would see increases of around 20 seconds, and Haxby Road MCB-CCTV Level Crossing, which would see increases of between 20 and 40 seconds, dependent on precisely how the crossing is operated. These are worst-case values and would need to be assessed as part of the scheme development to determine their acceptability and any potential mitigations.</p> <p>Alterations to the interlocking and control panel in Strensall Signal Box. If the increase in road closure time for Haxby Road Level Crossing was determined to be unacceptable and cannot be mitigated through changes to signaller behaviour, then major changes to the lineside signalling, interlocking and panel would be required. Four-aspect signalling could be introduced, requiring up to four new main signals to replace existing two- or three-aspect signals, with associated interlocking, cabling and panel changes.</p> <p>As part of the further development of this scheme, empirical evidence could be gathered to look at actual vs. theoretical road closure times for Haxby Road. This could allow more accurate estimations of any road closure time increases.</p>
<p>Level Crossings</p>	<p>Manor Farm Level Crossing (1491m from the proposed station, towards Malton) the speed of approaching and passing trains over the level crossing would change which could lead to misjudgement from pedestrians when</p>	<p>Oakbutts Level Crossing (1021m from the proposed station, towards Malton) the speed of approaching and passing trains over the level crossing would change, and this could lead to misjudgement from pedestrians when</p>

	<p>making a decision to cross. The speed of approaching stopping trains would be similar to the maximum permissible speed of existing freight on the line therefore this approach speed variance is an existing arrangement, though freight trains are occasional, generally running only in connection with engineering works. At this particular location, all users (vehicular and pedestrian) are required to telephone before crossing the railway: therefore risk is managed.</p> <p>Calf Close Level Crossing (122m from the proposed station, towards York) would be significantly impacted by the proposed station. The approach speed of non-stopping services would vary significantly in both directions from that of stopping services, and trains stopped at the platforms would be visible to crossing users which could lead to misjudgement from pedestrians when making a decision to cross. Further, the platform infrastructure and stationary trains would create a sighting deficiency which would need to be mitigated. The interventions necessary at this level crossing remain subject to full risk assessment, but options include:</p> <ul style="list-style-type: none"> • Miniature Stop Light (MSL): assessment of the signalling in this area and the station position indicates that an integrated MSL system would be required. This option is likely to be objected to by residents due to environmental (noise and light) factors and also may be objected to by NR stakeholders due to the residual risk associated with trains stopped in the platform. • Divert the Public Right of Way (i.e. over the station footbridge: provision of lifts or ramps would be determined as part of the station design) <p>Hall Farm Level Crossing (1276m from the proposed station towards York) the speed of approaching and passing trains over the level crossing would change, and this could lead to misjudgement from pedestrians when</p>	<p>making a decision to cross. The speed of approaching stopping trains would be similar to the maximum permissible speed of existing freight on the line therefore this approach speed variance is an existing arrangement, though freight trains are occasional, generally running only in connection with engineering works.</p> <p>Manor Farm Level Crossing (550m from the proposed station, towards Malton) the speed of approaching and passing trains over the level crossing would significantly change which could lead to misjudgement from pedestrians when making a decision to cross. However, at this particular location, all users, vehicular and pedestrian, are required to telephone before crossing the railway. Therefore, this risk is managed. At this particular location, all users (vehicular and pedestrian) are required to telephone before crossing the railway: therefore risk is managed.</p> <p>Calf Close Level Crossing (1041m from the proposed station, towards York) is most significantly impacted by the proposed station. The approach speed of non-stopping services would vary from that of stopping services and stopped trains in the platforms would be visible to users crossing from the Down (western) side of the railway. The speed of approaching stopping trains would be similar to the maximum permissible speed of existing freight on the line therefore this approach speed variance is an existing arrangement, though freight trains are occasional, generally running only in connection with engineering works. The intervention options at this level crossing remain subject to full risk assessment but include:</p> <ul style="list-style-type: none"> • Do nothing: subject to risk being agreed as tolerable by NR stakeholders following risk assessment. • Miniature Stop Light (MSL): assessment of the signalling in this area and the station position indicates
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	<p>making a decision to cross. The speed of approaching stopping trains would be similar to the maximum permissible speed of existing freight on the line therefore this approach speed variance is an existing arrangement, though freight trains are occasional, generally running only in connection with engineering works.</p> <p>Station Road Level Crossing (175m from the proposed station, towards Malton) Vehicular and pedestrian use would be likely to increase due to pedestrians and vehicles using the station. Measures to control the risk of blocking back may be required such as parking restrictions on approaches and due cognisance should be paid to the risk of blocking back when proposing pedestrian crossings and station car park traffic controls.</p>	<p>that an overlay MSL system would be suitable, but this option would likely be objected to by residents due to environmental (noise and light) factors.</p> <ul style="list-style-type: none"> • Divert the Public Right of Way. <p>Station Road Level Crossing (611m from the proposed station, towards York) may experience a small increase in vehicular traffic due to users from Haxby and Wigginton travelling to the station but this is not likely to significantly increase risk due to the high level of protection currently provided at the site. Pedestrians and cyclists accessing the proposed station would be unlikely to cross the railway at Station Road Level Crossing if there were alternative foot/cycle paths directly connecting Haxby to the proposed station on both sides of the railway.</p>
<p>Buildings & Civils</p>	<p>Land to the west of the railway currently occupied by allotments would be a car park and station access route, with a junction connecting to the existing highway network.</p> <p>At this site it could be difficult to satisfy the requirements of BS9992 (<i>Fire safety in the design, management and use of rail infrastructure</i>), particularly with respect to means of escape from the Up platform (east side of the track) as it may be difficult to agree emergency access routes from the ends or rear of this platform.</p> <p>This site is very constrained and there would be limited scope to expand the station (e.g. platform lengthening, increase in car park capacity etc) in the future.</p> <p>The following would be required.</p> <ol style="list-style-type: none"> 1. Extension or renewal of Culvert YMS/4 (1'6" diameter brick barrel) , within the platform extents. This culvert may house a Yorkshire Water drain and therefore approvals may be needed to build over it. 	<p>There are no existing Civils assets within vicinity of station.</p> <p>This site has greater potential for future expansion e.g. platform lengthening, increase in car park capacity etc.</p> <p>Satisfying the requirements of BS9992 (<i>Fire safety in the design, management and use of rail infrastructure</i>) appears feasible at this site as land would be available to provide multiple escape routes from each platform.</p> <p>The following would be required.</p> <ol style="list-style-type: none"> 1. 150m platform lengths proposed with standard "Access for All" style footbridge with stairs and lifts. 2. Clear platform width to be 3.3m minimum, with additional allowance at the back of the platforms for lighting columns, waiting shelters/canopies, fencing and any other platform furniture.

	<p>2. 150m platform lengths proposed with standard "Access for All" style footbridge with stairs and lifts.</p> <p>3. Clear platform width to be 3.3m minimum, with additional allowance at the back of the platforms for lighting columns, waiting shelters/canopies, fencing and any other platform furniture.</p>	
<p>Drainage</p>	<p>The River Foss is located 300m to the east. The risk of flooding from rivers is considered low, as indicated by the Environment Agency's Risk of Flooding mapping system.</p> <p>The EA mapping highlights a surface water flooding risk around Station Road Level Crossing (on Towthorpe Road) and the boundary area between the allotment site and the railway.</p> <p>Track drainage is described in the Track section, above.</p> <p>Impact on the culvert is described in the Buildings and Civils section, above.</p>	<p>The River Foss is located 130m to the east. The risk of flooding from rivers is considered low, as indicated by the Environment Agency's Risk of Flooding mapping system. The flooding risk is greater further north from this site, which is believed to come from Golland Dike. Golland Dike flows from west to east and crosses the railway and Towthorpe Road before merging with the River Foss.</p> <p>The risk of flooding from surface water is considered low at this site.</p> <p>Open channel drainage is currently present in the Up and Down cesses.</p>

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Executive**9 December 2021**

Report of the Director of Housing Economy and Regeneration
Portfolio of the Executive Member for Finance and Performance

Securing the Future of the Bootham Park Hospital Site

Summary

1. This report sets out the terms that have been negotiated with NHS Property Services Limited (**NHSPS**), their preferred development partner Enterprise Retirement Living Limited (**ERL**) and the York and Scarborough Teaching Hospitals NHS Foundation Trust (**the District Hospital Trust**) to help secure the future of the former Bootham Park Hospital (**BPH**) site.

For the purposes of this report the BPH Site and the District Hospital Trust Site shall be referred to as **the Combined Site**.

2. On 21st January 2020 Executive agreed that the council would use its rights as the owner/landlord of a strip of access road to the Combined Site (over which NHSPS and ERL need to negotiate a longer lease with the Council) in order to secure:
 - a. Beneficial public use of the parkland in front of the hospital building;
 - b. Improved pedestrian and cycle routes through the Combined Site as part of the city's sustainable transport network; and
 - c. Conversion and redevelopment of the BPH Site to deliver homes and services which are of benefit to the City.
3. Negotiations have now been finalised and this report outlines the details of the secured outcomes:
 - a. Securing approximately £1.9m investment into the public realm, at nil cost to the public purse, as part of the developer's £75m investment into the project.
 - b. Preserved and Improved Pedestrian and Cycle Routes with the majority of the cycle route to be on low car use or segregated paths.

- c. Public, Curriculum and Sports use of the Lawns with new paths and facilities to enhance the use of the lawns and the provision of an 11-a-side and a 7-a-side football pitches.
 - d. Protection of the Air Quality Monitoring Station (AQMS) site.
 - e. Continuation of the Landing Place for the Air Ambulance.
 - f. Protection and restoration of the Historic Boundary Railings.
 - g. The Receipt of a Capital Premium and Share of Overage receipts.
4. The negotiations have been driven by the comments collected via extensive public consultation. In response to these comments we have been able to:

Consultee Priorities	Negotiated Outcomes
a. Public use of the Parkland;	The majority of the open Parkland in front of the hospital will be available for public use at all times.
b. Preserved pedestrian and cycle routes; and	A 999 year lease will secure, as of right, the continued pedestrian and cycle use of paths across and through the Site, as set out in the report and with a final specification of Improvement Works to be agreed.
c. A sustainable and desirable use of the historic buildings.	The proposed development will deliver a retirement care community in the heart of the city with low carbon heating and other sustainable features.

5. It should be noted that any final agreement will be subject to the award of satisfactory Planning Permission for the proposed redevelopment of the BPH Site by ERL (which will be determined by the Planning Authority) and to the acquisition of the freehold ownership of the BPH Site by ERL from NHSPS, in accordance with the provisions of an Agreement for Sale made between NHSPS and ERL, the provisions of which are confidential as between NHSPS and ERL.

Recommendations

6. The Executive is asked to:
- 1) Note the good progress made by officers in negotiating and securing the desired outcomes of continued beneficial use of the parkland and improved pedestrian and cycle routes through the Combined Site required from the redevelopment of the BPH Site as identified by citizens and stakeholders during extensive public engagement in 2018 and 2019.

Reason: To confirm that the aspirations of citizens and stakeholders concerning beneficial use of the parkland and improved pedestrian and cycle routes through the Combined Site can be secured.

- 2) Note that, as part of the negotiated agreements, a financial consideration will be paid to the council in exchange for the council granting ERL a lease of the Accessway for a term of 999 years (“the Accessway Lease”).

Reason: To confirm that best value consideration has been secured.

- 3) Authorise the establishment of a set of legal Agreements and Leases as set out in the Legal Implications section and at **Annex 2** of this report in order to:
 - a. grant the Accessway Lease;
 - b. receive the payment of a Premium and the proceeds pursuant to the terms of an Overage Share Agreement;
 - c. secure, for a 999 year term, public access to and use of the majority of the Parkland in front of the hospital buildings as well as sport and curriculum use;
 - d. secure the right of access for pedestrians and cyclists at all times and for all purposes through the Combined Site; and
 - e. by way of a Development Agreement, the improvement of the Parkland, the pedestrian and cycle paths and the railings that surround the BPH Site.
- 4) Delegate to the Director of Housing Economy and Regeneration to agree the final specification of the Pedestrian and Cycle Path Works in consultation with the Executive Member for Finance and Performance and the Executive Member for Transport.
- 5) Delegate to the Director of Governance in consultation with the Director of Housing Economy and Regeneration to finalise the terms of and for the council to enter into these Agreements and Leases.

Reason: So that the council can secure beneficial public use of the majority of the parkland in front of the hospital building and improved pedestrian and cycle routes through the Combined Site delivering on the priorities of York citizens and stakeholders as expressed during extensive consultation in 2018 and 2019.

Background

7. The former Bootham Park Hospital site (**the BPH Site** shown edged red on the Plan in **Annex 1a**) is a key feature of the health estate in York both because of its long-term historic links with mental health care in the city (it was one of the first, purpose built, mental health hospitals in the UK), and because of its proximity to the York District Hospital next door (which is owned by the District Hospital Trust).
8. The Grade 1 listed building opened its doors in 1777, one of the first purpose-built mental health ‘asylums’ in England. For the next 240 years the hospital’s, at times controversial, history reflects the country’s changing social attitudes and medical approaches to mental health. Those approaches finally outgrew the hospital in 2015. It closed after proving unable to provide an appropriate environment for modern mental health services. These modern mental health services now provided in a new £37 million, 72-bed, hospital on Haxby Road, called Foss Park Hospital. The state-of-the-art facility provides two adult, single sex wards and two older people’s wards – one for people with dementia and one for people with mental health conditions such as psychosis, severe depression or anxiety.
9. The BPH Site is 17.85 acres of land and buildings owned by NHSPS. It is in the heart of the city and, subject to sensitive and imaginative redevelopment, is a valuable asset that could be realised for the social and economic benefit of York.
10. The Council has worked with colleagues from the District Hospital Trust and others to champion the positive future for the Combined Site. This has included extensive public and stakeholder engagement in 2018 and the autumn of 2019, the lobbying of government and market engagement to influence the views of those wishing to buy the BPH Site.
11. The current owner of the BPH Site, NHSPS is tasked by central government to sell the BPH Site and it has selected ERL as the preferred purchaser. ERL propose to redevelop the BPH Site to provide an independent living retirement community for older people with the BPH Site to be owned and managed under their single ownership.
12. ERL are an established provider of retirement accommodation. Their first retirement community opened in 2010. They have recently completed a scheme in Ripon in partnership with Barnardo’s (who had previously owned the site) and have successfully converted a grade 2* listed building in Worcester. ERL’s business model is to be the long-term custodian of their sites as they own, develop and operate all of their four integrated retirement communities. ERL are an active member of the

recognised standards organisation for retirement housing, called ARCO (Associated Retirement Community Operators).

13. The ERL proposal and the commitments made by NHSPS have the potential to deliver many of the features and services set out in the council's Development Plan for the Combined Site, including:
 - a. Public use of the Lawns;
 - b. Pedestrian and cycle routes through the BPH Site and the District Hospital Trust Site;
 - c. The use the historic buildings for Extra Care Housing for older people. This use fits well with the council's older persons' accommodation strategy - all extra care accommodation in the city centre is currently within the affordable housing sector while our research highlights that this type of accommodation for home owners is much sought after;
 - d. Emergency landing of the air ambulance; and
 - e. Preservation of the integrity and access to the District Hospital Trust Site so that this can be developed, at a later date, to deliver medical training facilities and other hospital services.
14. Since their appointment as preferred purchaser, ERL has consulted with key stakeholders and developed a comprehensive proposal for the development of 170 Extra Care 1, 2 and 3 bed apartments for older people and associated communal facilities contained in refurbished parts of the Heritage buildings and in new build accommodation that will replace lower-grade heritage assets and on land behind the chapel and replacing existing office/treatment buildings on the driveway. ERL have submitted, in September 2021, an application for planning consent and an application for listed building consent to its proposals. If consented, the development would deliver the 170 units of accommodation, communal facilities and services, 24-hour staffing via 70 on-going jobs as well as those jobs created during construction will have a beneficial impact upon the city.
15. The scheme proposed by ERL Bootham Park will only be able to be purchased by people over 60 years of age and for their own use only. Experience from similar retirement village developments show that at least three-quarters of homes are usually sold to local people, freeing up existing family homes for re-use. New homes on the Bootham Site have the potential to count against the overall new homes target for York.

16. The ERL investment will also secure benefits to the wider community including public access at times to areas of the main building which are of particular interest. Their design proposal incorporates renewable energy sources for all heating along with sustainable construction and a secured low carbon ongoing operation, addressing the sustainability and air quality concerns raised during public consultation on a Master Plan for the Site.

The Agreements Secured

17. Officers have engaged with NHSPS, it's preferred developer ERL and others in order to secure the desired outcomes from the re-development of the BPH Site via the leverage of the council's ownership of the Accessway (a 0.064 acre area of land shown coloured green on the Bootham Park Hospital Site Plan at **Annex 1a**), which serves as the main point of vehicular access between the Combined Site and the adopted highway at Union Terrace. The Council is the freehold owner of the Accessway as it forms part of the council's property holdings.
18. On 20th May 1992 the Council granted a lease of the Accessway (the 1992 Lease) to The Secretary of State for Health (at that time being the freehold owner of both the District Hospital Site and the BPH Site) until 19th May 2117. When the BPH Site was transferred to York Hospitals National Health Service Trust from Selby and York Primary Trust pursuant to a transfer dated 30th August 2006 (**the 2006 Transfer**) a right of way over the Accessway (for the remaining duration of the 1992 Lease) was granted to the owner of the District Hospital Site. The current tenant of the 1992 Lease is The York Teaching Hospital NHS Foundation Trust (**the District Hospital Trust**).
19. NHSPS (the current owner of the BPH Site and beneficiary of the right of way over the Accessway granted in the 2006 Transfer) and their preferred purchaser, ERL, need to enter into new legal arrangements with the council to extend the duration of the use of the Accessway which provides vehicular access to the BPH Site; as the remaining/unexpired duration of the 1992 Lease is not commercially long enough for residential development purposes.
20. Guided by the Executive decision of 21st January 2020, Officers have negotiated the following:
 - a. that the 1992 Lease is surrendered by the District Hospital Trust, consented to by NHSPS and ERL in order to allow for sufficient rights of way over the Accessway to be put in place;
 - b. that a new right of way easement in perpetuity over the Accessway is granted to the District Hospital Trust (and those authorised by it)

("the Accessway Deed of Easement") so that they can continue to access the District Hospital Site (including land at Bootham Court) and, in the future, develop the relevant part of the District Hospital Site subject to planning consent; and

- c. that a new, 999 year Lease is granted to ERL for use of the Accessway as an access route to serve the BPH Site (the Accessway Lease). The Accessway Lease will be subject to the Accessway Deed of Easement.

- 21. The new Accessway Lease and the Accessway Deed of Easement will require the tenant of the Accessway Lease to maintain the Accessway, hold relevant insurance, ensure public access (for pedestrians and cyclists), not obstruct the Accessway and, if these obligations are not honoured, allow the council or the District Hospital Trust/grantee of the Accessway Deed of Easement to step-in and rectify the problem and then reclaim any incurred costs from the tenant of the Accessway Lease. In addition, ERL will be required to provide and maintain the new pedestrian and cycle path through the BPH Site, maintain and allow public access to the Lawns, provide land for the Air Quality Monitoring Station and maintain the Railings around the Parkland, affording the Council with legal step-in rights to undertake maintenance works and re-charge to assure compliance with obligations.
- 22. A Development Agreement to be entered into by ERL will ensure that an estimated £1.9m of Improvement Works to the Lawns, the pedestrian and cycle route and the railings are carried out in a timely way, at nil cost to the public purse. ERL will be prevented from selling newly developed homes on the BPH Site until those Improvement Works are satisfactorily completed, in line with the following steps:
 - a. The sale of the existing Gatehouse at any time;
 - b. The sale of 65% of new homes upon completion of improvements to the Parkland, initial works to the pedestrian and cycle paths and the restoration of the railings to the Bootham, Bootham School and carriageway boundary;
 - c. The sale of an additional 15% of new homes once the Sports Pitch works are completed;
 - d. The sale of an additional 10% of new homes upon completion of the restoration of the railings on the boundary with the railway line; and
 - e. The sale of an additional/final 10% of new homes once the final works to the pedestrian and cycle paths are completed.

23. ERL will pay a premium to the Council for the granting of the new Accessway Lease. In addition NHSPS will enter into an Overage Share Agreement with the council whereby NHSPS will be contractually bound to pay to the council a proportion of any overage monies (enhancement in sale values) which NHSPS receive in the future from ERL under a separate Overage Deed being entered into regarding redevelopment of the BPH Site.

Preserved and Improved Pedestrian and Cycle Routes

24. Agreement has been reached with both ERL and separately with the District Hospital Trust to establish and maintain, for a 999 year term, a right of access for pedestrians and cyclists through the Combined Site (see Plans, **Annex 1b**).
25. Once they take ownership of the site, ERL will co-operate with council Highways colleagues to open up the Bootham gates for use by cyclist, if not achieved before that date, and co-ordinated with the installation by the council of a new crossing into St Mary's. The District Hospital Trust will open up the entrance gates to Bridge Lane in order to facilitate cycle use. In both places a bollard will be installed to prevent vehicle use.
26. Other initial works to the pedestrian and cycle paths include:
- a. The crown lifting of all trees along the existing carriageway and the removal of the laurels close to the Bootham Gates in order to ease visibility and usability;
 - b. The carrying out of any necessary maintenance of existing lighting along the route;
 - c. The removal or propping open of the white chicane gate close to the historic hospital building in order ease use of the existing cycle path;
 - d. The installation of a temporary footpath at the junction of the BPH Site and the Accessway; and
 - e. The erection of two removable bollards as a means to prevent parking in front of the Cycle Path adjoining the Bridge Lane Gates.
27. The lighting provision of the paths will be upgraded to include additional lighting to the Site and, in particular, low level lighting on bollards along the route of the pedestrian and cycle path. The detailed lighting design will be developed in partnership with Highways and Ecology colleagues in order to ensure that the route is safe for use at night but also to limit the impact upon bat and other fauna who forage in and live at the Site.

28. Within both the BPH Site and the District Hospital Site, the route will be constructed, maintained, insured, signed and lit in accordance with a detailed specification to be approved by highways officers of the council, at the expense of ERL with the Council to have rights to “step-in” and rectify the problem and then reclaim any incurred costs from the landowner if these obligations are not honoured. These principles of enhancement and improvement to the Pedestrian and Cycle Path have been agreed as part of this negotiated outcome.
29. The existing pedestrian and cycle route lying within the BPH Site may be varied during the Construction Period at the developer’s cost and as agreed between ERL and the Council but at all times a suitable alternative route, which is properly signed, must be available for use.

Public, Curriculum and Sports use of the Lawns

30. We have secured the preservation and public, sports and curriculum use of the Lawns (forming part of the Parkland, located in front of the hospital buildings) and as shown edged blue on the plan labelled the Lawns area and the Sports Pitches (**Annex 1c**). A series of 999 year leases of the Lawns (to be made between each of ERL, NHSPS and Bootham School with the council holding control over the honouring of obligation by the parties via a lease, covenants and step-in rights), will allow public, sports and curriculum use of the Lawns.
31. Children’s Services report (in 2020) shortfalls in external curriculum space at four local primary schools:
 - Park Grove primary [42% shortfall]
 - Haxby Road primary [70% shortfall]
 - St Wilfrid’s primary [87% shortfall]
 - Clifton Green primary [10% shortfall]

Bootham School also experience a shortfall in outdoor curriculum space and are therefore motivated to take on responsibility for the Lawns and deliver curriculum use for their own pupils as well as those of other local schools. At the same time they will deliver public access to the Lawns will maintain and insure them, at no cost to the council.

32. Bootham School report on their proven track record of working collaboratively with the local community and neighbouring schools. Public Benefit work is a stated key objective for the school and one that the senior leadership team and Governors are committed to further enhancing. They see the development of the Lawns as a unique and exciting opportunity to help achieve this. The school will be committed to offering weekly access for PE lessons to local state schools who are the

most deprived of access to playing fields including Park Grove Primary, Haxby Road Primary, St Wilfrid's Primary and Clifton Green Primary. The school is committed to work with these schools to offer them access to enhance their curriculum. Indeed, this will build upon existing relationships with two of these schools who currently use the Bootham School swimming pool for swimming lessons. Bootham School already have an excellent relationship with Clifton Green Primary and as recently as the end of the 2021 summer term, loaned their entire junior school to them for the last week of their term whilst urgent repairs were carried out to the Clifton Green Primary School site.

33. The entirety of the Lawns will be available for public use at all times.
34. Use of the Sports Pitches area (shown edged green on the plan at **Annex 1c**) and being a sub-set of the wider area, will be limited during the school day and during term time. Bootham School will have exclusive use of the Sports Pitches between the hours of 09:00 to 16:00 on Monday to Friday and on Saturdays from 09:00 to 12:00 during Bootham School term time only. This will enhance the outdoor education opportunities for the 485 Bootham School senior students, 80% of whom live within twenty minutes of the school, which demonstrates the positive impact this will have on local young people.
35. In addition, other local schools will have 3 one-hour slots per week during the above Monday to Friday times as well as have activity club use 16:00 to 17:00 on weekdays [during school term times] and local community junior football club/s will be encouraged to use the pitches for Sunday morning games and outside of Bootham School term times. Bootham School will establish a suitable booking system for use of the Sports Pitches. Any charges will be on a 'not for profit' basis and subject to appropriate grounds management to let grass recover etc.
36. This arrangement will bring much-needed sports pitches into the Guildhall Ward, at nil cost to the public purse, and will also allow public use of the surrounding area at all times and the sports areas when they are not needed for curriculum use. Signage will exclude exercise of dogs over the Sports Pitches. Dog exercise to be directed to the pathways around the Lawns.
37. It is intended that ERL and Bootham School will (within the proposed lease documentation relating to the Lawns) give the council direct covenants committing to permit and facilitate use of the Lawns by local schools, community groups and the wider public.
38. Bootham School will develop, in consultation with ERL, the council and stakeholders, areas within the Lawns for other activity, for example a

conservation area and for public events such as an annual gala in aid of mental health and wellbeing. These areas will also be accessible to the public and other schools for extra-curricular activities. An annual management plan will be prepared, consulted upon and implemented.

39. A Development Agreement will oblige ERL to carry out improvement works to the Lawns. These works include:
- a. Construction of a new accessible perimeter exercise and dog walking route made up of new self-bound gravel footpaths - a main pathway 2m wide (989 m²) and secondary footpaths (82 m²) together with dog waste bins (5) and litter bins (5). This circular pedestrian route and nature trail which, subject to planning consent, is to be located within the Lawns area will be available for use by members of the public at all times.
 - b. A large area of land for picnic and informal sports; accessible picnic tables (5).
 - c. Term-time sports pitches provided and managed by Bootham School for their use as well as use by other local schools and sports teams:
 - i. an 11-a-side football pitch;
 - ii. a 7-a-side football pitch; and
 - iii. Required Sport England 'run-off' areas around the perimeter of the Sports Pitches.

Pitches will be constructed to a high quality, following Sports England recommended standards.
 - d. Sensory and edible planting including raised planters (18 in number)
 - e. Flexible break-out spaces including seating and spaces for contemplation; parkland benches (16), feature curved parkland seating, (3) and hardstanding to feature areas (120 m²)
 - f. Natural play equipment within the perimeter woodland; natural play area surfacing (80 m²) and natural play area equipment pieces (2)
 - g. Biodiversity enhancement measures including native tree and shrub planting, bird and bat box provision and varying mowing regimes

40. These arrangements will give life to the NHS's ambition for Healthy Places as laid down by Public Health England in 2018 as part of its Healthy Places programme.
41. The smaller portion of the Parkland and closest to the historic buildings will be retained by ERL and will be used as the landing site for the air ambulance and by their residents only.
42. There will be a net gain in trees as a result of the proposed overall development of the Site with approximately 190 new individual trees plus new hedgerow and ornamental beds to be planted.

Protection of the Air Quality Monitoring Station (AQMS)

43. Previously undocumented arrangements will be formalised into a 999 year Lease to the Council of the AQMS site that will allow for the AQMS to remain on the BPH Site, as shown on the plan labelled the Air Quality Monitoring Station and the Helicopter Landing Place, **Annex 1d**.
44. This will secure the site of the current AQMS (which is provided in partnership with the Environment Agency), will provide parking and allow access for maintenance and works (for both the council, and for the Environment Agency) and will secure a metered electricity supply to the AQMS site. The Environment Agency will take responsibility for payment for electricity consumed; this is currently paid by NHS Property Services. A new AQMS cabin will be installed by the Environment Agency in 2022 or soon after.
45. The Council will have the right to surrender the AQMS lease should it no longer be required. The council will manage and maintain the AQMS in partnership with DEFRA, the Environment Agency and their contractors/advisors.

Continuation of the Landing Place for the Air Ambulance

46. The helipad in the parkland which is used by the Air Ambulance to land and take off, will remain, as shown on the plan labelled the Helicopter Landing Place, **Annex 1d**. A formal agreement between ERL and the District Hospital Trust will maintain the current arrangement and while the Air Ambulance does not land often, the right to land is important to the proper operation of York District Hospital.

Protection of the Historic Boundary Railings

47. The historic railings around the Lawns and the wider site will be repaired and maintained by ERL, addressing problems listed in the 2017 Bootham Park Hospital Railings Condition Survey. The estate fencing to the east

of the Lawns will also be repaired and maintained by ERL. These obligations will be secured by the Development Agreement and by landlord's covenants within the proposed Accessway Lease that will be entered into by the parties, including rights that allow the council to step-in and rectify any breach of obligations, charging the tenant of the Accessway Lease any costs incurred.

The Receipt of a Capital Premium and Share of Overage

48. ERL has agreed to pay the council a capital premium for granting the new Accessway Lease and NHSPS have also agreed to pay the council a share of any overage monies (such as the betterment in sale values achieved by the developer compared to initial assessments of value) which NHSPS receive from ERL in the future.

Conditionality

49. All of the above leases and easements will only be entered into if and when both:
- A grant of “satisfactory” planning permission is obtained (as defined within an Agreement for Sale which has been entered into between NHSPS and ERL); and
 - The related acquisition of the BPH Site by ERL has taken place (which is likely to be within 30 Working Days of the date of confirmation by ERL that a “satisfactory” planning permission has been obtained).
50. The Facilitating Documentation will be completed on the same date as the Transfer Completion Date, and on that same date the Council will receive the Premium from ERL in return for granting the Accessway Lease. The Facilitating Documentation will be in agreed form as at the time each of the Agreement for Surrender and Easement, the Agreement for Accessway Lease, the Agreement for Lawn Leases and the Development Agreement is exchanged, to ensure that there will be no delays to anticipated completion. Timing is not yet certain but is expected by mid-2022 so long as the planning application process proceeds as expected.

Consultation

51. In the winter of 2018/9 the council worked with the District Hospital Trust (owner of the adjoining District Hospital Site) and other stakeholders to draw up a Site Development Plan for the Combined Site and adjacent publically owned land (“**the Development Plan**”). This plan was devised

following extensive public and stakeholder engagement. The Development Plan was published in July 2019.

52. In the autumn of 2019 a further engagement exercise on the Development Plan was undertaken. During this engagement we sought views on the published Development Plan and asked people to prioritise their preferences for the Combined Site and the adjacent publically owned land. The engagement exercise reached 1323 people and generated 1657 items of feedback.
53. The results of the feedback were comprehensively reported to Executive in the report titled **Shaping the Future of the Bootham Park Hospital Site**, dated 21st January 2020.
54. The conclusion drawn from consultation was that the council's priorities for shaping the future of the Combined Site and the adjacent publically owned land should be as follows; the negotiated proposals set out in this report deliver positively against these priorities:

Consultee Priorities	Negotiated Outcomes
a. Preservation and public, sports and active leisure use of the Parkland in front of the hospital buildings;	The majority of the open Parkland in front of the hospital will be available for public use at all times with the developer, NHSPS and Bootham School investing in paths, benches and landscaping to enhance use, and also providing an 11-a-side and a 7-a-side football pitch for sports use by Bootham School and other local schools.
b. Continuation and enhancement of pedestrian and cycle routes across the Combined Site from Bootham to Clarence Street and onto the District Hospital Site at Bridge Lane;	A 999 year lease will secure, as of right, the continued pedestrian and cycle use of paths across and through the Site. Furthermore, the pedestrian and cycle paths will be improved and pedestrians will be segregated from cycles and vehicles (other than at cross-over points) and, for the majority of the route; cyclists will use a dedicated cycle path or a low-traffic shared carriageway, an improvement on current arrangements, with a final specification of improvement works to be agreed.
c. Achieving a sustainable and desirable use of the historic buildings,	The proposed development will deliver a retirement care community in the heart of the city, providing 170 homes to buy, with extensive communal facilities, support and

<p>ideally one that gives life to its historic care and mental health uses by, for example, providing accommodation with care for older people including those living with dementia; and</p>	<p>care available on site. The provision of services such as a daily hot meal and the availability of care support services will allow residents with disabilities including dementia to live safely in this location.</p> <p>Extra Care Housing for older people on this site fits well with the council's older persons' accommodation strategy - all extra care accommodation in the city centre is currently within the affordable housing sector while our research highlights that this type of accommodation for home owners is much sought after but not yet available in the city centre.</p>
<p>d. Delivering value to neighbouring Landowners City of York Council and District Hospital Trust to ease access to the BPH Site and to enable the development of health care and medical facilities on the Bootham Court land (which forms part of the District Hospital Site).</p>	<p>We have secured an estimated £1.9m investment in the parkland, sports pitches, pedestrian and cycle paths and railings restoration, at nil cost to the public purse. In addition, we have secured a sizable capital payment in exchange for the extension of the lease over the Accessway.</p> <p>The interests and access rights of the District Hospital Trust have also been preserved and enhanced, allowing them to make best use of the Bootham Court land which they own, formerly the site of nurses' accommodation.</p>

55. The main concerns expressed were:

Consultee Concerns	Negotiated Outcomes
<p>a. Traffic congestion;</p>	<p>Vehicle access to and from Bootham will be closed off, leaving this route onto the site for the exclusive use of pedestrians and cyclists.</p> <p>Vehicle access to the site via Clarence Street/Union Terrace will remain as previously used but with the expectation that vehicle movements are expected to be fewer than when it was an active hospital.</p>

	<p>The developer assesses the traffic impact as follows: “the travel demand generated by the [retirement community] will be significantly lower than when it was in operation as a hospital, particularly during the traditional highway peak periods. Vehicular impact will be negligible on the operation of the existing road network and its junction”.</p>
<p>b. Air quality; and</p>	<p>The new development will deliver a “clean heating” solution for the site, relying on air-source heat pumps, solar panels and mains electricity to power and heat the 170 homes and the communal parts. This will replace the current gas fired main boiler. Reduced car journeys to and from the site will also benefit air quality.</p> <p>We have secured a 999 year lease to allow the Air Quality Monitoring Station that the council runs on the site on behalf of the Environment Agency to remain. The AQMS will, therefore, continue to provide data on air quality in this area well into the future.</p>
<p>c. Suitable design of new buildings.</p>	<p>While all grade 1 listed buildings and the majority of the grade 2 listed structures will be retained, renovated and converted to their new, residential, use, some new build is proposed, both to the north-west but set back from the main building, around the chapel and on the carriageway.</p>

Council Plan

56. Our interest in the future of the BPH Site is closely linked to York Council Plan, Making History, Building Communities. Best use of the Lawns (forming the majority of the Parkland) on the BPH Site, an improved pedestrian and cycle route and less vehicle traffic in the area will contribute to a **Greener and Cleaner City** and **Getting Around Sustainably**. Good accommodation for older people, particularly those living with dementia and structured sport and active leisure on the BPH Site will help us achieve **Good Health and Wellbeing** and **Creating Homes and World-class Infrastructure**. Sports and open space use of the Lawns (forming the majority of the Parkland) will help address the deficit of outdoor curriculum space in local schools, allowing for a **Better**

Start for Children and Young People. The preservation of the historic building at the BPH Site and uses and access which allow people to understand their history and significance will help us achieve **Safe Communities and Culture for All.**

57. The secured agreements put forward in this report have been drawn up in light of extensive public and stakeholder engagement and are shaped by the views expressed during public engagement, demonstration that we are **An Open and Effective Council.**

Implications

Financial

58. Our work to prepare the Bootham Park Site Development Plan, including project management, and the subsequent negotiation of the desired outcomes has been funded from the £155,000 One Public Estate Round 5 grant awarded in October 2016. The majority this grant has now been spent.
59. Via the negotiation of Agreements and the issuing of new Leases a sizable capital receipt will be realised. The values of the receipt and potential overage values and payment dates are shown in the **Confidential Annex.**
60. As with all property transactions there may be SDLT implications which we will ensure are minimised in consultation with our tax advisers.

One Planet Council

61. The agreements proposed in relation to the BPH Site (and to the part of the District Hospital Site over which the District Hospital Site Pedestrian and Cyclists Path is located) and the Accessway, deliver sustainable transport, public open space, health, housing and care benefits to the city.
62. A 'Better Decision Making' Evaluation has been undertaken and was reported to Executive on 21st January 2020. The evaluation was positive and identifies that the proposed uses of the Site will bring **Equity & Local Economy** benefits to the Fifth Quarter trading area at Gillygate and Bootham and will deliver jobs in the care sector. £75m of inward investment will also flow. **Health & Happiness** will benefit from sport and active leisure use of the Lawns and from the provision of dementia care services. **Sustainable Transport** benefits will result from the retention and improvements to pedestrian and cycle routes through the Combined Site. The preservation, re-use and interpretation of the significant historic buildings on the Site will bring **Culture & Community**

benefits and well as positive **Zero Carbon** and **Zero-waste** outcomes. Many **Local & Sustainable Food and Land Use & Wildlife** benefits can be achieved via a positive plan and uses for the Parkland, in particular, the Lawns.

63. Equality benefits are many and include care for those living with dementia, space for external curriculum activities for local schools and space which low income groups can use and enjoy.

Legal

64. The council has statutory powers authorising it to enter into legal agreements for the acquisition or disposal/granting of interests in land, including granting leases and rights of way easements to third parties.
65. It is considered that the entry into the proposed Facilitating Documentation (the Agreement for Surrender and Easement, the Agreement for Accessway Lease, the Agreement for Lawn Leases and the Development Agreement) which are consequent upon the proposed preceding conditional Agreements is the most appropriate legal structure/method for facilitating the proposed redevelopment of the BPH Site whilst also delivering the other benefits to the council and the public referred to in this Report. A number of legal documents, including the Accessway Lease, will then be entered into; these documents are detailed in **Annex 2 - Details of the Legal Agreements Proposed to be Entered Into**.
66. The existing right of way over the Accessway serving the BPH Site and the District Hospital Site would expire on 19th May 2117 (when the term of the 1992 Lease would end) and so would mean that (without the longer term usage rights to be granted by the proposed Accessway Lease) would mean that the BPH Site would not be considered to have good and marketable title for residential development purposes.
67. NHSPS, ERL, the council and the District Hospital Trust will (as appropriate), pursuant to the Facilitating Documentation, be contractually obliged to enter into these further legal agreements upon and on the same date as the completion of the acquisition of the freehold interest in the BPH Site by ERL.
68. The Public Contracts Regulations 2014 oblige public authorities to procure any 'works contract' where the value of the 'works contract' exceeds the relevant threshold for such a contract specified in those Regulations (at present the threshold amount is £4,733,252). The various works that will be undertaken as part of these Agreements do not, in value, exceed the threshold and are estimated to be approximately £1.9m.

Property

69. This report deals with the property considerations relating to the Combined Site and the re-development of the BHP Site and details the many benefits that have been secured via the exercise of our land holding rights.
70. The negotiation of the new agreements and desired outcomes also deliver a financial consideration paid by ERL to the council in exchange for the Council granting ERL the extended lease of the Accessway. Given the current rental value for the Accessway is nil and will be nil for the duration of the remainder of the lease, the consideration as detailed in **Confidential Annex** is considered good value, along with the considerable public realm benefits secured, which have been costed at approximately £1.9 million.

Planning

71. The Council's Draft Local Plan identifies the Site as "existing health care facilities" with the green space in front as "existing open space" and insists that "future consideration of the Site must follow a full appraisal of the significance of the historic buildings, landscape and archaeology on site". Extensive studies have been undertaken by the current owner, NHSPS, and have guided the proposals developed by ERL.
72. A planning application and listed building consent application has been submitted for the proposed re-development of the Site. The main application is ref. 21/02108/FULM and the listed building application is ref. 21/02109/LBC. Included in the ERL proposal is the demolition of some existing structures, namely the listed Pauper Wings to the northwest of the main building and adjacent to the railway line, as well as the unlisted estate cottages on the driveway, to make way for new build and sustainable accommodation, an approach reflected in the council-led master plan developed in 2018 and 2019.

Highways

73. Negotiations have secured agreement that the access to the Site off Bootham should, once the development is complete, only be used by pedestrians and cyclists and we will work with the developer to bring forward new junction controls at St Mary's planned for 2022.
74. Access to the Site was always available from Union Terrace and Clarence Street and this will now be the only entrance to the completed Combined Site for vehicles. The capacity of this access way to accommodate the new uses and any design changes to the road layout will be evaluated during consideration of the planning application; initial

indications suggest that the new use will generate no more traffic movements than the previous use.

Risk Management

- 75. The proposed approach does offer a “commitment risk” risk to the council. However, it is believed that this risk can be appropriately managed and mitigated. All legal agreements are confirmed as “subject to the acquisition of the freehold interest in the Site by ERL from NHS Property Services”, which in itself is subject to the grant of a “satisfactory” planning consent. Accordingly, until the freehold interest in the Site is acquired by ERL the agreements do not come into operation and no “commitment risk” is crystallised.
- 76. Other risks relate to ensuring that the obligations made in the various legal agreements are honoured. These risks have been extensively discussed with the partners and:
 - a. The Development Agreement ensures that the c£1.9m of improvement works planned for the Lawns, the pedestrian & cycle paths and the railings are progressed with new property sales held back, in stages, until each element of work is completed.
 - b. On-going maintenance of the Lawns, pedestrian & cycle paths and the railings is assured via the inclusion of rights that allow the council to step-in and rectify the problem, charging the other party any costs incurred.

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Tracey Carter
 Director of Housing Economy and
 Regeneration

**Report
 Approved**

Yes

Date 26th November
 2021

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Wards Affected: Guildhall and Clifton



For further information please contact the author of the report

Background Papers:

Transfer of Services between Leeds York Partnership FT and Tees, Esk and Wear Valleys NHS FT Reflections, Learning and Assurance Report, 31st March 2016, NHS England.

Bootham Park Hospital, York, Site Development Report, prepared by IBI Group on behalf of City of York Council and York Teaching Hospital NHS Trust, April 2019.

Bootham Park Hospital Railings Condition Survey dated February 2017 and produced by Purcell

Shaping the Future of the Bootham Park Hospital Site, Executive, 21st January 2020.

Annexes

Annex 1a) Plan of the Site showing the Accessway land

Annex 1b) Plan showing the pedestrian & cycle route through the Site

Annex 1c) Plan showing the Lawns area and the Sports Pitches

Annex 1d) Plan showing the Air Quality Monitoring Station and the Helicopter Landing Place

Annex 2 – Details of the Legal Agreements Proposed to be Entered Into

Annex 3 (exempt) - Commercial Terms relating to the entering into Agreements and Leases in order to enable desired uses of the Site

List of Abbreviations and Definitions Used in this Report

1992 Lease = the lease of the Accessway granted on 20th May 1992 for term of 125 years until 20th May 2117

Accessway = the access way to the Combined Site which is shown coloured green on the plan annexed at Annex 1a

Accessway Deed of Easement = a deed of easement granting the District Hospital Trust a right of way over the Accessway in perpetuity

The Agreements = an Agreement for Surrender and Easement; an Agreement for Accessway Lease; and an Agreement for Lawn Leases.

AQMS = Air Quality Monitoring Station

ARCO = Associated Retirement Community Operators

BPH Site = Bootham Park Hospital site

Combined Site = the BPH Site and the District Hospital Trust Site

Deed of Surrender = a deed in which the District Hospital Trust (with the consent of NHSPS/ERL) surrender the 1992 Lease.

District Hospital Trust = York and Scarborough Teaching Hospitals NHS Foundation Trust

District Hospital Trust Site = the land previously occupied by the Bootham Court Nurses' Home

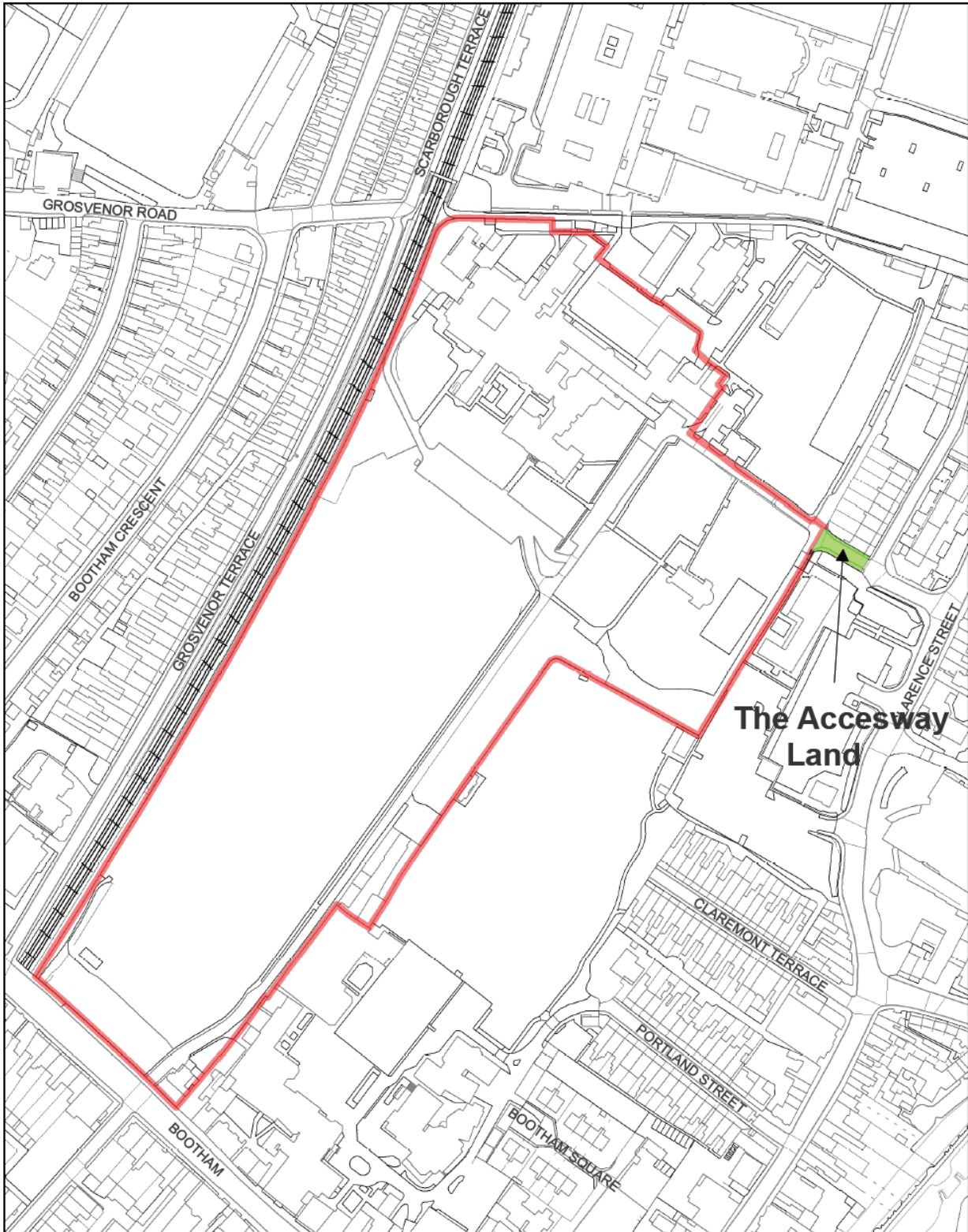
ERL = Enterprise Retirement Living Limited

NHS = National Health Service

NHSPS = NHS Property Services Limited

SDLT = Stamp Duty Land Tax

Annex 1a - Plan of the Site showing the Accessway land.



Bootham Park Site



*Asset & Property
Management*

Scale: 1:2,500

Contains Ordnance Survey data © Crown copyright and database rights 2021

Date: 17 Aug 2021

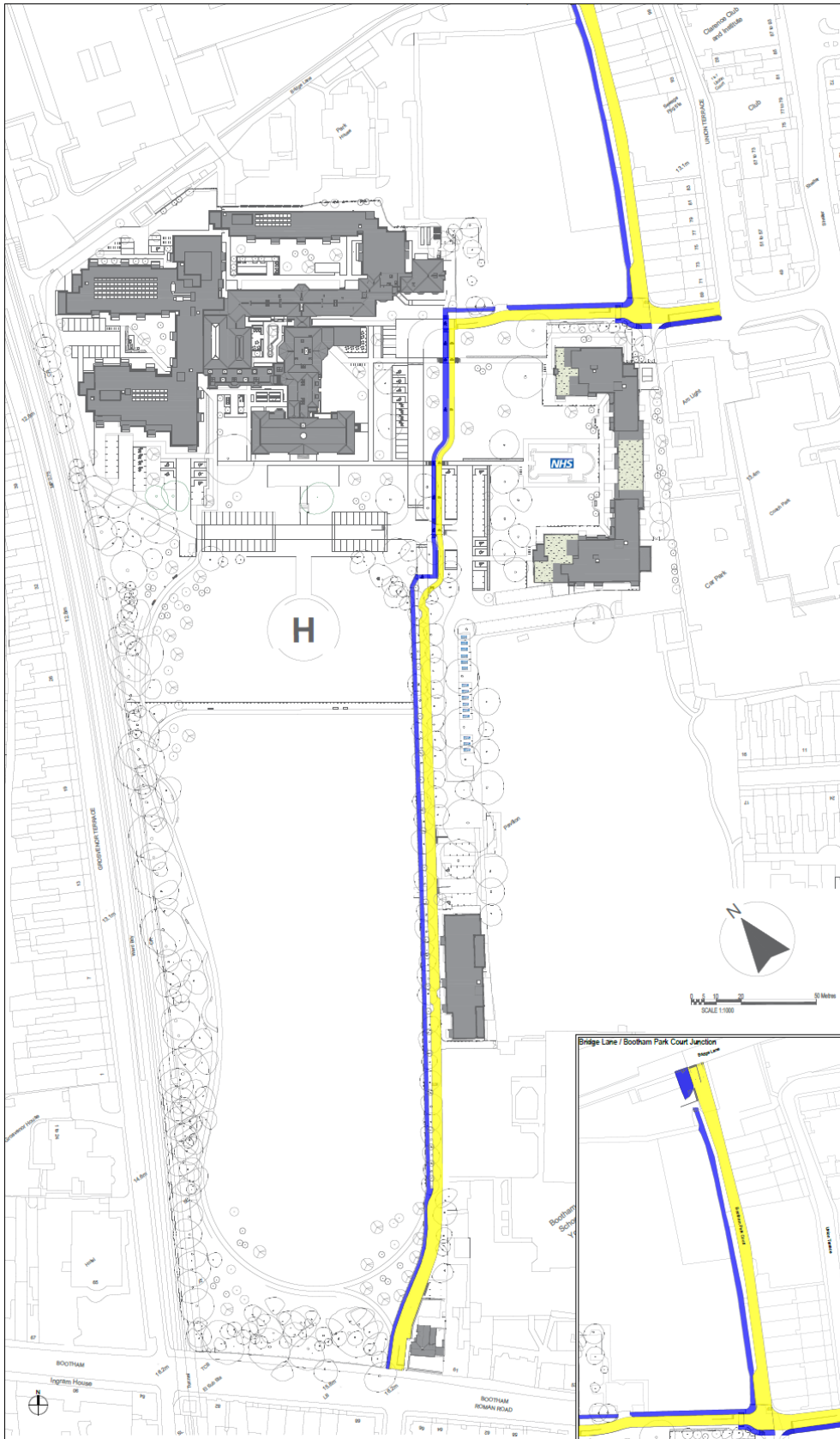
Picture: The Accessway



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Annex 1b - Plan showing the pedestrian & cycle route through the Site

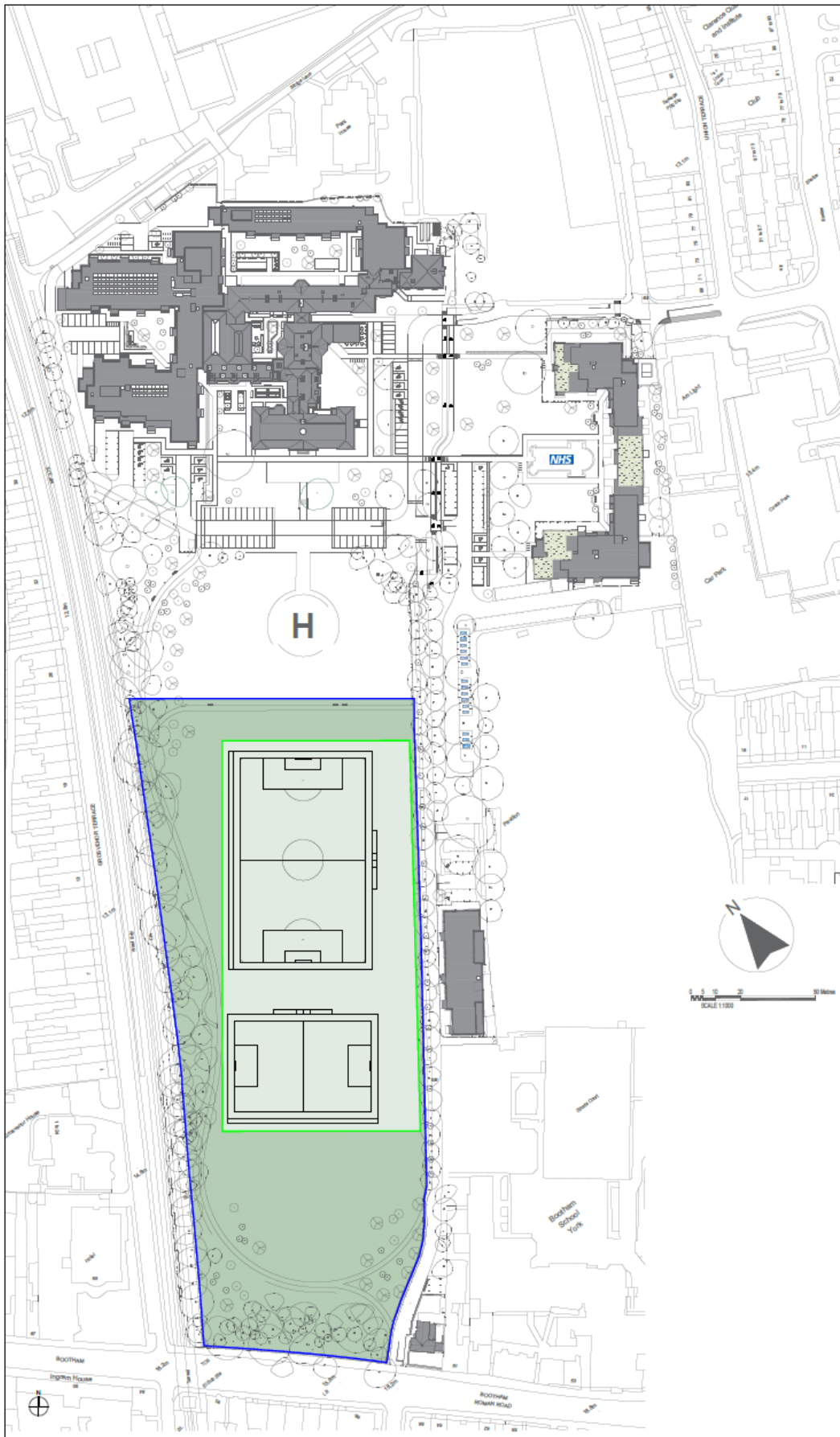
Key = blue = pedestrian route; yellow = cycle route.



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Annex 1c - Plan showing the Lawns area and the Sports Pitches

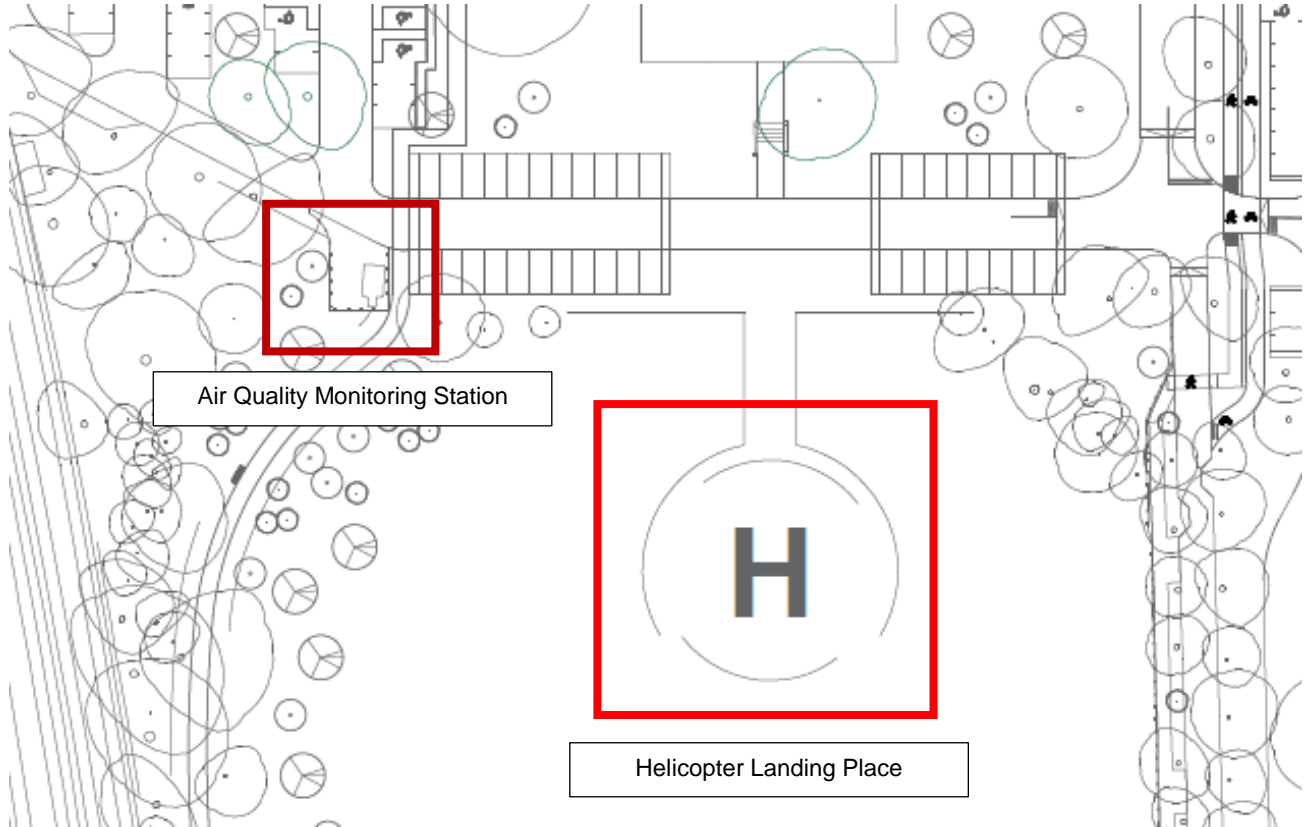
Lawns is area bordered blue; Sports Pitches is area bordered green



Picture: the Lawns



Annex 1d - Plan showing the Air Quality Monitoring Station and the Helicopter Landing Place



Picture: The Air Quality Monitoring Station [note: to be upgraded in 2022]



Picture: the site of the Helicopter Landing Place



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Annex 2 – Details of the Legal Agreements Proposed to be Entered In

It has been agreed that the following legal agreements will be required to formalise the arrangements set out in this report:

1. **A Deed of Release** involving ERL/NHSPS and the District Hospital Trust. ERL/NHSPS will release the benefit of the BPH Site's existing right of way over the Accessway granted by the 2006 Transfer, allowing for improved rights of way over the Accessway to be put in place.
2. **A Deed of Surrender** to be made between City of York Council, ERL/NHSPS and the District Hospital Trust. The District Hospital Trust, with the consent of ERL will surrender its interest in the 1992 Lease, allowing the proposed Accessway Deed of Easement and Accessway Lease to be to be put in place.
3. **The Accessway Deed of Easement** to be made between the council, the District Hospital Trust and ERL. In consideration of £1, the council will grant to the District Hospital Trust (and its successors in title and those authorised by it) a non-exclusive right of way, with or without vehicles over the Accessway at all times and for all purposes to benefit the District Hospital Trust Site, together with rights of step-in to rectify any breach of repairing covenant by ERL. Such rights will be subject to the reservation of rights of way for the public with or without bicycles, scooters, wheelchairs, mobility scooters. Such rights will be granted subject to the ability of the council to enter into the Accessway Lease.
4. **The Accessway Lease.** The council will grant a lease of the Accessway to ERL, in consideration of the payment to the council of a Capital Premium by ERL and the entering into of an Overage Share Agreement (see below). A rent will be payable of £1 per annum (if demanded). The Permitted Use shall be as an access route to serve the BPH Site.
5. **The Bootham Park Hospital Path Agreement** – pursuant to which ERL will grant/confirm to the council for a 999 year term right of access for pedestrians at all times and for all purposes with or without dogs, with/or without mechanical scooters, with/or without prams, with/or without wheelchairs, with or without children on bicycles, with or without mobility scooters, with/or without bicycles (with or without trailers), either electric or non-electric, along the Bootham Park Hospital Pedestrian and Cycle Path (see plan, **Annex 1b**). Pedestrians will be segregated from cycles and vehicles (other than at cross-over points) and for the majority of the route, cyclists will use a dedicated cycle path or a low-traffic shared carriageway.

6. The pedestrian and cycle route may be varied during the Construction Period as agreed between ERL and the council, and at ERL's cost, but at all times must remain open to use.
7. **The District Hospital Trust Path Agreement** pursuant to which the District Hospital Trust will grant/confirm to the council for a 999 year term the right of access for pedestrians at all times and for all purposes with or without dogs, with/or without mechanical scooters, with/or without prams, with/or without wheelchairs, with or without mobility scooters along the part of the District Hospital Trust Pedestrian and Cycle Path identified for use by pedestrians, and for pedestrians with/or without bicycles (with or without trailers), either electric or non-electric, with /or without electric scooters, along the part of the District Hospital Trust Pedestrian and Cycle Path identified for use by cyclists (see plan, **Annex 1b**).
8. The **Lawn Leases** will be structured as follows:
 - a. NHSPS disposes of the freehold to ERL;
 - b. ERL grants a Lease of circa 999 year lease to NHSPS;
 - c. NHSPS grants a circa 999 year lease back to ERL;
 - d. ERL grants a circa 999 year Lease to Bootham School.
9. Immediately after leases are put in place ERL will grant a 999 Lease to the City of York Council from its interest in the Lawn from its freehold reversion. This Lease would be granted subject to and with the benefit of the leases that have already been granted. The use of a lease of the reversion would offer sufficient protection/enforcement rights to the council.
10. The chain of leases demising the Property shown on the Lawns Plan (see Pan, **Annex 1c**) are to be entered into simultaneously, culminating with the Bootham School Sub-Lease. The outcome will be that ERL will carry out "Improvement Works" to the Lawns pursuant to ERL's obligations in the Development Agreement to do the specified Improvement Works. The council will be given a covenants by ERL that ERL will maintain the Lawns and Sports Pitches or will ensure that Bootham School do so.
11. A **Development Agreement** will entered into between the council and ERL detailing ERL's obligations to carry out the Improvement Works to the Lawns, the Pedestrian and Cycle Paths and the Railings and will contain a covenant limiting ERL's ability to dispose of any part of the BPH Site but stepped down incrementally as works are completed, backed up by the placing of a Restriction on ERL's registered freehold title to the BPH Site

prohibiting registration of any disposition of any part thereof without the written consent of CYC.

12. The **Air Quality Monitoring Station (AQMS) Lease**. ERL will grant the AQMS Lease to the council, free of charge for a term of 999 years to enable continued use of the AQMS Site for the purposes of use as an Air Quality Monitoring Station (with an ability for the council to determine the AQMS Lease by serving written notice on ERL (or its successor in title) should the AQMS no longer be required). This will secure the site of the current AQMS (see Plan, **Annex 1d**) which is provided in partnership with the Environment Agency, will provide parking and allow access for maintenance and works by either the council or the Environment Agency, and will secure a metered electricity supply to the site. The Environment Agency will take responsibility for payment for electricity consumed; this is currently paid by the NHS.
13. **The Helipad Deed of Easement** between ERL and the District Hospital Trust which, it is understood, will provide, for a 999 year term, the right for the Air Ambulance to land and take off from the Parkland (see Plan, **Annex 1d**).
14. The **Deed of Overage and Overage Share Agreement**. NHSPS and ERL are to enter into a Deed of Overage by which ERL will be obliged to pay overage (profit share) monies to NHSPS on each occurrence of various trigger events within period of 15 years from date of transfer of the BPH Site (“the Overage Period”). In turn NHSPS will then simultaneously enter into a separate Overage Share Agreement with the council whereby NHSPS will be obliged to pay the council pay a proportion of any and all Overage Payment/s received by NHSPS from ERL under the Deed of Overage (less all reasonable and proper costs incurred by NHS Property Services). The Overage Share Agreement entitles NHSPS to assign its obligations under that document to a third party – if they do so then the assignee (instead of NHSPS) would from that point be the party liable to pay the ‘York Proportion’ to the council.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Executive**9 December 2021**

Report of the Corporate Director of Place
Portfolio of the Executive Member for Economy & Strategic Planning and the
Executive Member for Housing & Safer Neighbourhoods

City of York Planning Policy Housing Delivery Action Plan (HDAP)**Summary**

1. This Planning Policy 'Housing Delivery Action Plan' (HDAP) (Annex A) has been prepared in response to the Government's introduction of the Housing Delivery Test (HDT) in November 2018. The HDT is a measure of how many new homes have been delivered within the Local Planning Authority (LPA) area over the past three years against how many homes should have been delivered. The result is expressed as a percentage.
2. The result dictates the actions or measures the LPA is either required to undertake or the penalties it faces, as stated in the National Planning Policy Framework (NPPF) 2021. This is as follows:
 - 95% = A pass
 - Between 85% to 95% = An action plan needs to be prepared to assess why the council under delivered and to remedy it.
 - Between 75% and 85% = Council need to identify a buffer of 20% more land (on top of their five-year housing land supply calculation) as well as developing an action plan.
3. The HDT result for the City of York for 2020 identifies that the council has delivered 83.7% of the Government's net housing requirement for York. As a consequence of not delivering 95% of the housing requirement, an action plan (the HDAP) must be prepared and published.
4. This HDAP is the council's first, and has been prepared with input from key stakeholders from across the council. It presents the context of York's housing market and recognises where the council is already successfully helping to improve housing delivery. It also outlines a range

of measures to continue to support housing delivery such as continued support for the council's Housing Delivery Programme (HDP), working with local stakeholders such as housing associations and developers to maximise delivery in accordance with the emerging Local Plan and confirming the process for selling small self-build sites, as well as supporting community-led development. Opportunities are also being developed to deliver new homes through refurbishing, repurposing and improving existing buildings. The HDAP will be embedded in the work of the council across all teams.

5. The Planning Policy Housing Delivery Action Plan articulates the work already underway in the council to support delivery of housing. The 'Action Plan' seeks to enhance those streams of work and to further embed them across all relevant teams. It should be noted that the Action Plan is necessarily limited to the areas of work the council has the ability to influence.
6. The Council's proactive approach is in line with our Council Plan priority to create homes and world-class infrastructure. As part of this, the council's Housing Delivery Programme (HDP) is making a significant contribution to the city's housing stock as well as leading the way in terms raising housing standards and developing local construction supply chains. The HDP has successfully:
 - progressed construction and sales at Lowfield Green;
 - secured planning permission at Burnholme and Duncombe Barracks and tendered the projects
 - Progressed provision of affordable homes through the second hand shared ownership programme;
 - Obtained grant funding to provide more affordable homes through the Rough Sleeping Accommodation Programme;
 - Obtained grant funding to support the Ordnance Lane project and our community and self-build housing ambitions;
 - Prepared a planning application and financial business case for the site at the Ordnance Lane and Hospital Fields Road site;
 - Commenced design and viability work at York Central; and
 - Commenced public engagement, design and business case development work at Willow House and the South Walmgate Estate

Recommendations

7. The Executive is asked to:

- 1) Approve the Housing Delivery Action Plan and support the implementation of the Plan across corporate teams.

Reason: To ensure that the council complies with its duties as set out within the NPPF and PPG (setting out appropriate actions for the council to consider and explore in the short, medium and long term in an attempt to increase housing supply and delivery), and to fulfil the council's approach for 'creating homes and world-class infrastructure' within the Council Plan (2019 – 2023).

- 2) Delegate authority to the Executive Member for Strategic Planning and Economy for sign off of the publication version of the HDAP

Reason: To agree presentation of the publication version of the HDAP

Background

8. Housing delivery is of critical importance both nationally and locally. Nationally the Ministry for Housing, Communities and Local Government (MHCLG) has established a target to deliver 300,000 net additional homes annually.
9. MHCLG have developed the standard methodology to establish LPA's housing need or requirement and embedded this in the 2018 NPPF and its subsequent iterations, alongside the HDT. This methodology was adopted by MHCLG to clarify the methodology of arriving at a LPA's housing requirement.
10. The standard methodology supersedes the methodology used for establishing a local housing requirement established in the 2012 NPPF. Consequently, the minimum housing requirement in the emerging Local Plan is different to the housing requirement established by the HDT as the emerging Local Plan is being examined under transitional arrangements. This means it is being assessed against the 2012 NPPF.
11. The HDT Measure, published by MHCLG, in January 2021 specifies a higher housing requirement for the City of York of 2877 over the three years, 2017/18 to 2019/20. The emerging Local Plan establishes a minimum target of 822 net additional homes annually or 2466 over 3

years. This local plan target is based on an objectively assessed housing requirement of 790pa¹ and a backlog total of 32pa between 2012-2017. The breakdown of housing requirement against delivery can be seen in Table 1.

Table 1. City of York Housing Delivery Requirements and Completions (including Emerging Local Plan targets)	2017/18	2018/19	2019/20	Total
HDT Local Housing Requirement	832	1066	979	2877
HDT Net Completions	1331	451	627	2409
Emerging Local Plan Requirement	822	822	822	2466

12. Against the HDT, the council has achieved delivery of 83.7%. Against the emerging Local Plan requirement, the council has achieved delivery of 97.7%.
13. As stated in paragraph 2, as a consequence of not delivering 95% of the housing requirement, the HDAP is necessary.
14. National Guidance outlines that a HDAP should consider the root causes of under delivery and identify the actions that the respective authorities will undertake to help increase housing delivery in future years. The scope and nature of an action plan is not fully prescribed by national policy or guidance. The approach taken must relate to local circumstances and needs.

Consultation

15. The HDAP has been consulted on with colleagues across the council namely: Planning and Development Services, Transport, Highways and Environment, Housing, Economy and Regeneration, Asset Management, Housing Strategy and Policy, and Housing Standards and Adaptations.
16. As stated in the section 6 of the HDAP, the document will be used as a consultation tool with external stakeholders such landowners, developers, agents, neighbouring authorities and other external stakeholders as appropriate.

¹ See Housing Need Update (2020) prepared by GL Hearn. Local Plan document ref EXCYC43a.

Options

17. Option 1 - A do nothing approach to writing a HDAP.
18. Option 2 - The positive preparation and adoption of the HDAP.

Analysis

19. Option 1 would result in the council not complying with the National Planning Policy Framework and PPG and the 'Council Plan 2019 to 2023', both of which take a positive approach to delivering housing in accordance with local need.
20. A do nothing approach also risks undermining the council's positive approach to housing and planning, both development management and planning policy.
21. Option 2 is an opportunity to ensure that the council complies with its duties under the NPPF and in line with Planning Practice Guidance (PPG), whilst also reasserting the council's positive stance to delivering housing according to local need and supports the council's case in planning appeals and the forthcoming emerging Local Plan examination.
22. Further, option 2 builds on the housing monitoring work the council already undertakes annually and requires that the council reflect further on the monitoring work to identify both the challenges and opportunities for maximising housing delivery. The opportunities are then formulated into an action plan.
23. The preparation and adoption of the HDAP also has the advantage of further focusing discussion across the council to appropriately resource and coordinate with colleagues to realise the action plan.

Council Plan

24. The HDAP directly supports the achievement of one of the Council Plan 2019-2023 outcomes areas, Creating homes and world-class infrastructure and indirectly supports the other seven outcome areas.
25. As stated in the Council Plan "The delivery of higher levels of market and affordable housing through the Local Plan, combined with the council's own ambitious Housing Delivery Programme and support for community-

led housing, will begin to provide more affordable housing options for York's residents."

Implications

- The Housing Delivery Action Plan as presented in this report can be delivered within currently approved budgets. The council historically has received funding from New Homes Bonus from the delivery of new housing units however the government is considering the future of such funding going forward.
- There are no human resources (HR) implications. Resourcing within the Forward Planning team is under review. Should HR implications arise from work undertaken to implement the Planning Policy HDAP, these will be reported as appropriate.
- All work proposed will be undertaken in line with the one planet council objectives. An equalities impact assessment (EIA) has been undertaken and is attached at Annex E. The EIA has identified that the Action Plan is likely to have a positive effect on social considerations through the continued positive support and provision of housing delivery.
- Legal Implications - The Housing Delivery Test has been introduced by Government through changes to the National Planning Policy Framework and associated Planning Practice Guidance. All Local Planning Authorities are subject to this relatively new annual test and the requirements/penalties then placed upon each authority as dictated by the result. The council could decide not to comply with the NPPF and PPG. However, this would make examination of the emerging Local Plan, any challenges to housing delivery, and any challenges to the five-year housing land supply position very difficult. The test is relatively new; the thresholds are high and the penalties (higher land supply target and the possibility of the Local Plan policies relating to housing supply carrying less/limited weight in the decision-making process as the 'presumption in favour of sustainable development' is engaged.)

If the council does not provide a framework for greater delivery through the HDAP for enough homes to come forward this could be a material factor in decision making if the 'presumption in favour of sustainable development' as set out in the NPPF is engaged. This could potentially lead to far more housing than is actually required

and that development could be built in locations which are seen as less desirable than those identified within the emerging Local Plan, as either specific housing allocations or as indicated by a settlement's development boundary for example.

- There are no crime and disorder implications.
- There are no information technology (IT) implications.
- There are no property implications. Should property implications arise from work undertaken to implement the Planning Policy HDAP, these will be reported as appropriate.

Risk Management

There are no direct risks inherent in approving the HDAP. The HDAP is designed to mitigate the risk against being in a position where the 'presumption in favour of sustainable development' is engaged and therefore the housing supply policies in the council's emerging Local Plan carry less/limited weight, so that development could take place in less desirable locations. It needs to be recognised that the HDAP and its actions whilst they will mitigate the risk, they will not eliminate the risk as many of the factors involved are outside the control of the council. This ranges from a site owner's desire/priorities in building out, how much a land owner is financially asking for their site, right through to the wider political and financial climates of which the housing development industry operates.

26. Risks associated with not positively preparing a HDAP are stated in paragraph 18/19. Ultimately these risk the sustainable development and spatial strategy put forward for York in the emerging Local Plan and consequently both the Green Belt and protections centred on protecting the historic fabric of York.
27. The publishing and Member endorsement of the Action Plan reduces risk against challenge to housing delivery and may be used as a material consideration in future decision-making. In advance of the adoption of York's Local Plan (likely late 2022/early 2023), lack of an action plan presents an opportunity for continued challenge against the Council's approach, particularly in the short-term related to the five year housing land supply.

28. Where the council does not demonstrate meeting 85% of the housing delivery test requirement, the council is asked to also demonstrate a 20% uplift in housing delivery against the housing delivery test requirement. The council is not currently able to identify a five year housing land supply against the Government's requirement, with the appropriate buffer (20%) and as such planning permission may be granted in accordance with the presumption in favour of sustainable development in the NPPF paragraph 11d as follows:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. 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.”

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Background Papers:

EXCYC_16_SHLAA_Figure 6: Detailed Housing Trajectory Updated
EX CYC 43a_ Housing Needs Update September 2020
Annual Housing Monitoring Updates

Annexes

Annex A: City of York Planning Policy Housing Delivery Action Plan,
November 2021
Annex B: HDAP Historic Housing Completions Data Annex B
Annex C: HDAP Creating homes and world-class infrastructure KPIs
Annex D: HDAP Analysis of Responses to 2020 Request for Housing
Delivery Estimates
Annex E: Equalities Impact Assessment

List of Abbreviations Used in this Report

HDAP - Housing Delivery Action Plan
HDP - Housing Delivery Programme
HDT - Housing Delivery Test
LPA - Local Planning Authority
MHCLG - Ministry for Housing, Communities and Local Government
PPG – Planning Practice Guidance
NPPF - National Planning Policy Framework

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Annex A:

**City of York
Planning Policy Housing Delivery Action Plan**

November 2021

1) Introduction

- 1.1 This document, the City of York Planning Policy Housing Delivery Action Plan (HDAP), has been prepared by the council in response to the Government's introduction of the Housing Delivery Test (HDT) in November 2018.
- 1.2 The HDT for the City of York identifies that the council has delivered 83.7% of the net housing requirement (need). The net housing requirement figure is not the housing figure in the emerging Local Plan, but a figure arrived at by the Government's application of the 'standard methodology' introduced in the 2018 National Planning Policy Framework (NPPF).
- 1.3 As a consequence of not delivering 95% of the housing requirement, an action plan (this document) is necessary.
- 1.4 As a consequence of not delivering 85% of the housing requirement, the council will also need to apply a 20% buffer on its five year housing land supply. This is applied as a default to the council's five housing land supply.
- 1.5 This document is the council's first Planning Policy HDAP and has been prepared with input from key stakeholders from across the council. The Action Plan will be embedded in the work of the council across all relevant teams. It should be noted that the Action Plan is necessarily limited to the areas of work the council has the ability to influence.
- 1.6 Section 7 of this report, the Action Plan, provides a proportionate approach to working towards increasing housing completions in the City of York Area. It does not advocate a fundamental shift as the degree to which the council have not delivered against this newly introduced HDT target needs to be considered in light of the data and trends within this report and its annexes which show that between 2011/12 and 2020/21 housing completions in York have shown a steady increase. As such the approach that has been taken seeks to accentuate the existing work of the authority to increase housing delivery to meet local need.
- 1.7 The City of York Council will update the HDAP annually following the publication of the HDT data and will review implementation of actions and amend the plan as necessary. This will provide insight into the approach the council have taken in the Action Plan.
- 1.8 A HDAP should consider the root causes of under delivery and identify the actions that the respective authorities will undertake to help increase housing delivery in future years. The scope and nature of an action plan is not fully prescribed by national policy or guidance. The approach taken must relate to local circumstances and needs. To this end, this document reflects best practice and discusses the following:

- What is the Housing Delivery Test?
- What does the Housing Delivery Test mean for the City of York?
- The council's approach to housing delivery
- An overview of historic delivery in the City
- Understanding the key issues and barriers
- The Action Plan

1.9 Evidence base used to inform this work includes:

- Annual Housing Monitoring Updates¹.
- Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update April 2021² (EX CYC 56)
- Housing Needs Update September 2020 (EX CYC 43a)

2) What is the Housing Delivery Test?

2.1 The aim of the HDT is to encourage local planning authorities to boost housing supply and is a means of monitoring housing delivery locally. This is achieved through measuring the net additional supply of new homes against the homes required. Performance results of each Local Planning Authority (LPA) in England are due to be published in November each year.

2.2 The methodology for calculating the HDT measurement is set out in the Housing Delivery Test Measurement Rule Book³. This rule book uses the 'standard method' formula to identify the net housing requirement. This addresses projected household growth and historic under-supply. The HDT includes adjustments for student and other communal accommodation⁴.

2.3 The HDT then uses a percentage measurement to compare the number of net new homes delivered over the previous three years against the authority's net housing requirement.

2.4 The Ministry of Housing, Communities and Local Government (MHCLG) publishes the HDT result for each local planning authority in England annually in November, or as soon as possible thereafter.

¹ Available here: <https://www.york.gov.uk/downloads/download/819/annual-monitoring-reports>

² Available here: <https://www.york.gov.uk/downloads/file/6530/ex-cyc-56-shlaa-update-april-2021->

³ <https://www.gov.uk/government/publications/housing-delivery-test-2019-measurement>

⁴ This is calculated by MHCLG using two nationally set ratios based on England Census data and informed by the Authority's Housing Flows Reconciliation (HFR) return.

- 2.5 It should be noted that the Government's most recent HDT results have reduced councils' housing requirement figures following a 'Covid-19 adjustment' that reflects the "*temporary disruption caused by the first national lockdown*" in March 2020.
- 2.6 The housing requirement (or need) of Local Authorities is taken from the HDT Measurement Rule Book and is applied as follows:
- the lower of either an up-to-date local plan housing target (adopted within the last five years);
 - or, local housing need calculated using household projections for the last three years and the standardised objectively assessed housing (OAN) need methodology for years from 2018/19 (plus neighbours' unmet need where relevant).
- 2.7 The HDT requires that local planning authorities meet their housing need across the previous three year period based on the housing requirement released by the Government. Depending on the level of housing delivery achieved, the following actions apply in accordance with the 2021 NPPF:
- the authority should publish an action plan if housing delivery falls below 95%;
 - a 20% buffer on the LPA's five year land supply if housing delivery falls below 85%; and
 - application of the presumption in favour of sustainable development if housing delivery falls below 75%, subject to the transitional arrangements set out in paragraph 11d of the NPPF.

3) What does the Housing Delivery Test mean for the City of York?

- 3.1 In advance of an adopted Local Plan, the housing requirement for the council is not the housing target within the emerging local plan but a housing requirement target established using the Government's standard methodology referenced in paragraph 2.2
- 3.2 Additionally, the City of York does not have a requirement to deliver the unmet housing need of surrounding Local Authorities in accordance with the Duty to Cooperate (DtC) as neighbouring authorities identified a general consensus that York will meet its own objectively assessed need (OAN).
- 3.3 The Housing Delivery Test Measure, published in January 2021 establishes the below housing requirement figures. Please see the breakdown of requirement against delivery in Table 1.

Table 1. City of York Housing Delivery Requirements and Completions (including Emerging Local Plan targets)	2017/18	2018/19	2019/20	Total
HDT Local Housing Requirement	832	1066	979	2877
HDT Net Completions	1331	451	627	2409
Emerging Local Plan Requirement	822	822	822	2466

3.4 Table 1 identifies that the City of York has achieved delivery of **83.7%** against the HDT housing requirement. In comparison against the emerging local plan requirement of 822dpa, the council has achieved delivery of 97.7%. In the scenario where the emerging Local Plan was adopted the council would therefore be very close to achieving the housing requirement.

HDT vs York's emerging Local Plan

3.5 In accordance with Annex 1 of the NPPF (2021), the City of York Local Plan is being examined under transitional arrangements following its submission in May 2018. This means it is being assessed against the 2012 NPPF. The methodology for establishing the council's emerging local plan requirement can be seen in the City of York Housing Need Update, January 2019⁵ and the Housing Need Update, September 2020⁶.

3.6 The City of York Council's emerging Local Plan seeks to deliver a minimum annual average of 822 net new homes per year over the Plan period (2017/18 to 2032/33⁷). This equates to 13,152 net new homes over the plan period and are anticipating. Additionally, the plan seeks to ensure that Green Belt will endure beyond the plan period for a minimum of 5 years. On this basis, the Council also project forward the objectively assessed housing requirement (790dpa) for a further 5 years equating to an additional 3950 net new homes or an overall requirement of 17,102 net new homes between 2017-2038.

3.7 The emerging City of York Local Plan intends to deliver homes beyond the minimum requirements based on need outlined above to ensure the holistic masterplanning of sustainable communities and to negate the need to identify safeguarded land. The housing trajectory within the SHLAA⁸ (Base Date 1st April 2020) identifies supply capacity of over 17,000 homes over the plan period (2017-2033). However, the plan seeks to deliver over 20,000 new homes in

⁵ Available here: [EX/CYC/9](#)

⁶ Available here: [EX/CYC/43a](#)

⁷ Based on an objectively assessed housing requirement of 790pa and a backlog total of 32pa between 2012-2017.

⁸ Available SHLAA (2018): [EX/CYC/56](#)

total over the plan period and a supplementary five years to ensure green belt permanence (2017 – 2038).

- 3.8 Included in these figures is the council's aim to deliver up to 4,000 affordable homes through the application of Local Plan affordable housing policy, the council's Housing Delivery Programme and commuted sums.
- 3.9 The HDT therefore raises the annual target for net housing delivery beyond what the council have been planning and preparing for. Greater clarity on the council's housing requirement in the forthcoming years will be established through the Local Plan examination and eventual adoption of the Local Plan.
- 3.10 There are no direct implications of not adhering to the Planning Policy HDAP. The indirect risk of not meeting housing requirement figures (within the HDT until the point at which the Local Plan is adopted) is that increasingly the protection afforded to the green belt and the historic fabric will be challenged in planning applications via 'special circumstances' due to increasing housing need.

4) The council's existing approach to housing delivery

- 4.1 The council's approach to housing delivery is embedded in the City of York Council Plan (2019-2023) establishes eight key outcomes (seven of which will improve the quality of life for all residents, and one will enhance the way the council works):
- good health and wellbeing
 - well paid jobs and an inclusive economy
 - getting around sustainably
 - a better start for children and young people
 - a greener and cleaner city
 - **creating homes and world-class infrastructure**
 - safe communities and culture for all
 - an open and effective council.
- 4.2 A series of key performance indicators (KPI's) monitor how the Council are progressing towards these outcomes. Details of the KPI's selected to monitor performance in 'creating homes and world class infrastructure' can be seen in Appendix 2 along with details of the actions the council are going to carry out over the Plan period.
- 4.3 Progressing the emerging Local Plan through to adoption is the council's key driver for ensuring housing delivery that meets local needs and is supported by relevant infrastructure. The emerging Local Plan is a key document not just in

the planning department, but across the council, setting the regulatory baseline for spatial development across the city.

- 4.4 As identified in the paragraph 3.3 to 3.7, the emerging Local Plan and its evidence base, the SHLAA, Housing Need Assessment and housing trajectory, identify a pipeline of sustainable and deliverable housing in line with the city's strategic objectives and inherent character and environment through the plan period and beyond.
- 4.5 The housing trajectory identifies that this will be achieved through delivery from the below sources whilst also allowing for a 10% non-implementation rate.
- Housing Allocations above 5 hectares (ST sites);
 - Housing Allocations between 0.2 and 5 hectares (H sites);
 - From Non Allocated Unimplemented Consents;
 - Communal Establishments/Student Accommodation;
 - Windfall Allowance.
- 4.6 The City of York Housing Delivery Programme (HDP) commits to developing over 600 new homes over the next 5 years on 8 council owned sites as part of the HDP. As part of this programme, the council has committed to a minimum of 40% affordable homes on these sites. Eight sites were originally identified to deliver this ambition, however over time new opportunities are being explored for sites both within and outside of the programme.
- 4.7 The HDP operates on a cross subsidy model whereby the market sale homes on each site help to fund the development costs of the affordable homes. This way the programme is financially sustainable in the long term, allowing the council to develop a second phase of the HDP beyond the initial 8 sites identified. It is anticipated that additional windfall sites will be identified to support this ambition.
- 4.8 The HDP also aims to provide new and flexible opportunities for housing delivery including self and community builds, the strategic disposal of land, and through the second hand shared ownership programme.
- 4.9 The council maintain a register of previously developed ('Brownfield') land in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017⁹. Sites within Part 1 of the Register are either draft allocations within the new Local Plan or have the benefit of planning permission subject to meeting the required threshold (i.e. has an area of at least 0.2 hectares or is capable of supporting at least 5 dwellings).

⁹ The Register, which is accompanied by an interactive map can be viewed on the following page and is updated annually: <https://www.york.gov.uk/BrownfieldRegister>

- 4.10 At this time, no sites will be deemed as having ‘permission in principle’, however after the examination of the emerging Local Plan work could be conducted to consider moving sites into Part 2 of the Register.
- 4.11 It is recognised that York shares a housing market area with Selby District Council and links strongly to neighbouring districts. Work with neighbouring authorities under the Duty to Cooperate establishes that there is no requirement for the City of York to allow for greater housing provision within its area due to unmet provision in the wider area; It is accepted that each authority will meet it’s own identified housing need.
- 4.12 Given the commitment to housing delivery, data is gathered on a regular basis to inform the council’s Key Performance Indicators (KPIs) and evolve the council’s approach as well as to update regional monitoring reports and MHCLG’s Housing Flows Reconciliation (HFR) returns.
- 4.13 Six monthly updates of the council’s housing performance are captured in monitoring reports. These monitoring reports are available on the council’s website¹⁰. The information provided within these reports is the result of compiling data from a number of sources comprising:
- Results from 6 monthly site visits to verify the number of housing completions which have been carried out on each consented housing site,
 - Analysis of monthly Building Control completions returns that provide information of both City of York Council and private building inspection records,
 - Regular contact with developers/applicants for each site with consent for over 10 dwellings, communal establishments and university managed students accommodation providing additional bed spaces to accurately monitor completions and to estimate the likely level of completions over the term of the build programme, and
 - Monitoring of extant consents, new permissions, developments allowed on appeal and the inclusion of development through certificates of lawful development previously not included within housing returns.
- 4.14 City of York Council’s affordable housing performance is monitored by our Housing Team with annual updates provided online¹¹. Analysis of the future affordable housing supply through an assessment of consented schemes, projects within the Housing Delivery Programme and potential from draft

¹⁰ The latest versions can be accessed using the link below:

<https://www.york.gov.uk/downloads/download/819/annual-monitoring-reports>

¹¹ These can be viewed using the link below: <https://www.york.gov.uk/housing/affordable-housing-completions/1>

housing allocations indicates that up to a further 4,000 homes can be provided over the Plan period.

- 4.15 Data collection and information gathering exercises are refined regularly to improve the quality of our understanding on delivery. Refinements are developed based on key learning from the data and on the basis updated planning policy. A key example of this is a recent piece of work undertaken to *'make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites'* in line with National Planning Policy Framework 2019 (paragraph 72 (d)).
- 4.16 To provide a robust insight into delivery assumptions, officers contacted all agents/applicants/ developers involved in residential sites with consent for 10 or more homes including student and communal accommodation in the City of York Local Authority area. Included within the request for information was a request to highlight potential issues that influence delivery and lead in times to development and to share any problems or barriers in taking forward the scheme. Whilst these requests have been made during two waves of the covid-19 pandemic, to date we have experienced around a 95% response rate to these requests. See analysis from these pieces of work in Appendix 3.
- 4.17 This information, like all information gathered, is fed into the council's Local Plan evidence base.

5) An overview of historic delivery in the City

Historic Data

- 5.1 A detailed overview of the council's housing performance over a ten year period between 2011 and 2021 can be found in Appendix 1. It should be noted that the records provided in Appendix 1 do not include development resulting from student and communal accommodation schemes as prior to 2016/17 Housing Flow Reconciliation (HFR) returns these did not include these figures as a result of a reporting inaccuracy that has now been reconciled.
- 5.2 A ten year timescale has been deemed appropriate to apply as it represents a significant market cycle over which time trend analysis is meaningful in determining the achievements of actions within our housing market. A shorter monitoring period may well magnify short term trends whilst a longer period may even out fluctuations to the point where market signals are missed.
- 5.3 This historic housing completion data shows a steady increase in housing completions with new build homes providing a significant majority of these completions (74%). Change of use, including prior approvals, accounted for 24.5%. With the prior approval regime being updated on a regular basis, the source of new residential dwellings via this route may not come from the same

source however there are still multiple avenues for housing completions via prior approval.

- 5.4 Over 80% of new build housing completions are taking place on brownfield sites in accordance with the council's policy of prioritising brownfield sites over greenfield locations where possible. As large brownfield sites become developed and as greenfield sites have been identified as draft allocations in the Local Plan to meet identified need, if/when these become adopted sites the proportion of development on greenfield sites is likely to increase over future years.
- 5.5 The trend for net housing consents also shows a considerable increase with the average consents at the end of the period more than quadrupling that at the beginning of the period. Figures show four consecutive years of more than 1,100 net approvals between 2017/18 and 2020/21.
- 5.6 At 1st April 2021 a total of 7,811 net additional homes had not implemented consent. This indicates a healthy level of provision to be confident of sustained housing growth in future years even whilst acknowledging analysis of historic consents and responses from the council's housing implementation survey suggests that around 10% of all consents will not be implemented¹². Due to 86.6% of all net unimplemented consents being on brownfield sites that tend to require remediation and potential infrastructure delays this indicates a phased future housing supply rather than an immediate increase to housing completions.
- 5.7 During the last 10 years housing supply from net windfall sites, by far the largest proportion derives from conversions/change of use and from very small windfalls (sites below 0.2ha)¹³. This is anticipated to be a source of housing completions into the future as reflected by the council's housing trajectory as these completions arise from sources that the Local Plan does not identify.
- 5.8 Trends identify a decreasing number of windfall sites above 0.2 hectares in 2018/19 onwards aligning with the identification of sites through the SHLAA site allocations in the emerging City of York Local Plan.
- 5.9 Between 2012 and 2016/17, at least 1,544 bed spaces of student accommodation provided by the University of York were completed. This data was not included in our returns and is not included in the housing trajectory. However, this equates to 618 additional homes when applying the appropriate ONS ratio. The approach to allowing the inclusion of student accommodation is set out in DCLG's "Definition of "General Housing Terms" in November 2012¹⁴ which states that "purpose-built (separate) homes (eg self-contained flats

¹² See paragraphs 6.2 to 6.4 of the SHLAA Housing Supply and Trajectory Update April 2021.

¹³ See paragraph 3.41 of Annex 4 of the SHLAA, available here: [EX/CYC/56](#)

¹⁴ <https://www.gov.uk/definitions-of-general-housing-terms> which states

clustered into units with 4 to 6 bedrooms for students) should be included. Each self-contained unit should be counted as a dwelling”.

5.10 Appendix 1 also provides details on completions in 2020/21 (1st April 2020 – 31st March 2021). Data highlights the following:

- Housing completions are taking place across small (<10 dwellings), medium (10-49 dwellings), large (>50 dwelling) sites on both greenfield and brownfield land with 56.6% of homes taking place on large sites.
- 51% of all net housing completions took place within the city centre and its extensions during 2020/21. A further 19.3% of homes were provided in the urban area, whilst 17.2% were completed in the sub-urban area and 12.5% were in rural or village locations. In each area of the authority new build properties formed the largest proportion of all net additional completions.
- A net total of 1,133 new homes were approved, the largest proportion of which was for new build properties (93.4%). Notable housing schemes approved during the monitoring year were through draft housing allocation H1a & b: Former Gas Works, Heworth Green (607), the Castle Mills Car Park site in Piccadilly (106) and Vacant Land on Eboracum Way (62) whilst 233 student cluster flats were approved at Frederick House, Fulford Road all of which were new build schemes.
- The largest contributor to the overall consented homes was new build schemes approved in the city centre and its extensions. The 814 net homes approved in this location made up almost 72% of all net approvals granted in the authority area. New homes planned at The Former Gas Works, Heworth Green (607), the Castle Mills Car Park site in Piccadilly (106) making up the largest part of this total.
- Sites with a capacity of more than 50 new homes made up the greatest number of net homes approved in the authority area and this was reflected in both the City Centre and Urban locations. However, approvals on small sites of less than 10 homes in both sub-urban and rural/village locations made up almost all of the consented development.
- At 1st April 2021, of the 7,811 net housing approvals 7,179 (91.9%) were on sites with a capacity of greater than 50 new homes.

Determination of Planning Applications

5.11 City of York Council’s performance over the previous 3 years has exceeded the national target for determination of applications within the statutory timeframe for major and minor applications as shown in the table below:

Table 2: Determination of major and minor applications against statutory timeframes

Year	Majors	Minors
National Target	80%	70%
2018-19	92.50%	81.00%
2019-20	96.60%	89.10%
2020-21	98.30%	89.40%

5.12 Further analysis of performance reveals that an approval rate of almost 86% has been achieved when determining both major and minor applications over the last 3 monitoring years.

Table 3: Major application grant and refusal rates.

Year	Granted		Refused	
	Number	%	Number	%
2018-19	43	89.60%	5	10.40%
2019-20	38	100.00%	0	0.00%
2020-21	46	92.00%	4	8.00%
Overall	127	93.38%	9	6.62%

Table 4: Minor application grant and refusal rates.

Year	Granted		Refused	
	Number	%	Number	%
2018-19	282	84.20%	53	15.80%
2019-20	238	83.80%	46	16.20%
2020-21	214	85.90%	35	14.10%
Overall	734	84.56%	134	15.44%

6) Understanding the key issues and barriers

6.1 The council have gathered evidence from a wide range of sources including planning appeals and views from colleagues and key stakeholders involved in the planning and housing delivery process in order to understand the potential influencing issues and barriers associated with housing delivery in York. This information has been considered alongside direct knowledge of local sites, land and development capacity through working. The identified key issues and barriers are below:

- a. The planning process
- b. Economic Drivers
- c. Resources and Capacity
- d. Physical and Environmental Constraints
- e. Other

6.2 Many of the issues and key barriers are well documented, with some of them intrinsic to the physical character of the City of York area and some of the emerging from central government's economic policies. The council's ability to influence each of the barriers ranges but it is noted that each barrier requires a multitude of steps and stakeholders to come together to achieve the agreed aim.

a) The planning process

6.3 **Adopting a Local Plan and defining of the Green Belt boundaries.** Plan preparation is demonstrably slower in Green Belt areas than elsewhere¹⁵. The City of York do not have an up to date Local Plan and is tasked with defining the detailed Green Belt boundaries in the authority, which endures beyond the 15 year plan period and enables development needs to be met.. The Council are seeking to secure these boundaries via the forthcoming examination of the emerging Local Plan. Examination of the plan is currently ongoing¹⁶ with next stages due to take place in late 2021/ early 22.

6.4 **Determining planning applications in the absence of an up to date Local Plan and confirmed Green Belt boundaries.** City of York have saved from the Yorkshire and Humber Regional Spatial Strategy (RSS) (2008) (YH9(C) and Y1 (C1 and C2)) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. These policies set the general extent of York's Green Belt to approximately 6 miles from the city centre. In line with the decision of the Court in *Wedgewood v City of York Council* Judgment, and in advance of the adoption of a Local Plan, decisions

¹⁵ Lichfields (April 2017): Planned and Deliver – Local Plan making under the NPPF:

https://lichfields.uk/media/3000/cl15281-local-plans-review-insight_mar-2017_screen.pdf

¹⁶ See <https://www.york.gov.uk/planning-policy/new-local-plan-examination/1>

on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (DCLP), the emerging Local Plan (2018), insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

- 6.5 Twelve of the identified draft housing allocation sites are identified to be with the general extent of York's Green Belt equating to 7,773 dwellings. In advance of the adoption of the plan, each of these sites would need to be judged in line with the above requirements and that very special circumstances can be demonstrated in line with NPPF's requirement for development in green belt locations. As a result, many of the sites are being held by the developers until boundaries to the green belt are approved by the inspectors and are working with the Council to progress technical aspects of their sites to progress post adoption.
- 6.6 **Delivering supporting infrastructure.** Over 12,000 new homes within the Council's housing trajectory are from strategic sites (sites above 5 hectares), with four of the strategic sites due to delivery between 1000 and 4000 new homes. This level of development not only needs considerable time to prepare the site, but considerable investment in infrastructure from a multitude of agents. The site known as York Central (ST5), brought forward by York Central Partnership is an example of this. Not only are a number of landowners working in partnership to bring forward this site, they are a number of pieces of infrastructure across a number of phases that need to come together to unlock the potential of the site and ensure quality in terms of place and services.
- 6.7 **Supporting developer confidence to make applications through an adopted Local Plan and other policy and guidance documents.** The City of York Local Plan – Publication Draft (February 2018) (and proposed updated set out in the Proposed Modifications Consultation carried out in summer 2019 and 2021) allocated 40 residential sites. At 1st April 2021, of these sites, 2 are already complete, 13 have planning approvals, 1 site has a resolution to grant planning permission subject to the execution of a legal agreement, 7 have had applications submitted that are currently pending consideration whilst 17 (42.5%) have yet to have an application submitted. The high number of sites that have yet to have an application may suggest that developer confidence in the progression of the Local Plan is not sufficient to make an application.
- 6.8 Comments have been received from local plan consultation highlight the lack of Supplementary Planning Documents (SPDs) to provide guidance and further direction of the Local Plan policies. The subject of 'exception sites' being used as an example of an area in which a SPD may generate more sites for the development of affordable homes.

6.9 **Proportionate approach to planning, specifically self-build.** Whilst the council supports the delivery of housing in a range of ways, there is a view that the approach to securing planning consent should be more proportionate according to the type of development to be consented. As an example, for self-build consents is considered that the planning approach is not proportionate as it is the same process for determining a single plot as it is for strategic sites of over 5ha.

6.10 **Lack of clarity in planning definitions.** Older people's independent living and extra care properties there is a lack of clarity about whether these homes are to be considered Use Class C2 or C3. Developers are looking to build extra care accommodation (independent living apartments with on-site care) and they are keen for this to be classified as Use Class C2, to avoid social housing S106 contributions. This then leads to protracted discussion and debate and requirement for additional evidence. Clearer national guidance is required for this as there is case law which supports both C2 and C3 classifications.

6.11 Developers hoping to build independent living and extra care accommodation for older people as Use Class C2 are then seeking to develop on green belt and unallocated sites as they are arguing that it should not detract from land allocated as C3 housing.

6.12 Additional and well documented issues across the board include:

- Sufficient resourcing and skills within planning departments
- Protracted S106 negotiations and timescales
- Time needed to prepare large strategic sites

b) [Economic drivers](#)

6.13 **High land prices** – The council's Housing Delivery Programme (HDP) currently utilises council owned land, however, once exhausted it will be difficult to acquire more as the cost of land is extremely high. This is exacerbated when competing against large house builders who will not necessarily provide the same level of affordable housing that publicly funded schemes aspire to provide.

6.14 High land purchase prices within York can result in viability issues should the housing market experience fluctuations. A number of sites have been held back for development until the market corrected itself.

6.15 High land values also results in some developers looking to other nearby authority areas with lower land prices. Market conditions vary across the region and many developers are building the same design of property in a number of

locations without the associated high land acquisition costs incurred here in York.

- 6.16 Access to land is consistently brought up by Registered Provider (Housing Association) partners as a significant barrier to developing in York. For affordable housing delivery specifically, this is linked to the insufficiency of government (Homes England) capital grant funding to compete for sites in the York market.
- 6.17 Registered Providers being unable to access land impacts on both affordable housing and overall delivery, as Registered Providers can develop at a faster build out rate due to not relying on maintaining market prices via a slow “absorption rate” of completions.
- 6.18 The land supply challenge is exacerbated by some large landowners assigning development a low priority at current market returns – e.g. multinational owners of brownfield sites.
- 6.19 **Site Viability.** Land bought by developers when land values were at their peak, over 10 years ago, has resulted in a small but significant number of sites that have either taken a considerable amount of time to develop as the market conditions correct themselves or has been land banked for future development to ensure that the viability of residential projects is achieved. Additionally, as viability of the site changes, this has resulted in some renegotiation in relation to contributions the sites should make towards meeting policy requirements and S106 contributions.
- 6.20 **Alternative high yielding land uses.** The city centre and fringes have experienced significant student accommodation and hotel developments in recent years, both uses achieving greater returns to investors than that of C3 residential schemes.
- 6.21 There isn't a level playing field for residential development. Developers of student flats, and office-to-residential conversion, do not pay affordable housing commuted sums and some/any other s106 requirements. As well as disadvantaging other forms of residential development for the sites, this also reduces sums available for strategic investment in affordable housing and other infrastructure.
- 6.22 **Sales complexities.** Delivery of alternate uses to residential development, such as hotel and student accommodation, is less complex as a single operator can purchase the whole scheme, whereas, a residential development usually requires the sale of properties to a large number of individuals or investors. Some of this risk can be offset in residential development through the Private Rented Sector (PRS), with whole developments being built for sale to

institutional investors. However, this remains a relatively new and untested concept in York.

6.23 Competition. Much of York's housing land is in the control of a small number of commercial house builders. This lack of competition does not incentivise a quick and efficient build out of homes. Often a commercial builder will not have two sites under construction if competing for the same buyers.

6.24 Absorption rates. the rate at which newly constructed homes can be sold or believed to be able to be sold into the local market, are seen as a fundamental driver in build out rates once detailed planning permission is granted. This is reflected in changes to the NPPF since its introduction in 2012 which seek to encourage different tenures and a number of different buyers markets such as purpose build student accommodation, build to rent, starter homes which in turn will encourage higher build out rates and can support the business plan of the multi-national housebuilders. This includes affordable housing. It has been found that "schemes with more affordable housing (more than 30%) built out at close to twice the rate as those with lower levels of affordable housing as a percentage of all units on site."¹⁷The homogeneity of housing delivery can also stifle the creation of different products and consequently markets and again stifle build out rates.

6.25 Remediation costs. In the council's experience, there is still a strong view amongst many landowners that remediation should be considered a legitimate development cost that should be netted off planning gain rather than land value. A landowner of a contaminated site still expects to achieve market value. This means that the only viable form of development is high density apartments that achieve enough yield to cover market value plus remediation, otherwise the site remains undeveloped, thus constraining supply. The inherent challenges could result in low quality developments that do not necessarily meet the city's housing need, or the site viability remains too risky for a developer to secure finance.

6.26 Vacant properties. A study undertaken in the mid-2010s by the North East Civic Trust identified that there was potential for up to 1,500 apartments in the vacant city centre spaces above commercial areas. Consequently, the council, working with housing associations to try to obtain government funding to address this opportunity, has found it incredibly difficult to release these spaces as the cost of converting often difficult/inaccessible spaces does not provide a viable yield. This is in part made more difficult by conservation issues. Feedback from developers and agents has identified that if there were to be some relaxation of the requirements inside buildings to retain existing layouts and some period features it may be possible to make these spaces economic

¹⁷ "Start to Finish, What factors affect the build-out rates of large scale housing sites?" Second Edition, Lichfields

for residential based redevelopment. This will become ever more pressing as the current decline of the retail market leaves more and more potentially vacant properties in the city centre.

- 6.27 **Brownfield site constraints.** Large brownfield sites identified in the Plan as allocation sites have been delayed significantly as a result of remediation requirements, the infrastructure needed for access and utilities whilst the sourcing of government funding can cause significant delays. The Local Plan priorities brownfield development, however, there are inherent delays associated with developing these sites compared to less complex issues surrounding construction on Greenfield land.
- 6.28 **Access to funding for developers.** It is difficult for small developers to access funding at sensible rates, either from banks or from private investors. As a result, new builds are released slowly as smaller developers often do not have sufficient working capital to work on (say) three houses at the same time. Larger developers can sometimes be vulnerable to this, particularly for more marginal areas or sites.
- c) [Resources and capacity](#)
- 6.29 **Grant funding** - The uncertainty of funding has caused viability issues for the council's affordable housing projects. Delays are being experienced in the process of gaining funding from Homes England that would allow for the discounted sale or shared ownership of affordable self-build homes on land for self-builds and negotiations have not concluded.
- 6.30 **Labour, material shortfalls and high costs** - It is well documented that in the construction industry that there are significant labour supply shortages, with a significant reduction (nationally) of people joining the construction sector, many existing construction workers retiring early and a lack of relevant skills amongst existing construction workers in trades such as bricklayers, plasterers, architects and quantity surveyors, constraining the house building market. The Letwin Review identifies a shortage of bricklayers as being a particular cause of concern to the industry, needing urgent remedial action.
- 6.31 The current shortage of materials and the increasing costs of materials and labour, may not have had an implication on delivery to date but it is likely to have an impact in the near future.
- 6.32 **Improving construction and environmental standards** - moving towards higher constructions standards specifically in relation to carbon emissions places requires upskilling of the entire workforce across the sector and for additional financing to meet new standards.

6.33 One example of this is when delivering of zero carbon Passivehaus housing that the (HDP) aspires to achieve in its next phase of schemes, it is resulting in more time spent liaising with contractors before going out to the market.

6.34 Additional well document constraints include:

- Funding cuts from central government
- Resourcing within planning departments
- Lack of sufficient engagement throughout the process

d) [Physical and environmental constraints](#)

York is characterised by a compact urban area surrounded by several small settlements. The compactness of the main urban area and the distinct settlement pattern is a key feature of the city.

6.35 York is located within a vale and at the confluence of two rivers. Development is restricted by flood plains and a mix of ground conditions ranging from heavy clay to sandy land. This can often result in the need for more expensive and complex foundations adding time to build programmes that can impact on the financial viability of sites and in the case of flooding, residential development will need to apply mitigation measures.

6.36 York is restricted from expansion beyond its urban edge by Green Belt identified primarily to safeguard the character and setting of the city. The impact of the Green Belt in York is explored in more detail in paragraphs 6.2 and 6.3 above.

6.37 The city is unique in England with the only complete medieval city walls in England and its easily recognisable medieval street pattern, 2,000 years of unbroken urban development, rich and varied historic archives, the largest and grandest of northern Europe's Gothic cathedrals. It has one of the highest concentrations of designated heritage assets in England. It has well preserved and deep archaeological deposits. Taken together, this means the need to protect and enhance these assets necessitate the design and conservation policies provide a critical framework for discussions around site capacity, massing, density, heights and views.

6.38 York's Green Infrastructure includes nine Sites of Special Scientific Interest (SSSI); three of which (Strensall Common, the River Derwent and Derwent Ings) are also of international importance as indicated in the City of York Biodiversity Audit (2011).

6.39 The road network combines a series of main arterial routes leading to the compact historic city centre that is enclosed by the bar walls. The outer ring

road is only partially dualled meaning both congestion and accessibility are factors that need to be assessed in the planning process. Funding streams for the northern part of the ring road have helped to plan for major improvements in future years that will allow for major planned housing developments to take place.

e) Other

6.40 Impact of the Covid pandemic. 28.6% of respondents to the request for Housing Delivery Estimates stated the Covid-19 pandemic as being a likely factor that would adversely affect their delivery programmes. This is reflected in an announcement by Housing Minister Christopher Pincher that the Housing Delivery Test will be calculated using a four-month adjustment to the housing requirement figures to account for fluctuations in construction output due to the Covid-19 pandemic. As such the 2021 housing requirement will be lesser than would otherwise have been expected.

7) The Action Plan

7.1 Delivery against the action plan will support delivery of net additional homes in York but will not guarantee delivery against the HDT Measurement target for the reasons outlined in the previous section (Understanding key issues and barriers) as many of the factors are beyond the council's control or influence.

7.2 The areas within the council's influence will also require sufficient stakeholder engagement from landowners, agents and other stakeholders and partners in the delivery process such as Homes England.

a) The planning process

1. **Corporate prioritisation of the emerging Local Plan Work to secure an adopted Local Plan.** This will set a clear planning policy framework to give direction for future growth of the city. The issues surrounding the appropriate housing requirement for York will be addressed, the formal setting of the Green Belt boundaries will provide clarity on the land that can be developed outside the current urban area.
2. **Introduction of the HDT to Duty to Cooperate (DtC) Meetings.** Ensure that the agenda for DtC meetings includes a discussion on the housing delivery and the housing delivery test. This will similarly apply to forthcoming work with the new North Yorkshire Council.
3. **Support clarity in decision making.** Complete a series of Supplementary Planning Documents (SPDs) are to provide specific guidance and detail to policies within the Local Plan. The series includes an Affordable Housing SPD, a Self and Custom House Building SPD and Climate Change SPD.

4. **Fast tracking applications.** The council is in the process of creating an application process that should allow for the 'fast tracking' of allocated sites in the emerging Local Plan by potentially granting planning permission ahead of the adoption of the Plan on a case-by case basis.
5. **Enhance monitoring procedures.** Developers are now requested to complete a pro-forma that includes details of lead in times and housing delivery programmes whilst also being asked to add comments about potential delays that may be incurred in the delivery of their sites. This is intended to improve our ongoing monitoring work and assist us in making more accurate housing projections. In turn this will have positive effects of future planning of requirements, for example, in predicting accurate additional school place requirements and transport modelling.

Should information be provided by developers that indicates potential delays to projects this can be flagged up to various teams within the council that may be in a position to assist and work collaboratively with them to avoid the stalling of sites. This has been carried out on sites in the past where, for example, additional funding has been identified through Homes England and helped deliver homes in a timely manner.

The scope of the new permitted development rights for uses falling into Class E is significant and may result in a significant level of housing delivery via this route. The Council will monitor the impact of new permitted development rights, Class MA, on housing delivery.

6. **Implement the review S106 agreement process and conditions attached to planning permissions.** This exercise looked back over recent permissions at different points within the process and identified challenges in the planning application process that could be simplify or streamline the process.
7. **Improve engagement with developers, landowners, registered providers and university estates.** Continue to keep in regular contact with applicants of sites with 10 or more homes planned to confirm phasing and progress. Increase engagement via the council's Developers Forum and York Chamber of Commerce's Property Forum. Discuss the HDAP with developers at the bi-annual Developers Forum and ask for comment and ideas on the document as well as their ideas about local skills and resourcing.
8. **Set out a clear process for determining whether an extra care site can be considered to be C2 or C3** so that this does not have to be reviewed for each application. This will be explored with colleagues across the council and in neighbouring authorities to determine an efficient mechanism to do this. Where appropriate greater clarity and guidance will be sought from central government.
9. **Reviewing the Brownfield Register.** The Brownfield register will be reviewed on the back on the results of the forthcoming Local Plan examination to identify suitable and delivery sites where appropriate.

10. Undertake a piece of work with stakeholders to reviewing the approach to residential land use. Work with stakeholders to ensure general needs housing, specialist and older people housing and student housing competing for land is prioritised according to need and with appropriate planning obligations applied across the board to ensure the market meets local need particularly for affordable housing. This piece of work could also look at the role of the build to rent market and visitor accommodation.

11. Ensuring necessary infrastructure provision. Secure funding and further improvements to the highways network, notably the outer ring road and around York Station and seeking and build on successful delivery of infrastructure programmes such as the improvements to the York Outer Ring Road completed in 2019.

b) Organisational focus

12. Enhance strategic planning team capacity. The council is actively recruiting to planning positions within the strategic planning team to build additional capacity, skills and knowledge to progress the emerging Local Plan alongside its implementation as well as the delivery of other planning policy documents.

13. Develop a housing strategy. The strategy will reflect who we are as the Strategic Housing Authority in York, what we do, why we do it, what our priorities are and how we interact/influence across all housing tenures.

14. Adopt a housing focused Supplementary Planning Document (SPD). The SPD will identify further detail on delivering housing against the emerging Local Plan policies. This document will consider affordable housing, specialist accommodation and residential standards'. Work on the SPD is progressing for consultation in 2022.

15. Supporting the deliverability of the Housing Development Programme. This programme is currently involved in the development and delivery of eight council owned sites for housing and actively provides affordable homes within the local authority area. The programme goes beyond the delivery of these eight sites and includes work to unlock grant funding and additional sites for affordable homes to meet different incomes across the City of York area as well as seeking to improve processes and skills across the city. Some examples are identified below:

- securing approximately £469k of capital and £109k of revenue funding to deliver 6 affordable homes, with support, for rough sleepers
- supporting families into homeownership via the second hand shared ownership programme part funded by Homes England.
- working according to a new public engagement strategy which significantly increases the amount of time and effort spent fully

understanding the site context and the views of local stakeholders however it will provide greater certainty and speed through the planning process. This is evidenced in the development of the 'Delivering Better Places' design manual which has created a political and citizen consensus around what great places look and feel like.

- working with appointed contractors earlier in the development process to ensure that there are less unknowns when housing developments are planned, with greater investment in surveys and site investigations.
- getting more engaged in the pre-application stage of development, from the very start of the design process with a council planner providing advice as soon as possible also. This is echoed by in the greater amount of public engagement through the council's webpages.
- securing grant funding from the LGA to undertake learning sessions with York College and contractors around low energy design and construction. It is anticipated that this will increase the local expertise in construction and result in a more efficient build process across the city.

16. Working in partnership on major regeneration sites. The council is committed to working collaboratively and creatively on major regeneration sites such as Castle Gateway and York Central.

17. Bring forward the council portfolio. The council owns a number of commercial properties across the city centre that will be explored for their residential capacity in the coming years. An example of this is the building occupied by Holland and Barrett on Coney Street purchased by the council in 2019.

18. Confirming the process for identifying, preparing and selling of small self-build sites. The council are shortly confirming this process to improve timescales.

19. Look at construction skills in the local economy – work alongside the economic growth team to understand local pressures related to existing construction skills and labour and identify objectives the council and stakeholders can move towards to improve the strength of the local construction industry.

20. Consider the role and impact of Modern Methods of Construction (MMC) and modular building - with local developers in the City for York's housing market area and its potential to improve delivery rates.

21. Improve engagement with the public – residents, businesses and visitors. An engagement project called, my city centre, is shaping a new long term vision for the city centre with local stakeholders providing. This exercise will provide greater clarity for all stakeholders as well as provide a starting point for initiating new projects and making applications for funding.

22. Ensuring York is an attractive place to invest. City of York Council is the sole shareholder of Make It York a commercial business that was established in 2015 to bring together the marketing and promotion, economic development and tourism functions of the city.

Figure 1: Historic Housing Completions

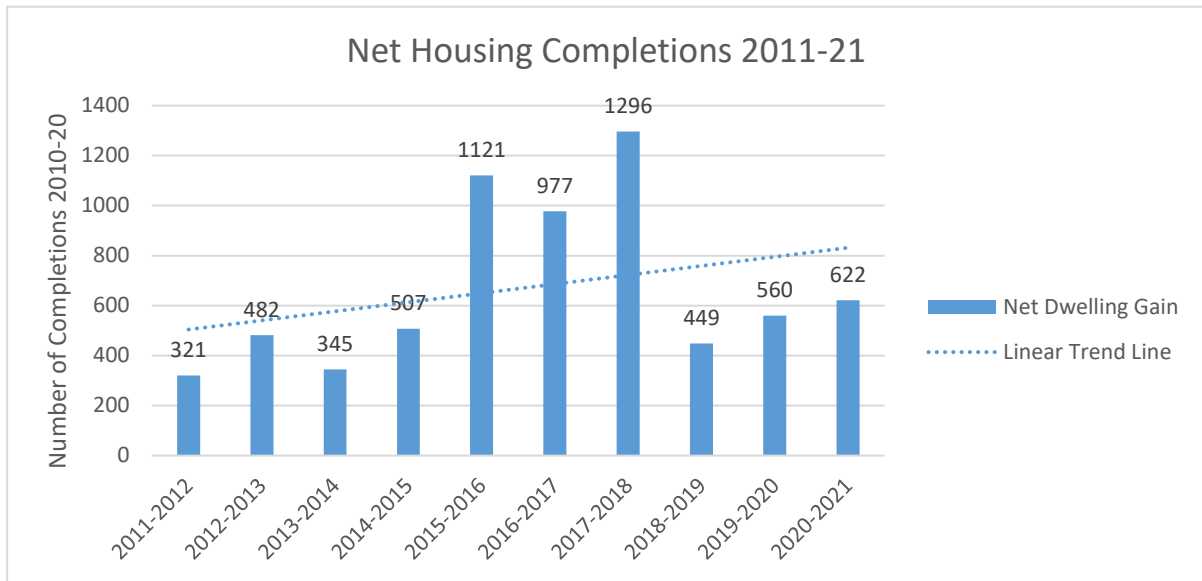


Figure 1 indicates that when adding a linear trend line for the period 2011/12 to 2020/21 housing completions in York have shown a steady increase. Significant completion levels were experienced over the three year period 2015/16 to 2017/18 when a net total of 3,394 homes were added to the housing stock. Most recent completions in 2020/21 have seen an increase compared to the previous two monitoring years.

It should be noted that a number of homes resulting from development of communal establishments will be add to these figures when confirmed in our HFR return later in the year. Under reporting of completions totals 599 homes in 2016/17.

Figure 2: Historic Housing Completions by Type

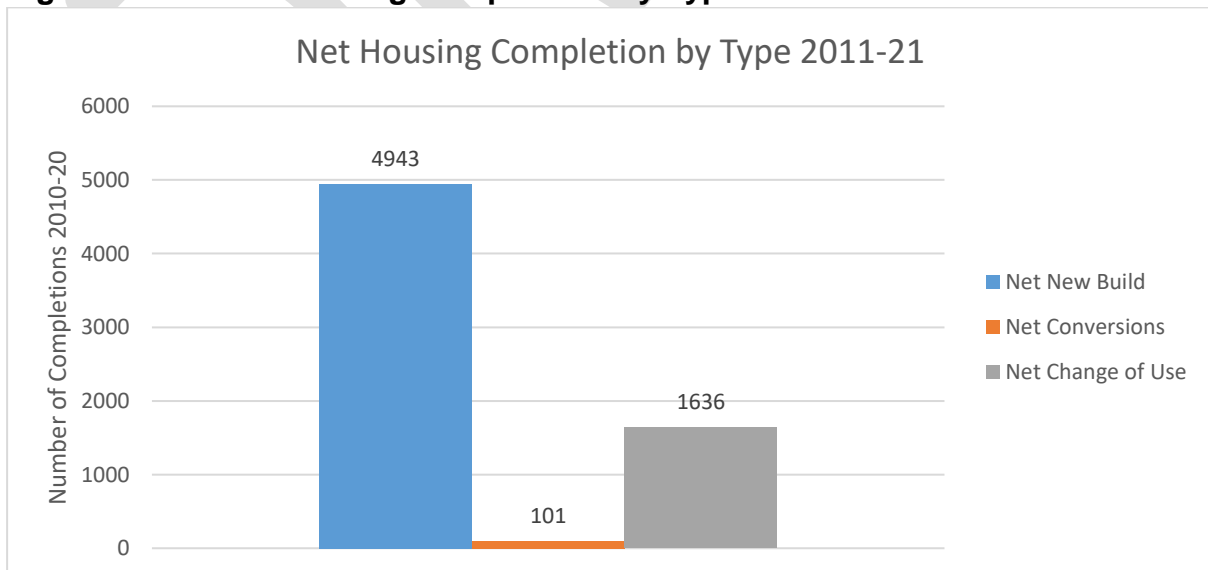


Figure 2 reveals that of the 6,680 net completions 4,943 (74%) were new build, whilst 1,636 (24.5%) resulted from change of use, xx housing completions via 'prior approval' have contributed to the net change of use figures.

Figure 3: Development on Previously Developed Land

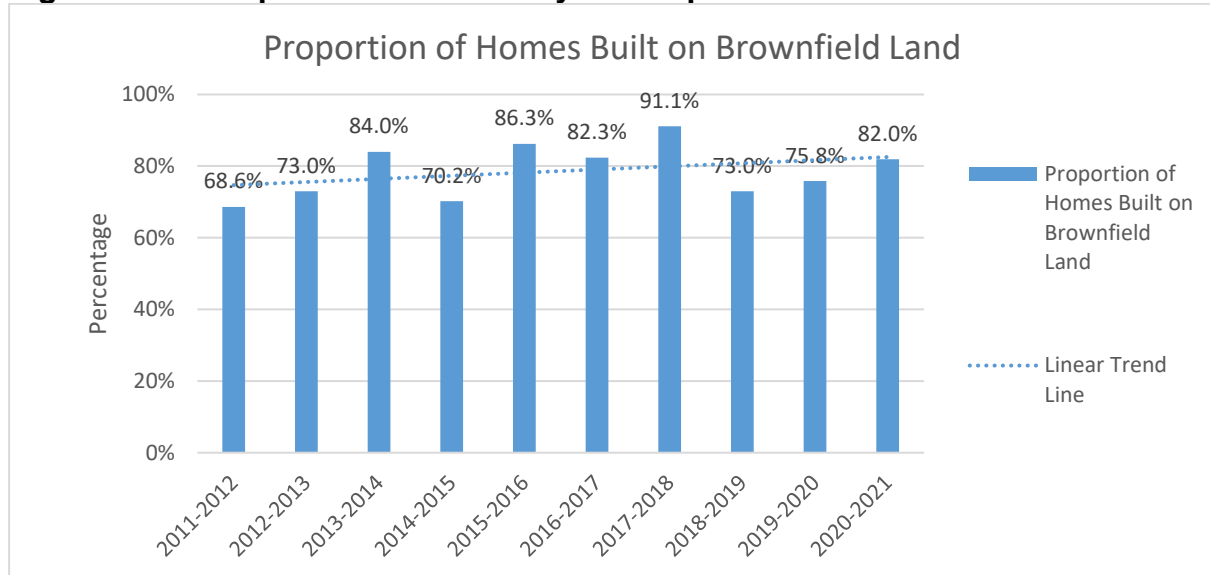
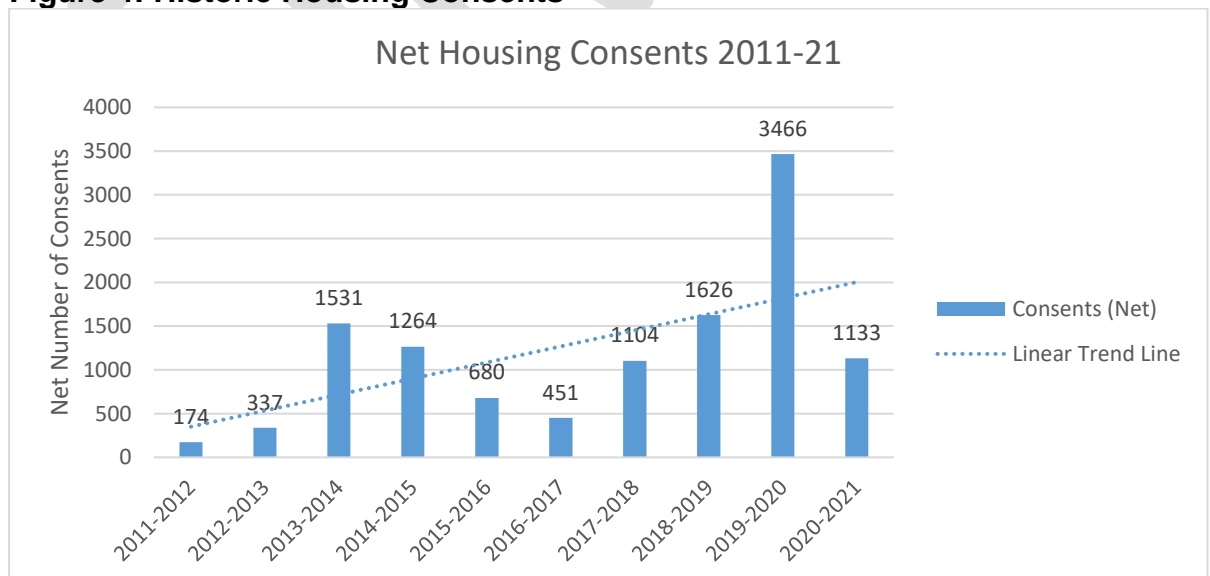


Figure 3 shows the over the previous 10 year period an average of 81.2% of all gross housing completions have taken place on brownfield land. The linear trend line reveals that this level has been a relative constant over this time. As large greenfield sites have been identified as draft allocations in the Local Plan, if/when these become adopted sites the proportion of development on Greenfield sites is likely to increase over future years.

Figure 4: Historic Housing Consents



An increased trend in housing consents can be seen in Figure 4 that highlights a significant 3,466 net additional homes approved in 2019/20, whilst 1,133 net homes

were approved last year (2020/21) and represents the fourth consecutive year of more than 1,100 net approvals.

Our analysis of historic consents suggests that around 10% of all consents will not be implemented. Due to 86.6% of all commitments being on brownfield sites that tend to require remediation and potential infrastructure delays this indicates a phased future housing supply rather than an immediate increase to housing completions.

Figure 5: Net Unimplemented Consents each 1st April.

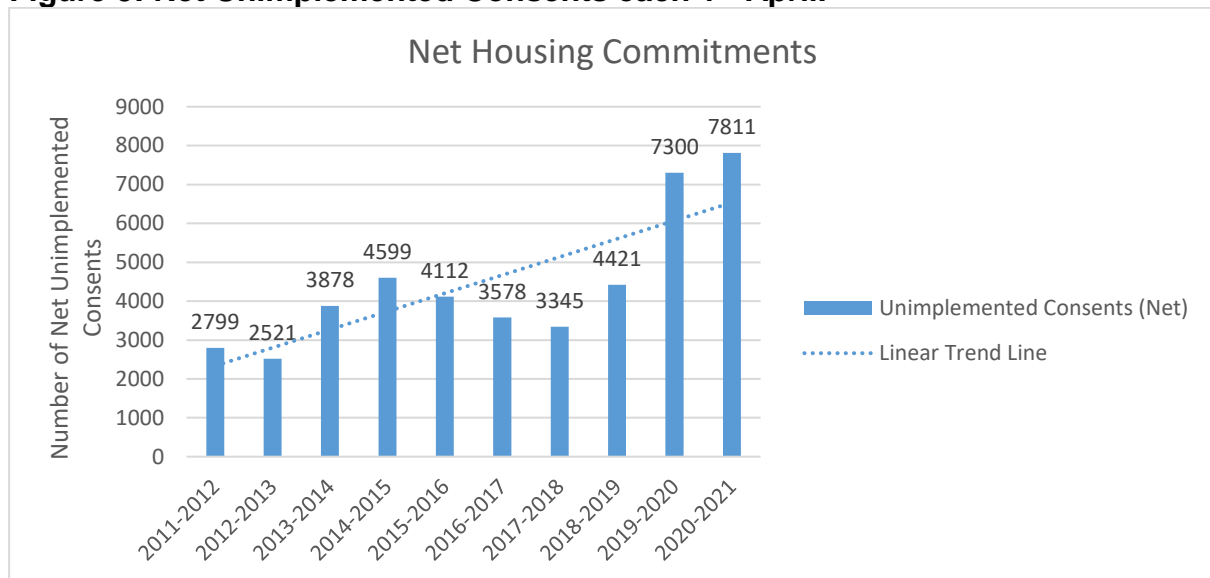
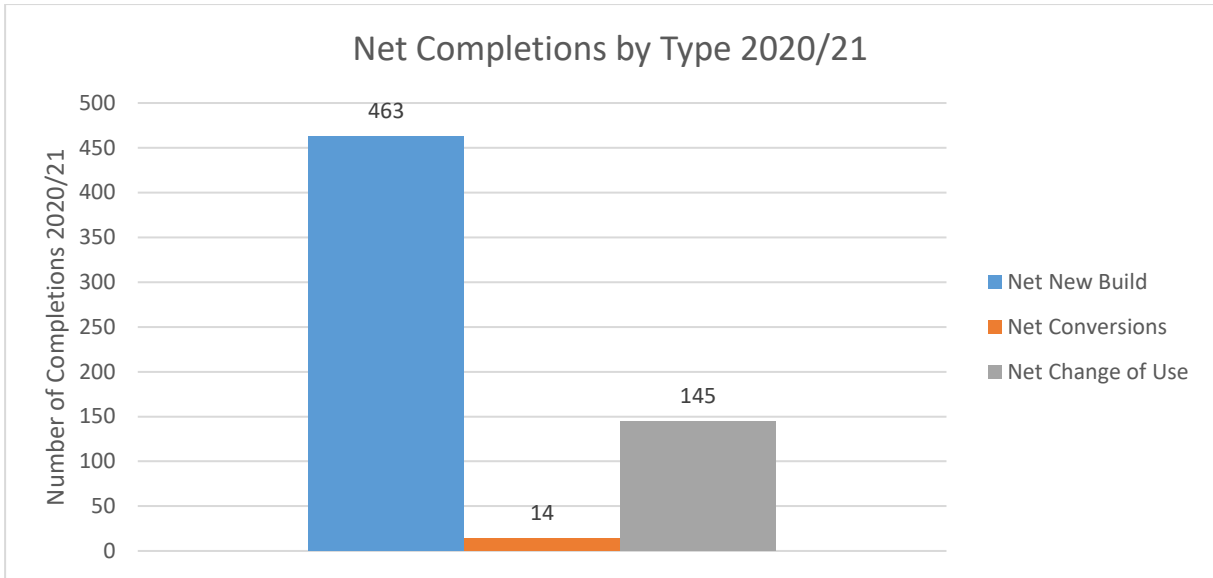


Figure 5 indicates the level of net unimplemented consents on 1st April each year for the past 10 years. The linear trend line shows that there has been a general increase in housing commitments (consented and extant applications) over the monitoring period. At 1st April 2021 a total of 7,811 net additional homes had gained approval and should indicate a healthy level of consents to be confident of sustained housing growth in future years. However, new working practices and the economic realities of Brexit and Covid-19 may well suppress this optimism and the future monitoring of housing commitments and delivery will help to determine the impact the pandemic has on the house development industry in future years.

Housing Completions 2020/21

Figure 6: Net Housing Completions by Type in 2020/21



Net housing completions in 2020/21 are separated into the various types in Figure 6, above. Of the 622 net completions 74.4% were new build, whilst 23.3% were through changes of use. For a full breakdown of both completions and consents please view our 2020/21 housing update via the link below:

Figure 7: 2020/21 Net Housing Completions Split into Site Capacity and by Brownfield/Greenfield Land

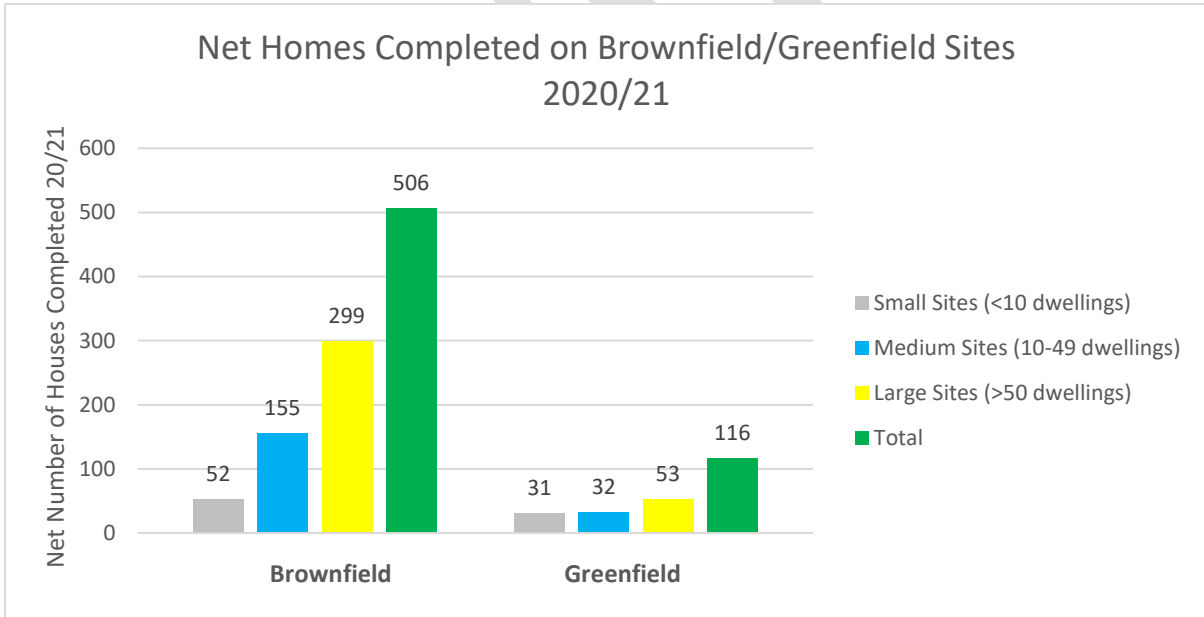


Figure 7 shows that 81.4% of net housing completions in 2020/21 took place on brownfield land and that 352 (56.6%) new homes on both brownfield and greenfield land took place on sites with a capacity of over 50 new homes.

Figure 8: Location and Type of Completion Carried out in 2020/21

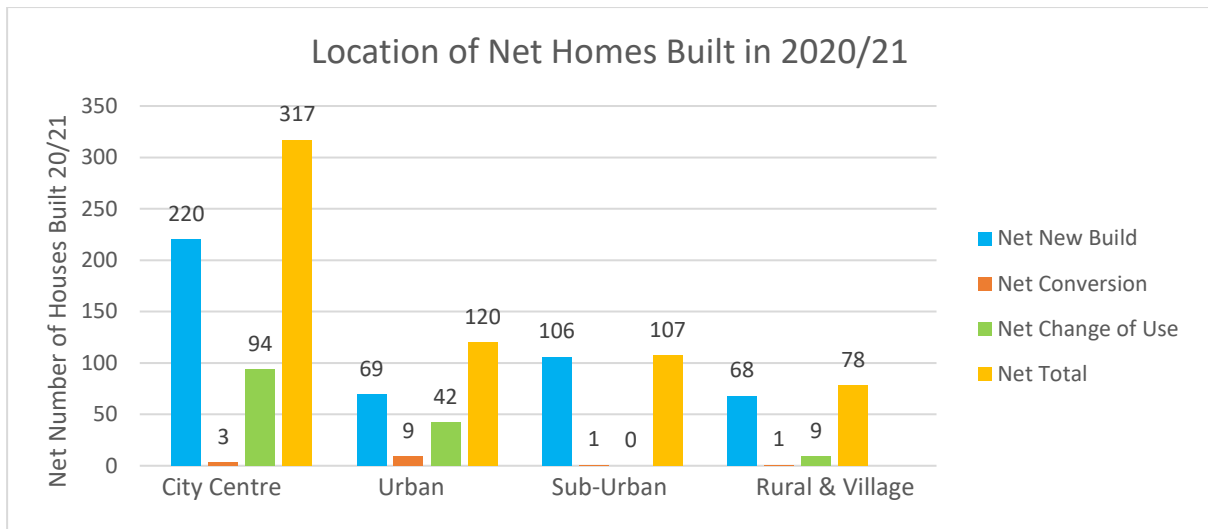
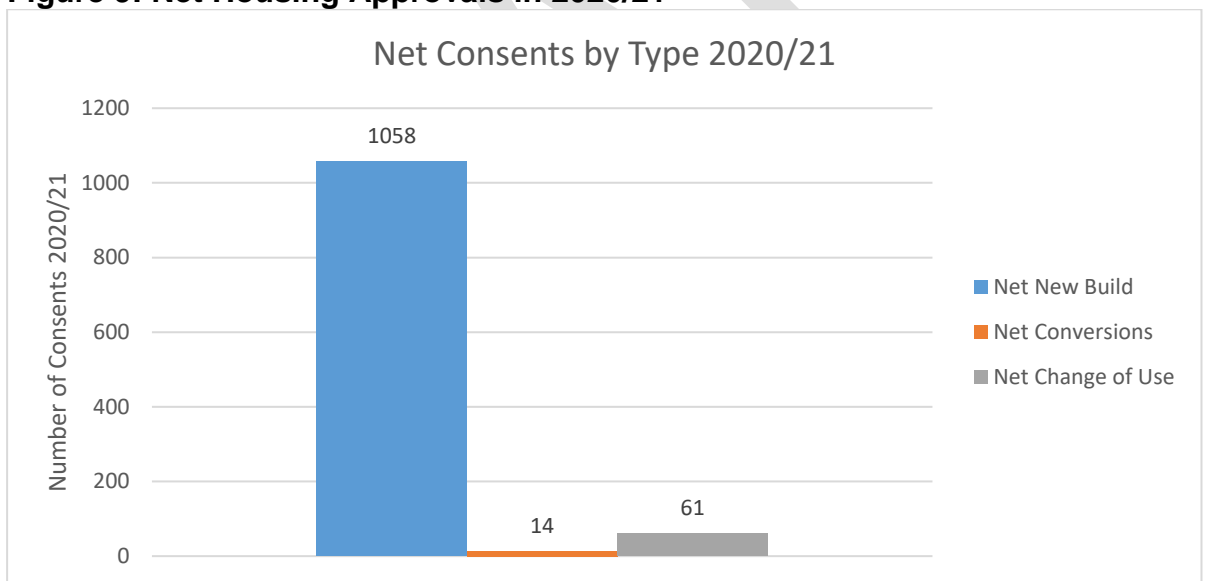


Figure 8 shows that 51% of all net housing completions took place within the city centre and its extensions during 2020/21. A further 19.3% of homes were provided in the urban area, whilst 17.2% were completed in the sub-urban area and 12.5% were in rural or village locations. In each area of the authority new build properties formed the largest proportion of all net additional completions.

Figure 9: Net Housing Approvals in 2020/21



In 2020/21 a net total of 1,133 new homes were approved, the largest proportion of which was for new build properties (93.4%). Notable housing schemes approved during the monitoring year were through draft housing allocation H1a & b: Former Gas Works, Heworth Green (607), the Castle Mills Car Park site in Piccadilly (106) and Vacant Land on Eboracum Way (62) whilst 233 student cluster flats were approved at Frederick House, Fulford Road all of which were new build schemes.

Figure 10: Net Housing Consents Granted in 2019/20 Split into Brownfield and Greenfield Sites

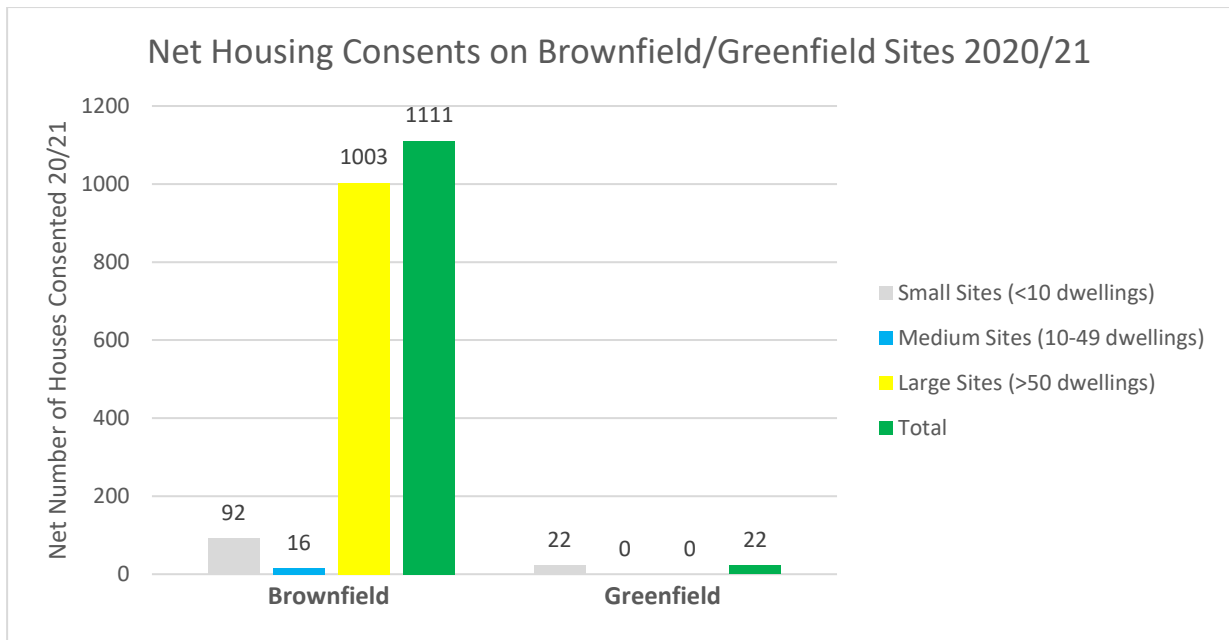
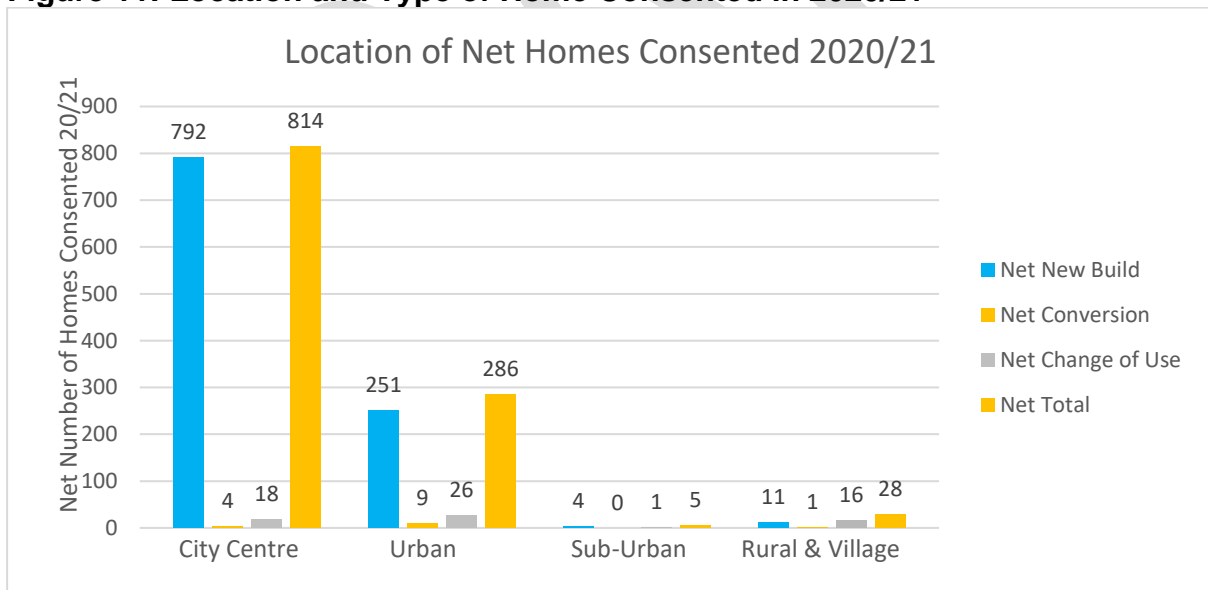


Figure 10 shows that 98% of all approvals granted in 2019/20 were on brownfield sites and of this total almost 90.3% were on sites with a capacity of over 50 new homes. Approvals on greenfield sites accounted for 2% of all consents with all 22 net approvals being granted on small sites of less than 10 homes.

Figure 11: Location and Type of Home Consented in 2020/21



As shown by Figure 11, by far the largest contributor to the overall consented homes was new build schemes approved in the city centre and its extensions. The 814 net homes approved in this location made up almost 72% of all net approvals granted in the authority area. New homes planned at The Former Gas Works, Heworth Green (607), the Castle Mills Car Park site in Piccadilly (106) making up the largest part of this total.

Figure 12: Location and Capacity of Sites Granted Approval in 2020/21

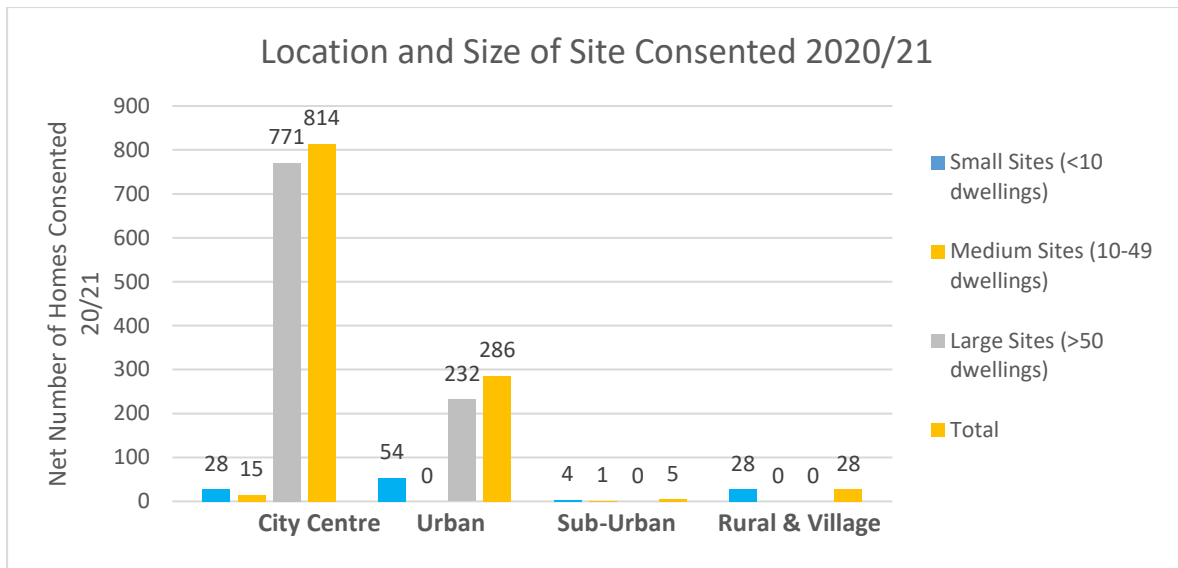
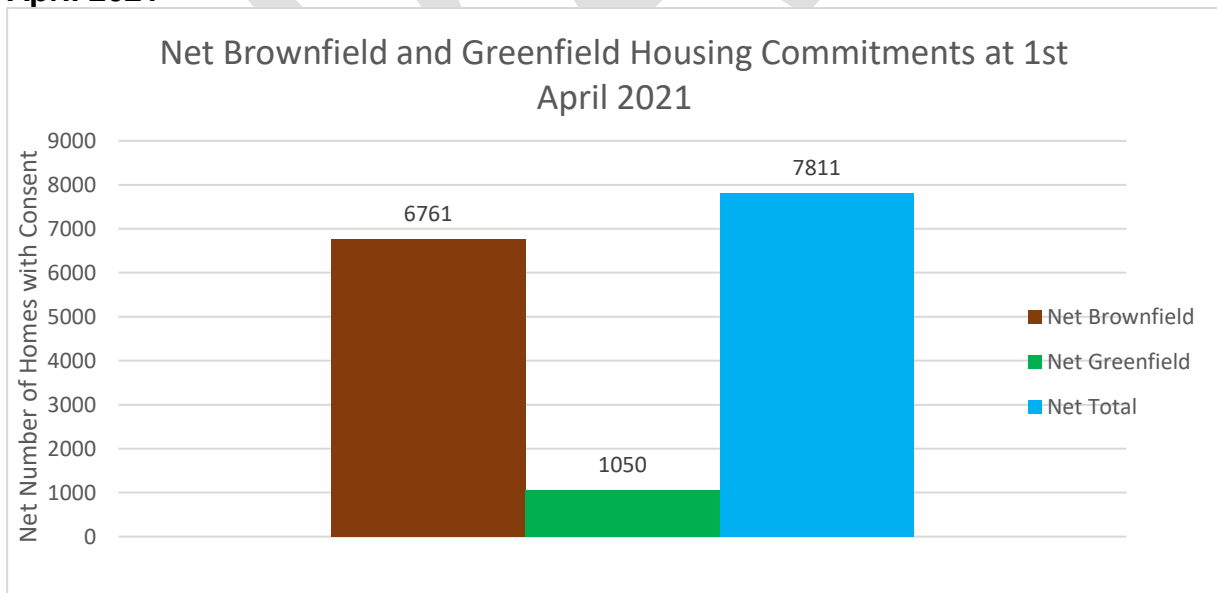


Figure 12 provides further confirmation that sites with a capacity of more than 50 new homes made up the greatest number of net homes approved in the authority area and this was reflected in both the City Centre and Urban locations. However, approvals on small sites of less than 10 homes in both sub-urban and rural/village locations made up almost all of the consented development.

Housing Commitments at 1st April 2021

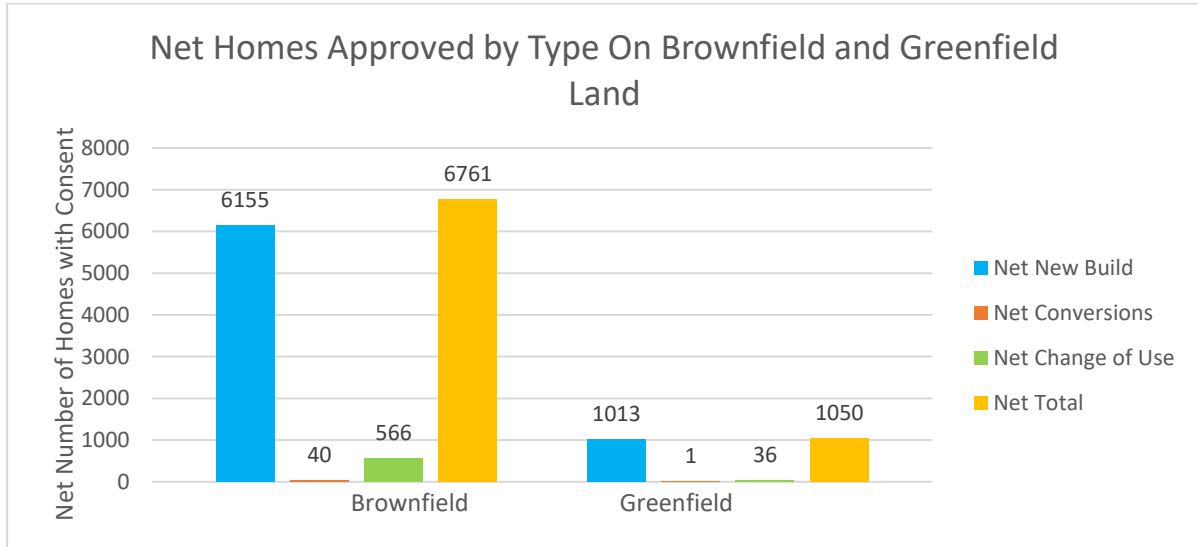
Figure 13: Housing Commitments on Brownfield and Greenfield Sites at 1st April 2021



As shown in Figure 13, almost 87% of all net unimplemented housing consents at 1st April 2021 were on brownfield sites. City of York Council are committed a policy of prioritising brownfield sites over greenfield locations where possible and this analysis reflects this principal. In order that our housing requirements are met in future years and as the number of brownfield sites with sufficient capacity to meet our needs will

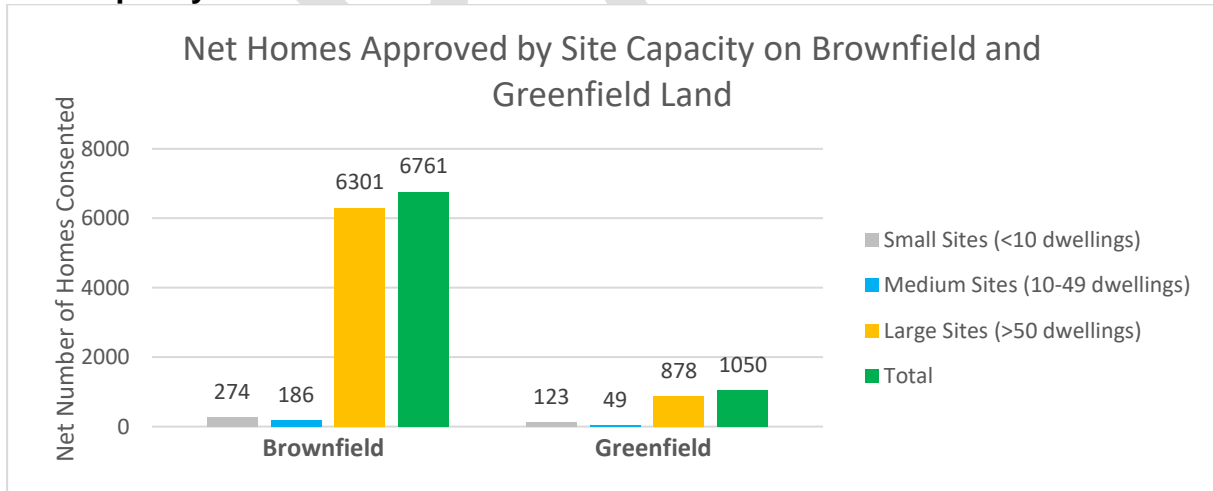
be reduced the greenfield sites identified through the draft allocations process will assist in achieving our housing requirement. When this takes place the proportion of brownfield land in our housing commitments is certain to reduce.

Figure 14: Housing Commitments on Brownfield and Greenfield Land Split by Housing Type



Of the 7,811 net housing commitments at 1st April 2021, 7,168 (91.8%) are for new build housing with 691 net homes (7.7%) planned for schemes involving changes of use.

Figure 15: Housing Commitments on Brownfield and Greenfield Land Split by Site Capacity



At 1st April 2021, of the 7,811 net housing approvals 7,179 (91.9%) were on sites with a capacity of greater than 50 new homes. Whilst this may well achieve the housing requirements for future years, the heavy reliance on a relatively small number of large capacity site does have its associated risks as the unforeseen delays may well affect future supply.

Figure 16: Location and Type of Housing Commitments at 1st April 2021

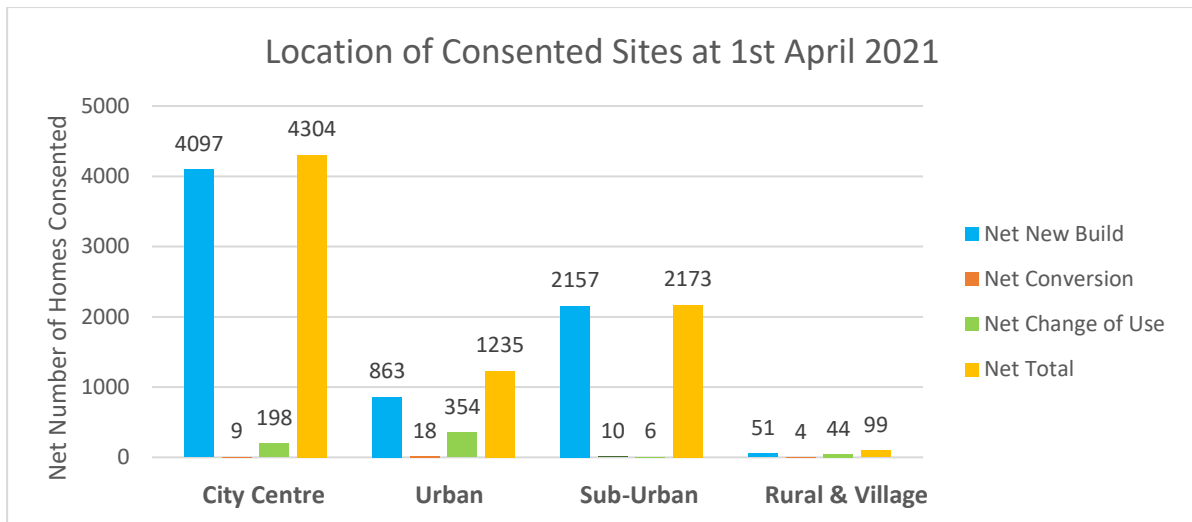


Figure 16 shows the level of housing commitments throughout the authority area and breaks this down to the type of approval granted at 1st April 2021. New build schemes have the greatest number of approvals in each area of the City. The City Centre and its extensions make up 4,304 (55%) of all commitments.

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The KPI’s selected by the Council to monitor performance against the Council Plan core outcome of ‘Creating homes and world-class infrastructure’ are:

- Average number of days to re-let empty Council properties (excluding temporary accommodation)
- Net additional homes provided
- Net housing consents
- Number of new affordable homes delivered in York
- Superfast broadband availability / average broadband download speed (Mb/s)
- Energy efficiency: Average SAP rating for all council homes
- Number of homeless households with dependent children in temporary accommodation

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Analysis of Responses to 2020 Request for Housing Delivery Estimates

E-mailed requests were made on 17th April 2020 to all developers/applicants/agents involved in housing approvals granted prior to 1st April 2020 with a capacity of 10 or more homes asking for estimated completion and delivery rates and any potential issues that may cause future delays in the site's progress.

Responses were received from 41 (97.6%) of the 42 sites that fell within this threshold - with 37 e-mailed responses received and 4 site contacts confirmed details by phone.

24 (57.1%) of the responders made no further comments other than confirming their anticipated delivery programme for their sites.

12 (28.6%) respondents referred to the Covid-19 pandemic as being a likely factor that would adversely affect their delivery programmes. Some of the main points raised are summarised below:

- Two large developers Persimmon Homes and Barratt/David Wilson Homes that are currently involved in 3 major housing developments within the City had halted work on their sites at the time of the survey and we were informed that as many as 85% of all staff had been furloughed.
- Due to new working practices, especially on sites with restricted working space, delays were envisaged on several of these sites.
- The delivery and supply of materials due to Covid-19 was raised by one respondent as having the potential to push back the delivery programme on their site.
- Previously provided delivery estimates for one site were revised and pushed back by up to one year due to the impact of Covid-19 on the housing development
- Delivery estimates provided by one agent were subject to new working conditions determined by future government guidance
- A housing site was on hold until the economic climate became clearer, hopefully later in the year

4 (9.5%) of the responders made reference to potential funding concerns (both from public and private sources) that may well impact on delivery timescales.

There were a number of individual comments made to specific development sites, these are summarised below;

- An agent informed that land that is currently operational may well become part of the overall development area and this could increase both the capacity and delivery rates for this particular site
- A developer involved in a site had gone into liquidation at Christmas 2020 (prior to Covid-19) and the applicant was considering how to proceed
- An alternative application had recently been submitted on a site previously consented for residential use - The new application is for a hotel development and is still pending consideration.

- A site previously consented for residential use had gone on the market and any new owners may not proceed with the approved scheme.
- A party wall issue may hinder the completion estimate for one development scheme involving change of use.

Analysis of Responses to 2021 Request for Housing Delivery Estimates

Delays in conducting housing site visits to establish the end of year 2020/21 monitoring results were experienced due to the impact of Covid-19 working arrangements. As a result e-mailed requests were also delayed and sent on 2nd June 2021 to all developers/applicants/agents involved in housing approvals granted prior to 1st April 2021 with a capacity of 10 or more homes asking for estimated completion and delivery rates and any potential issues that may cause future delays in the site's progress.

Responses were received from 29 (87.8%) of the 33 sites that fell within this threshold - with 25 e-mailed responses received and 4 site contacts confirmed details by phone or verbally at site visits.

24 (57.1%) of the responders made no further comments other than confirming their anticipated delivery programme for their sites.

12 (28.6%) respondents referred to the Covid-19 pandemic as being a likely factor that would adversely affect their delivery programmes. Some of the main points raised are summarised below:

City of York Council
Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Economy and Place		
Service Area:	Forward Planning		
Name of the proposal :	City of York Planning Policy Housing Delivery Action Plan (PPHDAP)		
Lead officer:	Sophie Hall-Thompson, Development Officer		
Date assessment completed:	23/11/21		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Alison Cooke	Head of Strategic Planning Policy	City of York Council	Planning policy
Paul Landis-Stamp	Housing Strategy Manager	City of York Council	Housing Strategy
Heidi Lehane	Senior Solicitor	City of York Council	Legal

Step 1 – Aims and intended outcomes

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p><i>The purpose of the Planning Policy Housing Delivery Action Plan (“Action Plan”) is to identify and implement a number of steps that will support the delivery of net additional homes. The Action Plan builds on existing work underway to deliver housing that the City of York has identified in the emerging Local Plan and as such identifies steps that will enhance existing work streams in the Place Directorate. It considers root causes and historic trends in relation to the council’s record of delivering net additional homes in the City of York area with a view to creating an action plan to boost housing delivery in the area.</i></p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p><i>The Action Plan is necessitated by central government in accordance with the National Planning Policy Framework (NPPF) as the council did not deliver 95% of the housing requirement, a local housing target provided by central government. The council’s duties under the Equalities Act 2010 and the Human Rights Act 1998 are key considerations.</i></p>
1.3	<p>Who are the stakeholders and what are their interest</p>
	<p><i>Stakeholders include residents, businesses including private developers, housing associations and landowners across the entirety of the City of York area. The physical impacts of undersupply and or the additional supply of new housing has social, economic and environmental impacts for all users of the City of York area. Interests include, but are not limited to, the quality of the environment in terms of residents and users living, visiting, working and relaxing; the needs of local people to access housing that is affordable, high quality and meets their family and health requirements and the business plans of businesses including developers and landowners. In accordance with the emerging Local Plan and consultation that has taken place, and continues to take place, the Action Plan seeks to provide housing for all groups including those with affordable or specialist need so that quality housing can be accessible for all residents regardless of their income or their protected characteristics.</i></p>

1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019 - 2023) and other corporate strategies and plans.
	<p><i>As previously stated, the Action Plan builds on existing work taking place in the Council. Not only the emerging Local Plan but also the Housing Delivery Programme, forthcoming housing strategy and housing focused Supplementary Planning Guidance. The Action Plan directly seeks to support the Council Plan outcome 'Creating homes and world class infrastructure' and indirectly contribute to all of the outcomes by ensuring sustainability, quality, health and equality of people and of places are at the core of decision making related to housing. Outcomes include:</i></p> <ul style="list-style-type: none"> <i>• delivering high quality net additional housing commensurate with the housing requirement and local need</i> <i>• closer working relationships across corporate teams to realise the action plan</i> <i>• closer working relationships with landowners, developers and their agents to realise the action plan</i> <i>• improved consultation and engagement with residents and businesses to realise the action plan</i>

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
Source of data/supporting evidence	Reason for using	
Regulation 19 Local Plan, submitted to the Secretary of State, May 2018 and consultation responses prior to and subsequent to this date on the emerging Local Plan.	The purpose of this document was to assess the potential impact of the policies of the Local Plan on different groups within York. The Action Plan seeks to deliver in accordance with the policies established in the emerging Local Plan with the exception of Policy SS1 as the Action Plan seeks to contribute a greater level of net housing than that identified in Policy SS1.	

Regulation 19 Local Plan Evidence Base	The Local Plan evidence base includes a considerable amount of data regarding housing need (affordable and market) and delivery and the council's strategy for delivering against this need. This strategy was subject to an Equalities Impact Assessment (Incorporating the Better Decision Making Tool) in April 2018.
National Planning Policy Framework: Equality Impact Assessment, July 2018	This documents considers changes to the National Planning Policy Framework (NPPF) that introduced the new housing requirement on the City of York council as a Local Planning Authority that the Planning Policy Housing Delivery Action Plan is seeking to achieve. This document has considered the implications of policy changes to policy changes aiming to increase housing supply and therefore the greater level of net housing than that identified in Policy SS1.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
	Gaps in data or knowledge	Action to deal with this
	The Action Plan establishes steps for further work. It is not feasible to know the impacts of work arising from further work such as the Housing Strategy or Housing SPD and as such there may be consequences that have not been anticipated.	The Housing Strategy and Housing SPD will be supported by an Equalities Impact Assessment. Other actions within the Action Plan will be monitored, reviewed and updated on an annual basis for the foreseeable future and actions and consequences arising from further work will be reviewed and supported by an equalities impact assessment on an annual basis also.
	The outcome of the examination of the Regulation 19 Local Plan is not yet known. The outcome may provide further insight into the mechanisms for delivering net additional housing.	The outcome of the examination of the Regulation 19 Local Plan and how this relates to the Planning Policy Housing Delivery Action Plan will be addressed in the next iteration of the Planning Policy Housing Delivery Action Plan.

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	The Action Plan supports net additional delivery of housing in line with the emerging Local Plan and will meet housing needs and provide a range of house types for all ages.	+	H
Disability	The Action Plan supports net additional delivery of housing in line with the emerging Local Plan and will meet housing needs and provide a range of house types.	+	H
Gender	No impacts identified	0	n/a
Gender Reassignment	No impacts identified	0	n/a
Marriage and civil partnership	No impacts identified	0	n/a
Pregnancy and maternity	No impacts identified	0	n/a
Race (including migrants, asylum seekers and	Meeting Gypsy, Traveller and Travelling Showpeople's accommodation needs in line with the Regulation 19 Local	+	H

refugees, and ethnic minorities.)	Plan, the supporting evidence base and the outcomes of the emerging Local Plan Examination. Meeting affordable, specialist and supported housing needs in line with the Regulation 19 Local Plan, the supporting evidence base and the outcomes of the emerging Local Plan Examination.		
Religion and belief	No impacts identified	0	n/a
Sexual orientation	No impacts identified	0	n/a
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	No impacts identified	0	n/a
Low income groups and homeless households	Meeting affordable, specialist and supported housing needs in line with the Regulation 19 Local Plan, the supporting evidence base and the outcomes of the emerging Local Plan Examination.	+	L
Those with specialist housing needs	Meeting affordable, specialist and supported housing needs in line with the Regulation 19 Local Plan, the supporting evidence base and the outcomes of the emerging Local Plan Examination.	+	H
Veterans, Armed Forces Community	Meeting affordable (specifically First Homes) housing needs in line with Written Ministerial Statement on 24 May 2021 (Statement UIN HLWS48).	+	H
Other	n/a, no other groups identified	n/a	n/a

Impact on human rights:		
List any human rights impacted.	<p>The Convention rights applicable are:</p> <ul style="list-style-type: none"> • Article 8 - protects the right of the individual to respect for their private and family life, their home and their correspondence. The private life part of this right covers things like wellbeing, autonomy, forming relationships with others and taking part in our community. • Article 14 - protects the right to be free from discrimination when enjoying other rights, such as Article 8. <p>The equalities impact assessment identifies positive and neutral impacts arising from the Action Plan</p>	

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

EIA 02/2021

<p>5.1</p>	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p>
<p>The Action Plan supports the positive impact measures contained with the emerging Local Plan. The Housing Strategy and Housing Supplementary Planning Document (SPD), both of which are currently being prepared, will look for opportunities to advance equality and foster good relations, as will all of the actions detailed in the Action Plan.</p> <p>The Planning Policy Housing Development Action Plan will be updated annual and be supported by an annual equalities impact assessment.</p>	

Step 6 – Recommendations and conclusions of the assessment

<p>6.1</p>	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
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<ul style="list-style-type: none"> - No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact. All opportunities to advance equality and foster good relations have been considered, and the Action Plan will be subject to continuing monitoring and review. 	
<ul style="list-style-type: none"> - Adjust the proposal – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations. - Continue with the proposal (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty - Stop and remove the proposal – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed. 	
<p>Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.</p>	
Option selected	Conclusions/justification
No major change to the proposal	The EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impacts. Opportunities to advance equality and foster good relations will be applied throughout Action Plan steps and will be subject to annual monitoring and review (including a review of the EIA), with the exception of the Housing Strategy and Housing SPD which will be subject to separate EIAs.

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
n/a			

Step 8 - Monitor, review and improve

8.1	<p>How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>Monitoring and evaluation of the Action Plan will be undertaken on an annual basis. This will be undertaken by the Strategic Planning Policy team and be reported corporately by way of the Planning Policy Housing Delivery Action Plan Update Report. All Action Plan steps are supported by the council's existing corporate programme.</p>

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9 December 2021

Executive

Report of the Director of Housing, Economy and Regeneration

Portfolio of the Executive Member of Housing and Safer Neighbourhoods

Housing Energy Efficiency Programme Update – Utilising Grant Funding to Deliver Additional Retrofit Works

Summary

1. This report provides an update on works to reduce carbon emissions within the housing sector in York and the sub-region. This follows on from the launch of this programme through Executive approval in December 2020 and a number of successful grant applications throughout 2021. These retrofit works and funding opportunities are being delivered alongside the development of a housing energy efficiency strategy, which will build on the Climate Change Strategy, by developing a number of initiatives to support the city's ambition of being carbon neutral by 2030. This report provides an update on projects which are currently underway, delivering energy efficiency improvements across all housing tenures. The report then presents opportunities for utilising additional grant funding to deliver further retrofit works in order to reduce carbon emissions, reduce fuel poverty and increase the warmth, comfort and health of our homes.
2. In summary, through the Housing Energy Efficiency Programme, the council has:
 - a) Earlier this year been successful in securing £2,659m of grant funding under the first two rounds of the government's Local Authority Delivery (LAD) programme. In February, we secured £535k under the LAD 1B funding round for works in the private rented and homeowner sectors. In July, we secured £2,124k under the LAD 2 funding round for works in the private rented, homeowner and social housing sectors. Both funding rounds have challenging timescales of delivery by March 2022. This funding will deliver improvements to the energy efficiency of over 400 homes in York and the sub-region.

- b) Submitted a further successful application for funding of £2,380k under the LAD 3 round of funding. The focus of this round of LAD funding is for private rented and homeowner homes. This brings the amount of grant funding achieved so far this year to £5,039k.
- c) Submitted a further grant application under the Social Housing Decarbonisation Fund (SHDF). As the title suggests, this funding is for retrofit works within social housing. The outcome of this application will be known by the end of December 2021. The application was for £280k of central government funding and would require match funding investment of £353k from the Housing Revenue Account. The combined investment would support the retrofit of 28 of our least energy efficient council homes.
- d) Engaged in significant best practice research, data gathering and analysis, and stakeholder engagement to begin the drafting of a Housing Energy Efficiency Strategy which will support a strategic approach to reducing carbon emissions, reducing incidents of fuel poverty, and improving the health of housing across all tenures in the city. This will link with other emerging strategies around climate change, economy and skills and will be brought before Executive for consideration in spring 2022.
- e) Been invited to be member of the UN International Centre of Excellence on High Performing Buildings programme, in recognition of our work on reducing carbon emissions in the housing sector through the zero carbon ambitions of the Housing Delivery Programme as well as our retrofit ambitions.

Recommendations

- 3. The Executive are asked to note and approve the following recommendations:
 - i. Note the progress in securing funding under the LAD1B and LAD 2 rounds of the programme, including the challenges and risks associated with delivering works utilising short term funding and the progress in drafting an energy efficiency strategy document.
 - ii. Note the offer of additional grant funding of £2,380k under the LAD 3 funding round.
 - iii. Note the submission of a grant application for £280k under the Social Housing Decarbonisation Fund, and if successful, to delegate acceptance of this grant offer to the Director of Housing, Economy

and Regeneration in consultation with the Executive Member for Housing and Safer Neighbourhoods.

- iv. Approve the use of £353k of the approved £2m HRA Energy Efficiency Capital Programme budget, to match fund the Social Housing Decarbonisation Fund grant (if successful), to deliver retrofit works to around 28 of the least energy efficient council houses. Note the use of £440k of HRA investment to match fund LAD 2 grant funding to deliver solar PV installations on up to 50 council homes.
- v. To approve the procurement of a new retrofit delivery partner to undertake improvement works in accordance with the grant offers under the LAD3 and Social Housing Decarbonisation Fund (if successful). Delegate authority to the Corporate Director of Place (in consultation with the Director of Governance and S151 Officer) to take such steps as are necessary to procure, award and enter into the resulting final contract(s).
- vi. To agree to enter into a Memorandum of Understanding (MoU) with the United Nations to support York becoming an International Centre of Excellence on High Performance Buildings.

Reason: In order to tackle fuel poverty and to meet the ambition of York being carbon neutral by 2030, to both reduce energy demand through building fabric upgrades as well as switching to low carbon/renewable forms of heating and energy generation across all tenures.

Background

4. In 2019, the City of York Council declared a Climate Emergency and set an ambition for York to be a carbon neutral city by 2030. Domestic homes are the single largest carbon producing sector locally, accounting for an estimated 31.8% of total emissions.
5. Energy inefficient housing not only increases carbon emissions, but it can also reduce the health of a home. Poorly insulated homes will be colder and are more likely to have issues of damp and mould. By better insulating our homes they become both healthier and more affordable to heat, helping to reduce incidences of fuel poverty.
6. The government recognises the significant challenge of improving the energy efficiency of homes across the country. As part of a wider funding package, the government announced £500m of funding known

as the Local Authority Delivery (LAD) scheme. This funding is allocated to Local Authorities on a competitive basis in order to improve the energy efficiency of homes. So far there have been three rounds of LAD funding. Round 1 and 3 are primarily aimed at home owners and the privately rented sector, whilst LAD round 2 allowed for some spend on social housing. The funding is allocated to successful local authorities who then identify willing and eligible households and use their procured supply chains to deliver the works. The primary funding criteria is low income households who live in a home which is rated D or below against the Energy Performance Certificate (EPC) rating. The funding seeks to phase out high carbon fossil fuel heating and deliver progress towards the UK's commitment to net zero carbon by 2050. The funding within the programme isn't sufficient to undertake a full house retrofit where a house is improved to zero carbon or similar standard. However, the programme adopts a "no regrets principle". This principle supports steps towards zero carbon by undertaking designed works in an appropriate order by focussing first on the installation of insulation measures before delivering technological solutions such solar PV or air source heat pumps.

7. To date the council has been successful in securing three sets of LAD funding:

- LAD 1B – funding of £535K
- LAD 2 – funding of £2,124k
- LAD 3 – funding of £2,380k

This is a really significant investment in retrofit works in York and the sub-region. This level of grant funding is around three times the average per capita award across the country. This highlights both our ambition and the growing skillset within the council to access and utilise these grant funding opportunities. The grants provide an opportunity to utilise revenue funding to build the internal capacity needed to deliver the projects. As a result we have appointed a Home Energy Project Manager and two support staff. This resource has been utilised to promote the opportunities for retrofit works in York and across the sub-region as well as project managing the contract with the funding bodies and works contractors. Physical works have been completed on a number of homes, including adding cavity wall insulation and improving the energy efficiency of rooms in the roof. The opportunity for retrofit works has been widely promoted and over 200 people have expressed an interest and are being assessed to make sure they meet the income criteria and that their home meets the low energy efficiency thresholds to qualify for grant funding.

8. In December 2020 Executive approved the use of £1m to invest in the retrofit of approximately 60 council homes whilst a long term strategy was developed to guide longer term and additional investment. This £1m was allocated from the £2m HRA Energy Efficiency Capital Programme budget. Very quickly after the Executive approval, grant funding opportunities became available which have utilised staffing resources as well as reprioritising investment decisions in order to maximise the use of external funding which has become available. The scale of the financial challenge in retrofitting poorly performing council homes is enormous and requires the utilisation of external sources of funding where available. In March, the Executive Member of Housing and Safer Neighbourhoods, approved the submission of the successful LAD 2 funding application which included £250K for the installation of Solar PV on up to 50 council homes. These installations require £440k of HRA investment alongside the grant funding. This work will be undertaken utilising the existing Better Homes contract following consideration of value for money via an independent organisation.

9. Whilst progress is good in delivering retrofit works utilising grant funding, and in many cases we are much more advanced than our peers, it should be noted that there have been a number of challenges. These challenges place a significant risk of not being able to fully utilise all of the grant funding within the current deadline of the end of March 2022. The key challenges are:
 - Supply chain capacity and local skills development - lack of sufficient skilled workers and building materials due to competing programmes across the country.
 - Implementation of new industry standards – a lack of technical understanding by the supply chain has further reduced capacity and added time and complexity to each retrofit project.
 - Increases in material costs driving up the overall cost of retrofit works in the short term.
 - Customer engagement – reaching enough people who both meet the strict qualifying criteria and want to commit to the works within a short timescale and at a time of the covid pandemic.

10. Many of these challenges will be addressed in the medium to long term as we develop our Housing Energy Efficiency Strategy and extend our delivery programmes in order to develop and support a more robust supply chain. Creating successful case studies to share with people will also be a valuable tool in demonstrating the advantages of undertaking these works on your own home.

Local Authority Delivery Round 3 (LAD3)

11. Recently the City of York Council led a consortium bid under the LAD3 round of funding, the consortium included Harrogate, Craven and Selby. The focus of the bid is to extend existing retrofit works under LAD 1b and 2 funding rounds by taking a “no regrets”, fabric first approach where possible to improving the energy efficiency of homes. This programme will fund retrofit works undertaken between January 2022 and March 2023 providing a longer delivery window than under either LAD1b or LAD2.
12. LAD3 funding is primarily aimed at private rented sector landlords and home owners. We have been successful in receiving a grant offer of £2,380k under the LAD3 funding round which supports retrofit works for low-income households which are heated by mains gas.
13. The LAD 3 funding will predominately be utilised for improving the energy efficiency of houses within York. Using modelled data we are proposing to undertake works to approximately 200 fuel poor households. These works are likely to include fabric improvements such as top-up loft insulation, external wall insulation, underfloor insulation as well as renewable technology installations consisting of solar photovoltaic (PV) panels and hybrid air source heat pumps (ASHPs). A Hybrid ASHP uses a gas boiler to top-up the warm water supplied by the ASHP.
14. The works in York will target wards where there are the largest numbers of qualifying households. Qualifying households need to be on low incomes and the house needs to have a low EPC rating (typically D or below). The highest concentration of these households are within wards closest to the city centre, such as Clifton, Micklegate, Fishergate, Guildhall and Holgate. It is important from a delivery and cost efficiency perspective that specific geographical locations are targeted, as spreading works throughout the city would not be an acceptable approach for any supply chain partner. After these wards are targeted, promotion of this opportunity can be extended further out into the city should there be grant funding remaining. We will also take advice from our procured delivery partner regarding key areas and streets to target to ensure that we achieve best value. As some of the works will be external wall insulation, which typically requires planning permission, we will also need to be mindful of conservation and heritage considerations as well as the need to target streets where a number of works can be carried out at the same time in order to ensure efficient delivery of the programme.

15. We are a signed up member of the Better Homes Yorkshire (BHY) contract which was established to physically deliver energy efficiency works within the social housing sector. However, the procured BHY delivery partner has confirmed that they have no spare capacity to undertake retrofit works as part of LAD3 or SHDF works. The grant applications were therefore submitted in the expectation that a new delivery partner would need to be procured if we were successful. This will require amending the BHY agreement alongside entering a contract with a new delivery partner for these works. Advice from Legal and Procurement has been taken in this regard and we are confident that this can be achieved.

Social Housing Decarbonisation Fund

16. The Council expect to be notified in December 2021 whether it has been successful in its application for £280k of funding to support the retrofit of council homes. This funding would go towards the retrofit of some of our poorest performing homes, some of which are more difficult to treat than homes with a more standard construction method. A number of potential homes have been identified which meet this criteria but further consultation with residents is required should we be successful in our grant application. The works are likely to consist of external wall insulation and some underfloor insulation. This will wrap the houses in insulation such that they retain heat much more effectively. As well as reducing carbon emissions this work will increase the thermal comfort of the home and is likely to reduce energy bills for many residents.
17. The total cost of the identified works is estimated to be £633k, meaning the HRA would be required to invest the remaining £353k. The HRA investment would be an average of £12.6k per home to enable works to the value of £22.6k. In December 2020, Executive approved the use of £1m of HRA investment to retrofit council homes. By utilising grant funding under LAD 2 and SHDF we are able to deliver retrofit works to approximately 28 homes and install solar PV on a further 50 homes utilising HRA investment of just £793k. By utilising this funding we will be able to improve the energy efficiency or install renewable energy generation to a total of 78 homes whilst retaining £1,207k within the HRA Energy Efficiency Capital Programme for further investment allocation once the energy efficiency strategy is developed and to further cross fund the next round of grant opportunities.

18. As described in the previous section, the delivery of these upgrades work would require the procurement of a supply chain partner for insulation works for the 28 homes. An existing supply chain partner will deliver the installation of solar PV to 50 council homes.

Housing Energy Efficiency Strategy

19. Our success in attracting government funding has kick started investment in retrofit works across York. This will have a positive impact on the supply chain, who will be incentivised to invest in skills and resources in order to be able to deliver the works. However, short term investment alone will not be sufficient to support the required upskilling of large numbers of tradespeople. A long term strategy for both direct investment within our own council housing stock as well as facilitating retrofit works within other sectors is vital to support the shift towards skills in low carbon systems and technologies. This shift is a key theme within the emerging Economic Strategy.
20. As such, alongside utilising government grant to invest over £5m in retrofit works now, we are developing a longer term strategy for the city. This will have a key thrust around steps to improve the energy efficiency of council houses without compromising our work in repairing and maintaining the homes. The strategy will set out an approach which will support investment as a long term approach whereby it is embedded into business as usual alongside taking advantage of further grant funding opportunities. The strategy will provide data highlighting the level of retrofit challenge across all sectors and will use modelled information to highlight key interventions which are most suitable across different parts of the city. The strategy will outline the role of the council in facilitating and supporting those who are 'able to pay'. The strategy will build on the high level aspirations within the emerging Climate Change Strategy and highlight a series of actions which will support our ambition to significantly reduce carbon emissions within the residential sector in York.

Becoming a United Nations International Centre of Excellence on High Performing Buildings

21. The Housing team have undertaken significant research and outreach to inform the zero carbon ambitions of both our retrofit programme and the Housing Delivery Programme. This work has sought to identify good practice being developed nationally and internationally to help further our ambitions to create sustainable high

quality housing and to renovate existing stock to become more energy efficient.

22. The work we are doing has been recognised as innovative and ambitious by independent organisations such as Friends of the Earth and the Local Government Association who have used the Housing Delivery Programme as an exemplar of best practice case study in their emerging guides which will be used to support other council's and organisations in delivering new low carbon neighbourhoods.
23. Following the promotion of the work undertaken by the council, we have been invited by the United Nations Economic Commission for Europe (UNECE) to become an International Centre of Excellence on High Performing Buildings. This initiative is designed to promote good practice in zero carbon construction thereby accelerating the delivery of sustainable solutions around the world.
24. By being a centre of excellence within this programme, York would be part of a network of leading organisations in delivering high performance buildings. Centres can provide education, training, or demonstrate best practice through projects. Members are expected to share information globally through collaboration with other network participants. Members of the initiative commit to supporting the advancement of the rapid transition to high performance buildings, locally and around the world, in support of the UN Sustainable Development Goals and Paris Climate Accord, while fostering a thriving building industry that creates healthy, comfortable, and sustainable buildings everywhere for everyone. The mission of the UNECE centre of excellence work can be found here [Learn More — \(uncentresofexcellence.com\)](https://uncentresofexcellence.com).
25. At the COP 26 climate change summit in Glasgow, Eight International Centres of Excellence of High Performance Buildings were unveiled to become part of the collaborative network of organisations across the globe. The focus is on supporting their local industry in the rapid development of next generation buildings consistent with UN Framework guidelines for energy efficiency standards in buildings. City of York Council will be the first local authority in the UK to be a member of this consortium, leading the way on the delivery of zero carbon housing. Executive are asked to formally agree to sign a Memorandum of Understanding (MoU) with UNECE setting out our joint commitment to promoting sustainable development. This is attached at Annex 1.

Resources

26. A post to lead the Home Energy Efficiency programme has now been created, providing expertise and project management for two years to support teams across housing services. In addition the LAD funding streams include an allowance to increase staffing capacity. Additional posts have been created to support the delivery of these projects.

Consultation

27. In the production of this report further consultation has been undertaken with our consortium partners Harrogate, Selby and Craven Councils. The retrofit strategy development includes extensive consultation with stakeholders, including at Housing and Community Safety Scrutiny in October.

Council Plan

28. Undertaking energy efficiency retrofit projects aligns with a number of the key objectives within The Council Plan:

Well-paid jobs and an inclusive economy – retrofit of existing homes requires a skilled workforce and is labour intensive by the nature of the work involved. People working in the construction industry are typically paid above the national average. Utilising central government grant funding alongside HRA capital to deliver works creates opportunities for work with the supply chain to create opportunities for further training and skills development locally.

A greener and cleaner city – our housing stock is a major source of carbon emissions. Retrofit improves the thermal performance of existing dwellings, reduces heating demand and thus reduces the amount of gas/electricity required to heat a dwelling.

Good health and wellbeing – Exposure of residents to excess cold exacerbates a range of health conditions and contributes to increased hospital admissions during the winter months. The elderly are particularly at risk from excess cold. Retrofit projects will make tangible improvements to the energy performance of dwellings thereby reducing incidents of excess cold and associated ill health.

Implications

Financial - The LAD3 grant is for properties in the private sector and will be awarded upfront rather than on a claim basis. Administration and ancillary costs can be claimed by CYC and the contractor up to a maximum combined value of 15% of the grant. CYC internal resources costs are to be contained within this value.

Expenditure relating to social rented properties for the Social Housing Decarbonisation Fund, will be contained within the £2m HRA Energy Efficiency capital programme budget.

Human Resources (HR) – A small team led by the Home Energy Efficiency Programme Manager is now leading on the cross-tenure retrofit programme supported by two Home Energy Project managers. The two LAD investment programmes have enabled the recruitment of additional staff on short fixed term contracts. Should we be successful with our procurement these will be extended until March 2023.

Equalities – An equalities impact assessment was completed when this programme was launched and approved by Executive in December 2020. There is no adverse impact expected in terms of equalities.

Legal – The timescales to implement the work required once grants have been confirmed is tight and so the use of existing procurement frameworks to expedite the process and ensure compliance is advised. Research has been undertaken to make sure these are available and appropriate. Such a process will also help the Council comply with the subsidy control mechanism (which replaces the State Aid regulations) by not giving an advantage to one economic operator over another.

Arrangements will need to be put in place to protect the Council as lead authority from any breach of grant conditions by the other partner local authorities who will receive part of the funding from us to use for the same purposes. Back to Back Agreements with CYC will bind these authorities into the same conditions.

In respect of the UNECE memorandum of understanding (MoU), the document sets out the principles of collaboration/co-operation between the UNECE and CYC for this project.

The MoU is drafted as a non-legally binding document, which is typical for informal collaborations in public sector. Even if it is non-binding, this may give rise to fiduciary/moral obligations, which can be enforceable in

other legal jurisdictions overseas (particularly in continental Europe, but also in the USA).

Most of the clauses in the MOU are drafted on a mutual basis, and there are no administrative or financial burdens for either party i.e. each party will be individually liable for their own costs arising out of this MoU.

The MOU is for 3 years from signature, and can be terminated at any time on 60 days' written notice.

Procurement – Any proposed works and services will need to be commissioned via a compliant Procurement route under the Council's Contract Procedure Rules and the Public Contract Regulations 2015. Although the value of the works falls under the relevant threshold (£4,733,252), a full procurement exercise under the Regulations will be required in this instance. As such, 3 formal routes have been identified which will allow the council to complete said works compliantly.

Whilst the timescales for the required work and services are extremely tight following the councils successful bid application, work has begun to research the most suitable procurement route. To date, there are 3 main routes which the authority could take. The 3 routes consist of 2 Frameworks via Fusion21 and Consortium Procurement and 1 DPS (Dynamic Purchasing System) via Procure-Plus. It is understood other councils have accessed and used the routes we are proposing and a session has taken place with said councils for feedback and lessons learnt so this can be applied to York's process.

As highlighted above within the Legal section, agreements will need to be put in place in order to protect the council from any potential breaches and costing issues. Each agreement that is required, will link each participating authority into the same conditions and requirements. There are no major procurement risks or challenges with the proposed routes.

Crime and Disorder - None.

Information Technology (IT) - Civica APP database (FLARE) and MS SharePoint will be utilised in order to manage project information and data.

Property - None

Risk Management

Project delivery of the Home Energy Efficiency Programme is overseen by the Housing Energy Efficiency Board led by the Head of Housing

Delivery and Asset Management. A working group of officers from the consortia of councils are already managing risks within the LAD 1B and LAD2 programmes. A risk sharing agreement has been signed by the councils. Staffing resources will be flexed to reflect the demand of the delivery of projects.

Contact Details

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Home Energy Efficiency Programme Manager, Housing Standards and Adaptations Team

Chief Officer Responsible for the report:

Tracey Carter

Director of Housing, Economy and Regeneration

Report
Approved



Date

29/11/21

Specialist Implications Officer(s)

Legal

Walter Burns/Ryan Bell
Senior Solicitors

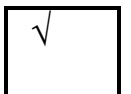
Finance

Samantha Sidebottom
Housing Accountant

Procurement

Chloe Wilcox
Procurement Category Manager

All



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

Abbreviations

BEIS	Department of Business, Energy and Industrial Strategy
EPC	Energy Performance Certificate
LAD	Local Authority Delivery
SHDF	Social Housing Decarbonisation Fund

Background Documents

- Council Housing Energy Retrofit Programme – December 2020 – Executive
- Update on the Housing Energy Retrofit Programme – March 2021 – Decision Session: Executive Member for Housing and Public Protection
- Update on the Housing Energy Efficiency Programme and Grant Application for the Sustainable Warmth Competition – Decision Session: Executive Member for Housing and Public Protection

Annexes

Annex 1 – UNECE Memorandum of Understanding



[Partner Logo]

**Memorandum of Understanding
between
the United Nations Economic Commission for Europe (UNECE)
and
[Partner]**

WHEREAS the United Nations Economic Commission for Europe (hereinafter referred to as “UNECE”) is mandated to carry out a programme of work in the field of sustainable energy with a view to providing access to affordable and clean energy to all and helping to reduce greenhouse gas emissions and the carbon footprint of the energy sector;

WHEREAS the UNECE, through its Committees on Sustainable Energy and Housing and Land Management, its Group of Experts on Energy Efficiency, and the Joint Task Force on Energy Efficiency Standards in Buildings, promotes development and dissemination of international standards in energy efficiency through the High Performance Buildings Initiative (HPBI) (Annex 1) and its UNECE Framework Guidelines for Energy Efficiency Standards in Buildings (the Framework) (Annex 2);

WHEREAS, to further the UNECE’s work in promoting the principles of energy efficiency as set forth in the Framework, the UNECE seeks partners with demonstrated capabilities to support and advance the principles of the Framework and desires to establish a network of designated International Centres of Excellence on High Performance Buildings (each individually, “ICE-HPB” and collectively, the “Network”) to work with the UNECE to support and advance the principles of the Framework (Annex 3);

WHEREAS [partner] located at [partner locations] [legal status]. [partner mission] and it seeks to partner with the UNECE to support and advance the principles of the Framework;

WHEREAS the UNECE has found [partner] to have the demonstrated capabilities to support and advance the principles of the Framework necessary to become a designated ICE-HPB;

WHEREAS the UNECE and [partner] agree that ICE-HPBs are separate and independent from the consortium of academic research institutions that has been established under the HPBI to support and advance the principles of the Framework, it is anticipated that there will be beneficial collaboration among and between the UNECE, the academic consortium, and the network of ICE-HPBs.

NOW THEREFORE the UNECE, represented by the Executive Secretary of the UNECE, [partner, represented by TK] (hereinafter referred to collectively as “the Parties”), have entered into the present Memorandum of Understanding (hereinafter referred to as “MoU”) as follows:



[Partner Logo]

Article I

Purpose

1.1. The purpose of this MoU is to provide a framework for establishing and operating ICE-HPBs to support and advance the principles of the Framework. The target group(s) who will benefit from cooperation under this MoU are described in Annex 3. Each ICE-HPB designated by the UNECE will operate as an independent organisation but in partnership with the UNECE and its Group of Experts of Energy Efficiency and the Joint Task Force on Energy Efficiency Standards in Buildings, and will work with the UNECE to pursue programmatic and funding opportunities to collaborate and cooperate with the UNECE and other ICE-HPBs within the Network, as further articulated in Article II below.

Article II

Areas of Cooperation

2.1. This MoU outlines the activities needed to establish and operate an ICE-HPB and defines the division of responsibilities between the Parties.

2.2. The UNECE hereby designates [partner] as an ICE-HPB that will perform a number of activities that may be referred to as “projects,” in accordance with the Framework generally and, more particularly, with the Terms of Reference for an ICE-HPB (Annex 3).

Article III

Implementation

3.1. The Parties agree to carry out their respective responsibilities in accordance with the provisions of this MoU. The Parties agree to join efforts and to maintain a close working relationship in order to achieve the objectives of collaboration under the present MoU.

3.2. The UNECE will provide guidance to [partner] through engagement of its experts in ICE-HPB operations where possible and practicable.

3.3. The Parties will collaborate in joint projects in the UNECE member States and beyond that fall under the Framework, generally, and more particularly, under the Terms of Reference of the ICE-HPB. Such projects may be undertaken in collaboration with other ICE-HPBs within the Network or with the Network as a whole. The ICE-HPB will inform the Committee on Sustainable Energy and the Group of Experts on Energy Efficiency of its work and results either directly or through the Network as a collective report.

3.4. The UNECE will encourage communication, coordination and collaboration among the ICE-HPB and the other ICE-HPBs in the Network, and academic research consortia, that will be beneficial, as well as to pursue, to the extent practicable, funding opportunities to benefit the activities that may be undertaken pursuant to this MoU to support and advance the principles of the Framework.



[Partner Logo]

3.5. As applicable and if found necessary by the Parties, each project shall contain the terms and conditions for its implementation, including, but not limited to, clear deliverables, timeframes, and funding arrangements, specified in a separate project document to be agreed upon and signed by both Parties.

3.6. Project documents may be modified at any time by written agreement of the Parties through their MoU Focal Points designated in Article IV.

3.7. The Parties shall refrain from any action that may affect the interests of the other Party adversely and shall fulfil their commitments with fullest regard for the terms and conditions of this MoU and the objectives of UNECE and the [partner] ICE-HPB.

3.8. In no event shall this MoU, or any amendment hereof, operate to create financial or administrative or legal obligations on the part of either Party, nor does it prevent the Parties from pursuing the objectives set forth in this MoU on their own or with other third parties.



[Partner Logo]

Article IV
MoU Focal Points

4.1. The Parties have designated MoU focal points to plan and develop activities under this MoU and ensure its proper implementation:

UNECE:

Director
Sustainable Energy Division
United Nations Economic Commission for
Europe
Palais des Nations, 8-14, Avenue de la Paix,
1211 Geneva 10, Switzerland
Tel.:
Email:

[partner]:

[partner representative]
[contact details]

Article V
Intellectual Property rights

5.1. The Parties agree that there will be no joint intellectual property rights.

5.2. The intellectual property rights for materials or products developed and provided by UNECE shall rest with UNECE. The intellectual property rights for materials or products developed and provided by [partner] shall rest with [partner].

Article VI
Reporting requirements

6.1. The Parties shall keep each other informed of all relevant activities pertaining to this collaboration and shall hold consultations as appropriate, in order to evaluate the progress in the implementation of this MoU and to revise and develop new plans for current or prospective activities.

Article VII
Settlement of disputes

7.1. The Parties shall attempt to resolve any dispute arising out of or relating to the MoU by amicable and good-faith consultations and direct negotiations between the Parties.



[Partner Logo]

Article VIII
Privileges and Immunities

8.1. Nothing in this MoU shall be deemed a waiver, expressly or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

Article IX
General Provisions

9.1. Entry into force and duration: This MoU shall enter into force upon signature by all Parties and will remain in effect for a period of three (3) years. This MoU will be renewed automatically at the end of the term for a successive period of three (3) years unless terminated by the Parties in accordance with the provisions specified in Section 9.3 herein.

9.2. Amendments: This MoU may be amended only by written agreement of both Parties.

9.3. Termination: This MoU may be terminated by mutual agreement of the Parties or by either Party providing sixty (60) days advance written notice to the other Party. In any such event, the Parties shall take all necessary actions as required to promptly and in an orderly manner terminate any on-going activities or projects carried out under this MoU in a cost-effective manner.

9.4. The UNECE has developed an emblem to indicate that an organisation has been designated an ICE-HPB by the UNECE (hereinafter referred to as the "Emblem"). [Partner] shall hereby be authorised, during the term of this MoU or until such time as the MoU is terminated pursuant to Section 9.3 herein, to use the Emblem on its literature or other materials and on its website. Upon termination of the MoU, [partner] shall remove the Emblem from its website and not use it on any of its literature or other materials produced thereafter. The UNECE is hereby authorised, during the term of this MoU or until such time as the MoU is terminated pursuant to Section 9.3 herein, to use [partner's] logo in its literature or other materials or on its website for the purpose of demonstrating that [partner] has been designated as an ICE-HPB by the UNECE. Upon termination of the MoU, the UNECE shall remove [partner's] logo from its website and not use it on any of its literature or other materials produced thereafter. Any use not provided for in this Section 9.4 of a Party's name, emblem, logo or official seal by the other Party, in any manner whatsoever, shall be prohibited unless expressly authorised in writing by the Parties.

9.5. The Parties recognize that they are legally separate and independent of each other. Neither Party has the authority to act on behalf of the other.

9.6. In line with the Secretary General's Bulletin ST/SGB/2003/13, sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Regulations and Rules. When entering into this agreement with UNECE and [partner] shall, by way of signing this agreement issue a written undertaking that [partner] accepts these standards. Failure on [partner's] part to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any agreement with the UNECE.



[Partner Logo]

- 9.7. This MoU does not create legally binding obligations between the Parties.
- 9.8. The implementation of the MOU does not have financial or budgetary implications for either Party.

Article X
Notices

10.1 Any notices required by this MoU shall be given in writing and delivered to the following addresses:

UNECE:

Director
Sustainable Energy Division
United Nations Economic Commission for
Europe
Palais des Nations, 8-14, Avenue de la Paix,
1211 Geneva 10, Switzerland
Tel.:
Email: _

[partner]:

[partner representative]
[contact details]

or at such other address as may be designated in writing in accordance with the terms of this notice provision.

Each Party to this MoU hereby warrants and represents that the person signing below is duly authorized under applicable law and regulation to execute this MoU on behalf of its respective Party and thereby to bind such Party to the terms hereof.



[Partner Logo]

IN WITNESS WHEREOF, the Parties have signed this MoU in three (3) originals in the English language on the date set forth below:

For United Nations Economic Commission for Europe

Signature:

Executive Secretary
UNECE

Date: _____

For [Partner]

Signature: _____

Date: _____

* * *

Annex 1

UNECE

High Performance Buildings Initiative

Buildings are central to meeting the sustainability challenge. In the developed world, buildings consume over 70% of the electric power generated and 40% of primary energy and are responsible for 40% of CO₂ emissions from the energy services they require. In Europe, 75-90% of today's buildings will be in use in 2050. Developing countries will need to accommodate 2.4 billion new urban residents by 2050. Renewable energy technology alone cannot meet these requirements, despite recent improvements. The energy performance of buildings must be managed. The capability to meet the challenge exists today.

High performance buildings are key to achieving the 2030 Agenda. They help deliver on many of the Sustainable Development Goals in areas including:

- promoting sustainable urban development by recognizing buildings as complex systems embedded in community, city, and country-level energy networks
- tackling poverty by reducing energy bills
- accelerating the sustainable energy transition by improving the efficiency with which buildings' energy services are provided, and
- supporting climate action by reducing the energy requirements of buildings to a point at which residual needs can be met by no or low-carbon energy sources.

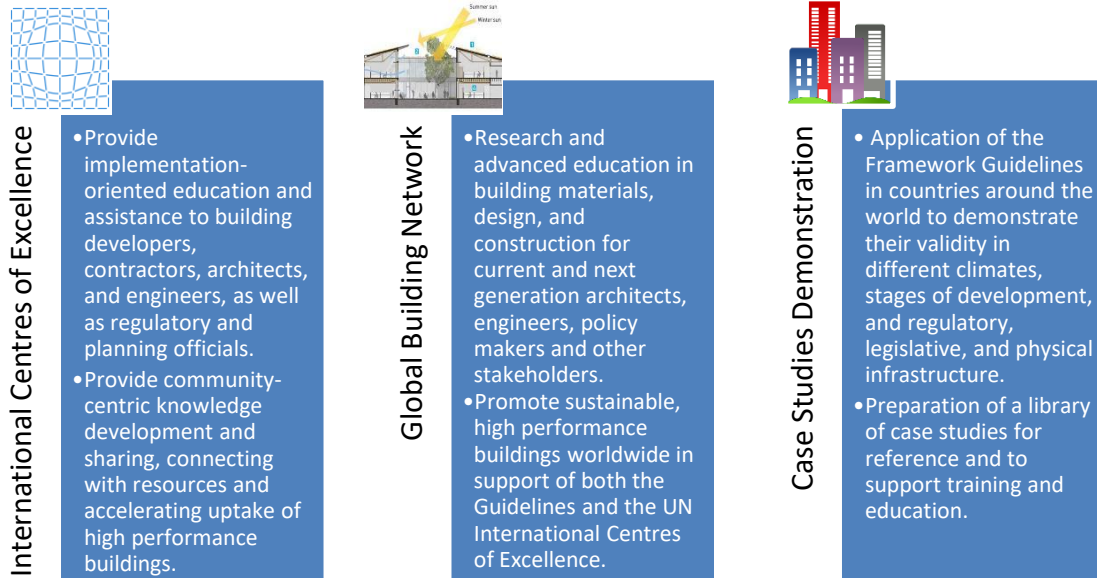
UNECE has launched its programme on high performance buildings to deploy its Framework Guidelines for Energy Efficiency Standards in Buildings and its Geneva UN Charter on Sustainable Housing with the aim of accelerating the transformation of the world's building stock.

UNECE has launched a programme known as the High Performance Buildings Initiative (HPBI) to disseminate and deploy its Framework Guidelines for Energy Efficiency Standards in Buildings worldwide. The initiative will focus on capacity development and impact in the field, developing:

- *the intellectual, material and financial resources to educate, advocate and advise for transformation to high performance buildings;*
- *the outreach required to create a worldwide urban shift to truly sustainable buildings.*

The ultimate objective is to improve health and quality of life within the built environment while simultaneously decarbonizing building-related energy requirements, thus breaking the historic link between improved health, quality of life and atmospheric carbonization.

HPBI comprises three pillars aimed at the reduction of the global carbon footprint of buildings and dramatic improvement in the health and quality of life provided by buildings.



Objectives and Targets

The High Performance Buildings Initiative aims to achieve the following objectives:

- ***Moving the dial on building energy performance:*** grow the number of localities with building codes aligned with UNECE Framework Guidelines; ensure most new buildings are certified compliant; reduce by 60% the average energy requirement per square meter in the new building “fleet” and by 10% for existing buildings.
- ***Moving the dial on GHG emissions and indoor air quality:*** reduce by 40% CO₂ emissions associated with meeting buildings’ energy service needs; increase by 10% the amount of carbon “stored” in buildings; improve indoor air quality and reduce pollution-linked health issues.
- ***Improving the global supply chain for the construction business:*** enhance “carbon storage” by increasing embedded carbon in buildings and building products and by reducing waste.
- ***Extending the network:*** recruit new centres of excellence and academic institutions to accelerate uptake of high performance best practices.

Architects, building contractors, and engineers are those who can perfect building envelopes – getting the materials and design right and then ensuring perfect construction techniques. Done right, design, materials, and perfect construction techniques, energy requirements are reduced so they can be met with low or no carbon energy sources

Systems professionals deliver heating, ventilation, and air conditioning as well as plug-in loads. Equipment can be sized properly to meet building's needs. Embedded carbon and energy demand can be limited and components can be recovered for re-use at the end of their lives.



Energy suppliers are essential if we are to ensure no- or low-carbon solutions meet the systems' needs. Energy can be provided on-site through a distributed energy services model – imagine roof-top solar or on-site storage – or through some sort of network connection. Further, efficient urban transport coordinated with buildings would connect energy and energy storage systems with mobility options and would accelerate the decarbonisation of mobility.

Information communications technology system optimization would coordinate distributed generation, smart energy use, energy service providers, and consumers. In addition, automated monitoring and control of the systems, indoor air quality, and comfort would improve building management and systems' efficiency. Tracking components in buildings will contribute to recycling and reuse of components. Finally, services bring the remainder of what dwellings provide to occupants: water, food, and waste removal or treatment.

Rather than address efficiency or quality on a component-by-component basis, the Framework Guidelines deal with a building as a complex system in its own right, one that is embedded into a community then into a city then into a regional or national network. ICT connects all the parts and allows for system-wide optimization that enables full participation by both consumers and intermittent energy resources. Until now, each of the communities have been operating as stand-alone contributors. Getting them to act together enables an integrated approach, unlocking the potential of buildings to make the ambitious vision of the 2030 Agenda a reality.

Annex 2

Updated Framework Guidelines for Energy Efficiency Standards in Buildings

Summary

The Joint Task Force on Energy Efficiency Standards in Buildings of the Group of Experts on Energy Efficiency was established in 2015 by the Committee on Sustainable Energy and the Committee on Urban Development, Housing and Land Management for 2016–2017 with a possibility of extension. Its mandate was extended for the period of 2018–2019, and further for the period of 2020–2021 with a possibility of extension.

The Joint Task Force on Energy Efficiency Standards in Buildings developed the Framework Guidelines for Energy Efficiency Standards in Buildings (ECE/ENERGY/GE.6/2017/4), and in 2017 the Committee on Sustainable Energy and the Committee on Urban Development, Housing and Land Management endorsed the document. To deploy the Framework Guidelines for Energy Efficiency Standards in Buildings and to set in motion the process of setting up international centres of excellence and a consortium of educational and research institutions, and thereby to accelerate transformation of the world's building stock, the United Nations Economic Commission for Europe launched a programme on high-performance buildings.

The United Nations Economic Commission for Europe continues to maintain the Framework Guidelines for Energy Efficiency Standards in Buildings and keep them updated. In view of this, the Work Plan of the Group of Experts on Energy Efficiency for 2020–2021 (ECE/ENERGY/2019/8) set the objective to further review and update the document, as needed. The related 21-day review process was organized involving the expert community of the Group of Experts on Energy Efficiency. This document contains the revised Framework Guidelines for Energy Efficiency Standards in Buildings, improved as deemed necessary.

I. Introduction

1. Buildings are central to meeting the sustainability challenge. In the developed world, buildings consume over 70 percent of the electrical power generated and 40 percent of primary energy and are responsible for 40 percent of carbon dioxide emissions from related fuel combustion. While developing countries will need to accommodate 2.4 billion new urban residents by 2050, in Europe 75-90 percent of buildings standing today are expected to remain in use in 2050. Renewable energy technology alone cannot meet those requirements, despite recent improvements. The energy performance of buildings must be managed, but the capability to meet this challenge is in place.

2. Standards are an effective instrument for addressing energy efficiency in buildings. Development and deployment of standards support the achievements of the targets set by several international initiatives such as the 2030 Agenda for Sustainable Development, the Sustainable Energy for All Initiative, the Geneva United Nations Charter on Sustainable Housing, as well as by the Paris Agreement. The concepts set forth herein go well beyond the incremental, components approach of existing building standards. Rather, they represent a principles-based performance guidance for building energy standards that is outcome-based, anchored in energy actually consumed, and that is designed to project a vision of holistically designed and operated, ultra-high-performance buildings as part of an integrated sustainable energy system.

II. Goal

3. Economic growth and the quality of indoor environments have depended on increased primary energy use. Shifting that reliance to renewables requires a holistic, systems approach to building design, delivery and operation and a paradigm that envisions buildings as energy producers and not solely or primarily as energy sinks. At costs equal or close to those of traditional buildings, it is possible with today's technology to transform buildings to align with the highest standards of health, comfort, well-being and sustainability, including improving energy productivity and reducing carbon dioxide emissions.

4. The energy required by buildings can be reduced to a level that can be supplied largely, perhaps exclusively, by non-carbon-based energy. While further improvement in renewable energy technology and electrical and thermal storage is to be expected, the results will be more immediate and robust if buildings and the materials and technologies therein used are fundamentally transformed, while being assessed over their life cycle in terms of their energy performance. Limiting building heating and cooling requirements to 15 kWh/m²a in new builds and to 25 kWh/m²a for retrofit projects (final energy in conditioned space) each reduces energy needs sufficiently to permit renewable energy or zero carbon sources to meet most or all of the remaining space conditioning energy requirements. Total primary energy use in buildings' conditioned spaces, including heating, ventilation, cooling and hot water, can be limited to 45 kWh/m²a or, including plug-in loads (appliances), to 90 kWh/m²a. Over time with improvements in technology and materials and with enhanced connections to the built environment, these targets could be improved further. In addition, a viable indicator for primary renewable energy use should be introduced. In parallel, there will be need for effective controls for generation, distribution, and emission at full and partial demand loads to match energy use with building and occupant needs.

III. The Principles

5. The principles required for an era of truly sustainable buildings emerge from building science, materials science, digital science, information and communication technology and more. They reflect accumulated lessons learned and best practices of building owners, designers, engineers, builders, managers, policy makers, and more. The principles shift the building industry paradigm from fragmented and serial to holistic and integrated.

6. The principles cannot be prescriptive because of the vast diversity of circumstances and conditions experienced around the world. Rather, the principles provide guidance for planners, builders, and the entire building delivery and management chain as elements of innovative sustainability strategy.

A. Strategic

7. Buildings must be:

- (a) Science-based: design, construction, and management;
- (b) Financed through policies recognizing the value of better buildings;
- (c) Service-oriented: meet the sustainability demands of the populations served;
- (d) Integrated with their built environment lifecycle to connect buildings as energy consumers and generators (prosumers);
- (e) Cost effective to mobilize private investment and entrepreneurs;
- (f) Low-carbon technologies oriented to encourage clean and potentially renewable energy-based technologies utilization to lower greenhouse gas emissions;
- (g) Low energy consumption targeted to encourage energy efficiency increase in buildings leading to lower greenhouse gas emissions;
- (h) Performance-monitored with feedback loops to operations and design tools;
- (i) Performance-based: evaluated by system outcomes, not component prescriptions;
- (j) Safe and healthy: made taking the impact of buildings on human health into account;
- (k) Cognizant of the whole value chain, including taking account of the amount of energy consumed to produce building materials, for more accurate calculation of energy efficiency.

B. Design and Construction

8. Conception and delivery of buildings must be:

- (a) Holistic and integrated: recognize buildings and their environment are part of a system;
- (b) Affordable: high performance buildings costing the same as or less than in 2016 based on a life-cycle assessment, taking account of cost reductions from learning effects and economies of scale;
- (c) Validated: based on energy models that reliably predict actual building performance;
- (d) Sustainable: made using sustainable materials, equipment, construction, management and retirement practices, with due consideration given to passive building design where practicable;
- (e) Code-driven: with local adaptation of global building standards by having a normative template for specific choices in method, boundary conditions and in input data, to tailor the procedures to the national or regional context;
- (f) Skills based: develop workforces to provide technology/skills needed for design, construction and operation.

C. Management

9. Building must be maintained over their lifecycle:

- (a) Commissioning: With commissioning and re-commissioning of building active systems;
- (b) Performance-based: With on-going benchmarking, monitoring & reporting of actual performance data;
- (c) Certification: Maintain certification or labelling to ensure energy performance is incorporated in asset value;
- (d) Managed: Large or complex buildings, not leaving other types behind, to be all professionally managed with ethos of sustainability & social responsibility;
- (e) Data-linked: with advanced building information management capacity, where public infrastructure permits;
- (f) Evaluated: On going performance evaluation and improvement;
- (g) City-scaled: information analysis and outcomes;
- (h) Life cycle-based: with long term analysis.

IV. Implementation

10. Transformative change in buildings is possible, and the capabilities to create a new world of buildings and energy is in hand or within reach. Already today we have the techniques to achieve climate neutrality in the building sector until 2050/2060. Progress will require multisectoral follow-on action in five areas to support the Framework Guidelines for Energy Efficiency Standards in Buildings and make its vision a reality:

- (a) **Dissemination:** national, regional and municipal leaders in the public, private, research and education sectors must be made aware of the Framework Guidelines for Energy Efficiency Standards in Buildings – its vision, logic, practicality, and advantages;
 - (b) **Education:** information, guidance, instruction, and avenues to ongoing dialogue and knowledge resources must be provided to policy, market, and knowledge stakeholders to foster local development of building standards, codes and practices aligned with the Framework Guidelines for Energy Efficiency Standards in Buildings;
 - (c) **Research:** through collaborations among leaders in science and technology, focused on the frontier challenges in such areas as: (1) building components and materials; (2) building design, construction and operation; (3) energy production, distribution and consumption; (4) integrated urban systems and life cycle management; and (5) strategies for each country and climate zone to be carbon-free in 2050/2060;
 - (d) **Consultation:** formal and informal channels with local policy, market, and knowledge stakeholders for evaluation of impact, dialogue on in impact strategy, addressing discovered or unanticipated challenges, and cultivating global consensus in support of the Framework Guidelines for Energy Efficiency Standards in Buildings;
 - (e) **Participation:** networks of support and engagement among leading corporations, foundations, universities, professions, civil society and others with the array of resources – intellectual, experiential, financial, and relational – that will be required to make transformation a grass roots or deep market movement.
-

Annex 3: Terms of Reference for the HPBA ICE-HPB

Activities and Projects

The mission of HPBA, as an ICE-HPB designated by the UNECE, is to advance the principles of the UNECE Framework Guidelines for Energy Efficiency Standards in Buildings by connecting real estate and design professionals to energy efficiency solutions through education, training, technical assistance, demonstrations, resources, and research. HPBA identifies opportunities, navigates barriers to adoption, brokers relationships, and showcases best practices through its partners, projects, data and performance statistics, and published case studies, and will share resources globally through the ICE-HPB network.

HPBA helps building developers, owners, operators, and designers save energy and reduce building-based carbon emissions through implementation and adoption of energy efficiency measures and best practices. HPBA activities directly support climate action agendas and are consistent with the UNECE Framework Guidelines for Energy Efficiency Standards in Buildings.

The activities and projects of the HPBA ICE-HPB will include:

1. Convening dialogue amongst local and international industry leaders to identify challenges, share best practices and build a growing and diverse community of practice;
2. Gather and disseminate knowledge directly, and through partner organisations, including education and training, exhibits, case studies, research, demonstration projects, and the production of industry focused print and on-line resources;
3. Catalyze design and construction industry tools and training development, and identify potential barriers to adoption and implementation; and
4. Foster public demand and support for best practices through recognition and awards, open houses and tours, communication and marketing campaigns, public events, and demonstration projects.



Executive**9 December 2021**

Report of the Director for Public Health

Portfolio of the Executive Member for Housing and Safer Neighbour Neighbourhoods / Executive Member for Health and Adult Social Care

Domestic Abuse Act 2021**Summary**

1. The purpose of the report is to update on the introduction of the Domestic Abuse Act 2021, the new statutory responsibilities for local authorities under the Act and the proposed governance arrangements for a new statutory Domestic Abuse Local Partnership Board for City of York.
2. Domestic abuse is a significant public health issue having a major impact on the health and wellbeing on those directly affected and their families. Strategies to tackle it have tended to focus on victim support and crime reduction rather than prevention. The recent transfer of responsibility for domestic abuse from the Director of Environment, Transport and Planning to the Director of Public Health will allow for a more holistic approach across the city and the development of a strategy focusing on prevention, strengthening the support for victims of abuse and ensuring access to appropriate accommodation.
3. The Department of Levelling Up, Housing and Communities issued national guidance to local authorities to publish their draft strategy for Domestic Abuse Safe Accommodation by 26th October 2021 with the final strategy published by 5th January 2022. The council has worked in partnership with North Yorkshire County Council to produce a draft joint City of York and North Yorkshire Domestic Abuse Safe Accommodation Strategy which is currently out for consultation. The intention is for this to be an interim strategy for 12 months with safe accommodation incorporated into a new Domestic Abuse Strategy in due course.
4. The report is not intended to cover the work that is already happening on domestic abuse. This will be a separate report that will come to Executive in due course to present proposals for a new domestic abuse strategy with an implementation plan.

Background

5. The Domestic Abuse Act received Royal Assent becoming law on 29 April 2021. The Act aims to:

- Raise awareness and understanding about the devastating impact of domestic abuse on victims and families;
- Further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice;
- Strengthen the support for victims of abuse by statutory agencies.

6. The Act will:

- Create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical abuse but can also be emotional, controlling or coercive and economic abuse;
- The definition also provides that a child who sees or hears, or experiences the effects of, domestic abuse and is related to the person being used or the perpetrator is also to be regarded as a victim of domestic abuse;
- Establish in law the office of Domestic Abuse Commissioner and set out the commissioners functions and powers;
- Provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order;
- Place a duty on local authorities in England to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation;
- Provide that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance;
- Ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had, or has had, a secure lifetime or assured tenancy (other than an assured short hold tenancy) this must be a secure lifetime tenancy;
- Prohibit perpetrators of abuse cross-examining their victims in person in the civil and family courts in England and Wales.

- Create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts;
 - Clarify the circumstances in which a court may make a barring order under section 91 (14) of the Children Act 1989 to prevent family proceedings that can further traumatise victims;
 - Extend the offence of disclosing private sexual photographs and films with intent to cause distress (known as the “revenge porn” offence to cover threats to disclose such material;
 - Create a new offence of non-fatal strangulation or suffocation of another person;
 - Clarify by restating in statute law the general proposition that a person may not consent to the infliction of serious harm and, by extension, is unable to consent to their own death;
 - Extend the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences;
 - Provide for a statutory domestic abuse perpetrator strategy;
 - Ensure domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody;
 - Place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing;
 - Prohibit General Practitioners and other health professionals in general practice from charging a victim of domestic abuse for a letter to support an application for legal aid;
 - Provide for a statutory code of practice relating to the processing of domestic abuse data for immigration purposes
7. The Act also introduces the Domestic Abuse Commissioner role in government to help drive consistency and better performance in the response to domestic abuse across all local areas and agencies. It is assumed that local authorities will be subject to some form of inspection on the quality of local services for support to victims of domestic abuse and their families.

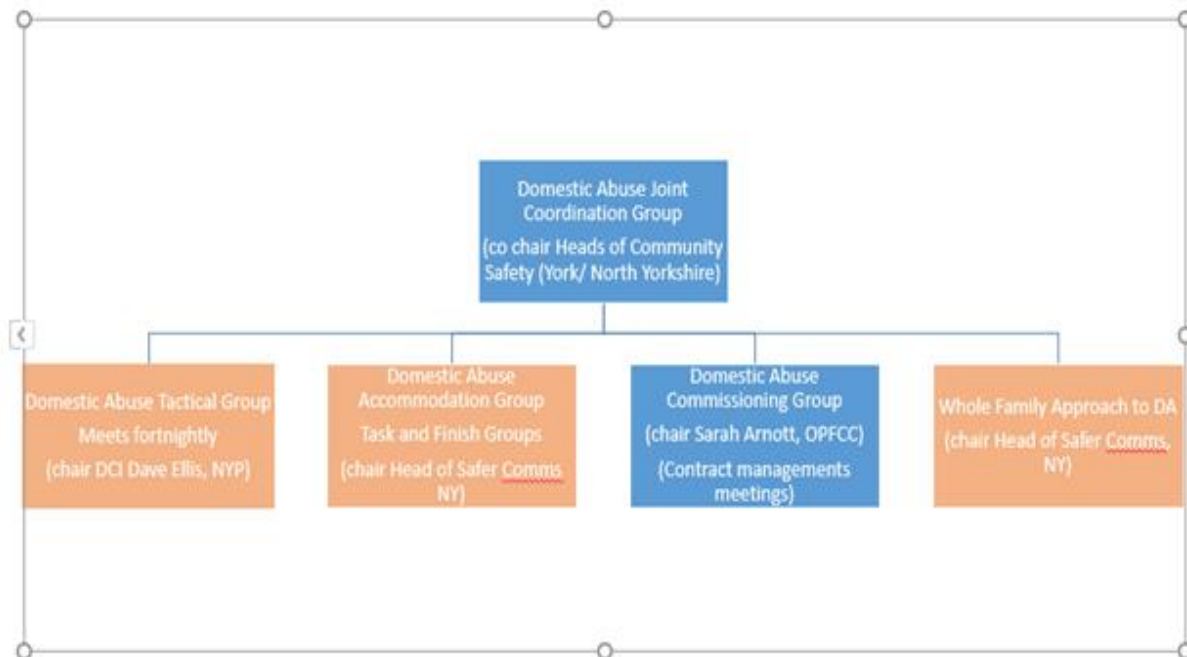
Responsibilities of the Local Authority

8. The Act places a statutory duty on upper tier and unitary authorities (level 1 councils) relating to the provision of support to victims of domestic abuse and their children residing within refuges and other safe accommodation.
9. It also places a duty on each level 1 council in England to:
 - Establish a multi-agency Domestic Abuse Local Partnership Board;
 - Assess the need for accommodation-based domestic abuse support in their area for all victims and their children, including those who come from outside the area;
 - Develop and publish a strategy for the provision of such support to cover their locality, having regard to the needs assessment;
 - Implement the strategy including the use of commissioning / decommissioning decisions;
 - Monitor and evaluate the effectiveness of the strategy;
 - Report back to central government.
10. This statutory duty will come into force following publication of statutory guidance and regulations.

Domestic Abuse Local Partnership Boards

11. Currently the Domestic Abuse Joint Co-ordination Group for York and North Yorkshire fulfils this function in shadow form. This multi-agency group reports to the Safer York Community Safety Partnership for City of York and the North Yorkshire Community Safety Partnership. The Joint Co-ordination Group has representation from North Yorkshire County Council, City of York Council, NHS, North Yorkshire Police, Office of the Police, Fire and Crime Commissioner, criminal justice, safeguarding partnerships for York and North Yorkshire and local providers of domestic abuse services.
12. The current domestic abuse partnership arrangements are set out below:

Current DA Partnership Arrangements



13. It is recognised that with the introduction of the Act it is timely to review the current arrangements to ensure fit for purpose in delivering the council's new statutory duties.

Consultation

14. An independent external assessment of the council's readiness to effectively undertake its responsibilities and requirements in the Domestic Abuse Act 2021 was commissioned earlier this year leading to the publication of a report published in July 2021. This report is attached as Annex 1.
15. This work involved consultation and engagement with a wide range of stakeholders in York including City of York Council officers across Directorates, representatives of partners agencies on the Safer York Partnership Board, Safeguarding Children Partnership, Safeguarding Adults Board, York Health and Wellbeing Board, Office of the Police, Fire and Crime Commissioner for North Yorkshire and a number of voluntary and community sector agencies.
16. The report set out a number of recommendations for the council to consider including options for a new governance structure. These are explored further in the options section of this report.
17. The draft City of York and North Yorkshire Domestic Abuse Safe Accommodation Strategy was published in draft to meet the government

deadline of 26th October 2021. This will be followed by a 10 week consultation period with final publication by 5th January 2022.

Options

18. There are four options for consideration:

Option 1: Do nothing.

Option 2: Establish joint North Yorkshire and City of York Domestic Abuse Local Partnership Board.

Option 3: Establish City of York Domestic Abuse Local Partnership Board.

Option 4: Establish City of York Domestic Abuse Local Partnership Board together with joint strategic commissioning across City of York Council, North Yorkshire County Council and Office of Police, Fire and Crime Commissioner for North Yorkshire.

Analysis

19. **Option 1** – Do Nothing.

This option is not recommended because it is accepted that the current Domestic Abuse Joint Co-ordination Group for City of York and North Yorkshire does not fulfil the requirements of the Domestic Abuse Act 2021 and requires review.

20. **Option 2** – Establish joint North Yorkshire and City of York Domestic Abuse Local Partnership Board.

It is possible that the existing Domestic Abuse Joint Co-ordination Group for City of York and North Yorkshire can evolve to become the new statutory Domestic Abuse Local Partnership Board serving both local authorities. The risk here is that the agenda might be more heavily focused on the county council and the districts of North Yorkshire given that this is larger and substantially better resourced. The needs of City of York could easily be overlooked. Therefore, this option is not recommended.

21. **Option 3** - Establish City of York Domestic Abuse Local Partnership Board.

As a unitary authority the council could make a decision to establish a stand-alone Domestic Abuse Local Partnership Board and break away from the current joint commissioning arrangements with North Yorkshire. This option is not attractive to partner agencies who have said in response

to consultation that their preference is to ensure continued commonality with regard to the standards set, the approaches expected of teams and services working across the boundaries between North Yorkshire and York. Furthermore, the needs of the victims and their families in domestic abuse situations must come first. The need for good cross-boundary working relationships is key to keeping them safe, for example, their safety and security might lie in being able to place them in another authority's safe accommodation. Therefore this option is not recommended.

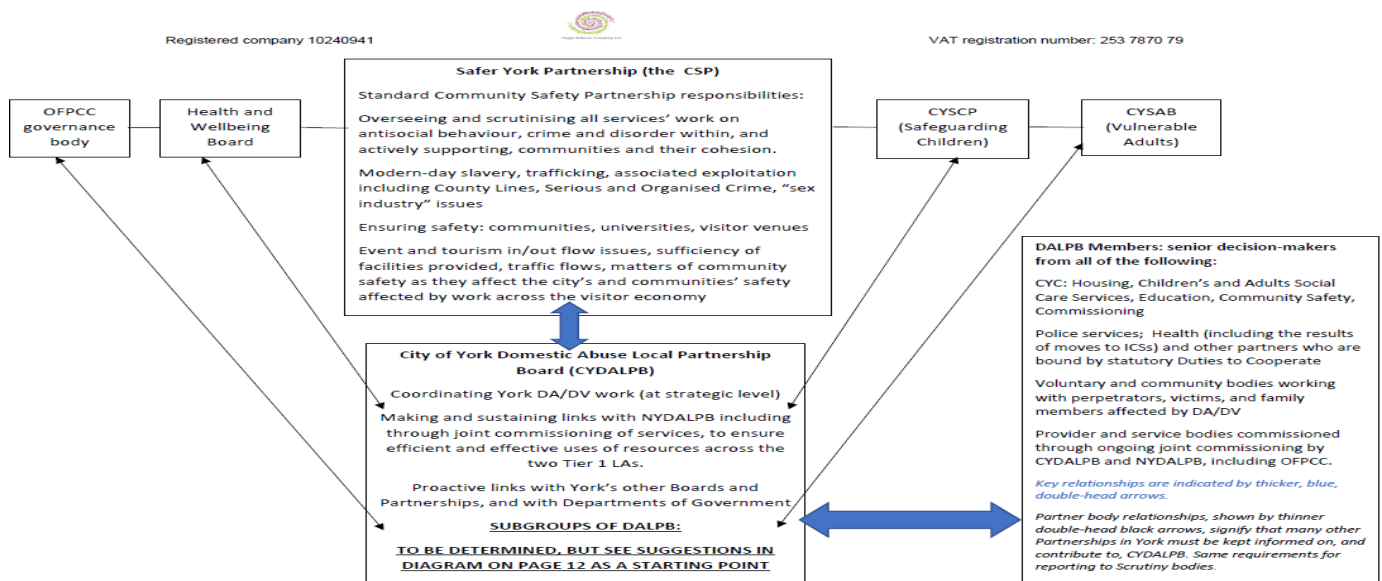
22. **Option 4** - Establish City of York Domestic Abuse Local Partnership Board together with joint strategic commissioning across City of York Council, North Yorkshire County Council and Office of Police, Fire and Crime Commissioner for North Yorkshire.

The structure diagram below is the preferred option highlighted in the consultation report on the feedback from the consultation.

In this option, the council would establish a City of York Domestic Abuse Local Partnership Board which would:

- Provide strategic leadership and co-ordination of the domestic abuse work across City of York
- Establish and maintain sustainable links with the North Yorkshire Domestic Abuse Local Partnership Board, including through joint commissioning of services, to ensure efficient and effective use of resources across both councils.
- Establish and maintain proactive links with York's other Boards and Partnerships and with central government departments.

Proposed governance arrangements and establishment of a City of York Domestic Abuse Local Partnership Board



This is the recommended option.

Council Plan

23. The Domestic Abuse Act 2021 and the establishment of a Domestic Abuse Local Partnership Board will support the council plan vision to help to make communities safer, improve the health and wellbeing of residents and protect the most vulnerable by keeping children and adults safe from harm and improving services for people experiencing domestic abuse.

Implications

Financial

24. The council has received a grant of £334,506 from central government for 2021/22 to fulfil the functions of the new statutory duty.
25. No funding has been provided beyond 2021/22. The government have indicated that any further funding would be confirmed as part of the Comprehensive Spending Review.
26. The grant terms do not include a requirement for spend to be completed by 21 March 2022 so the plan is to commit the grant over the period up to 30 September 2022 to reflect the time required to complete the needs assessment, develop a strategy as well as further commissioning activity.

Human Resources (HR)

27. There are no human resources implications from this report.

One Planet Council / Equalities

28. The needs of people with protected characteristics under the Equality Act will be assessed as part of the needs assessment. An Equality Impact Assessment will be published along with the needs assessment.

Legal

29. The Domestic Abuse Local Partnership Board is a statutory board of the council with requirements to deliver specified elements of the Domestic Abuse Act 2021.
30. It is an expectation in the Act that the members of the Domestic Partnership Local Partnership Board will include, as a minimum:
- a) A representative of the relevant local authority;
 - b) At least one person appearing to the authority to represent the interests of victims of domestic abuse;
 - c) At least one person appearing to the authority to represent the interests of children of domestic abuse victims;
 - d) At least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in its area;
 - e) At least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health services in its area;
 - f) At least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.
31. The further specifics of the Act, and further details as to the local authority responsibilities under the Act, will be provided in forthcoming Statutory Guidance and Statutory Regulations.
32. Legal advice will be sought as and when appropriate as the arrangements are developed and implemented.

Crime and Disorder

33. The City of York Domestic Abuse Local Partnership Board will be established as a sub-group of the Safer York Partnership.

Information Technology (IT)

34. There are no IT implications from this report.

Risk Management

35. No government funding has been confirmed beyond 2021/22. The needs assessment in consultation with the City of York Domestic Abuse Local Partnership Board, will determine commissioning arrangements from 2022/23 onwards.
36. It is anticipated that the Act will increase and widen the reporting of domestic abuse and increase demand on a range of services including specialist accommodation based and community-based domestic abuse services, criminal justice agencies, adult and children's social care, safeguarding and homelessness provision. The impact of this will be monitored through existing forums and the new Domestic Abuse Local Partnership Board.

Recommendations

37. The Executive are asked to:
- Note the council's new statutory duties under the Domestic Abuse Act 2021.
 - Approve the proposed governance arrangements set out in option 4.
 - Approve delegation of Chair of the York Domestic Abuse Local Partnership Board to the Director of Public Health.
 - Comment on the draft City of York and North Yorkshire Domestic Abuse Safe Accommodation Strategy currently out for consultation.

Reason: to ensure that the new statutory duties and responsibilities of the council are delivered.

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Report
Approved



Date 17/11/2021

Specialist Implications Officers

Patrick Looker Finance Manager
Janie Berry Director of Legal and Governance
Jane Mowat Head of Community Safety

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

All

For further information please contact the author of the report

Background Papers

MHCLG Draft Guidance (June 2021) Delivery of support to victims of domestic abuse, including children, in domestic abuse safe accommodation services
Draft statutory guidance (publishing.service.gov.uk)

Annexes

Annex A

Maggie Atkinson Consultancy Ltd July 2021. Readiness, governance, delivery models, joint or single authority working and requirements on local authorities and partners by the Domestic Abuse Act 2021.

Annex B

City of York and North Yorkshire County Council Domestic Abuse Safe Accommodation Draft Strategy

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Annex A

Registered company 10240941



VAT registration number: 253 7870 79

**Consultancy advice to City of York Council,
Safer York Partnership, other statutory partnerships**

**Readiness, governance, delivery models, joint or single Authority working
and requirements on Local Authorities and Partners**

by the Domestic Abuse Act 2021

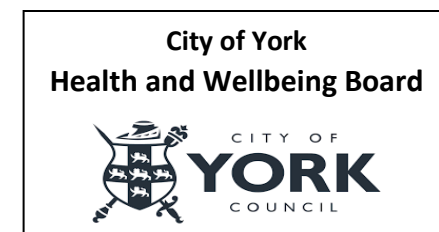
ISSUED DRAFT FOR COMMENT AND FINALISATION:

Tuesday 6th July 2021

Maggie Atkinson Consultancy Ltd



Maggie Atkinson Consulting Ltd





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1. **EXECUTIVE SUMMARY**

- 1.1 This report concludes an independent external appraisal of progress towards the City of York fulfilling, and its readiness for effectively undertaking, the top tier Local Authority responsibilities and requirements in the Domestic Abuse (DA) Act 2021 which gained Royal Assent on April 29th, 2021.
- 1.2 The Act establishes a statutory framework for the delivery of support to victims of domestic abuse and their children – who are also deemed victims whether they have been personally harmed, or have witnessed another being so - including ensuring they can live in, and be provided with, safe accommodation. The local arrangements must ensure, and be able to prove, clarity in the work's appropriate governance and accountability. There will be a duty on each tier one Local Authority in England (County, Metropolitan, London Borough and Unitary Authorities) to create and populate a coordinating, multi-agency Domestic Abuse Local Partnership Board (DALPB) which all concerned at both local and national levels will consult as it performs certain specified functions. These are, in the first instance, to:
- Assess the need for accommodation-based domestic abuse support for all victims in their area, including those who require cross border support - very relevant to York given the city borders a number of other LAs.
 - Develop, agree and publish a strategy for the provision of such support to cover their locality, having regard to the needs assessment referenced above
 - Give effect to the strategy (through both commissioning and de-or-recommissioning decisions)
 - Monitor and evaluate the effectiveness of the strategy
 - Report back to central government¹.
 - Require local authorities to have regard to the Act, and any attached statutory guidance, in exercising their functions
 - Require tier two councils (so in York's case district and borough councils in North Yorkshire County Council jurisdiction, for so long as there is no Local Government Reorganisation that could result in the County Council becoming the Housing Authority) to co-operate with the lead authority, so far as is reasonable practicable.
- This list is not the limit of the DA/DV responsibility, given the need to do more than fulfil the Accommodation duty in the city's response to this difficult and complex social and familial issue.
- 1.3 In light of work already done on this complex and challenging issue ahead of Royal Assent, and given the duties and powers now assigned to top tier Local Authorities and their partners as part of the Act's provisions, this report advises on how York could usefully ensure the fulfilment of the new duties and powers, securing effective governance arrangements, financing and resourcing of a City of York Domestic Abuse Local Partnership Board (DALPB) whilst maintaining elements of commissioning and public facing DA work, all of which has until now been shared with North Yorkshire County Council and its partners.

¹ As things stand only a short time after the Act gaining royal assent, it is not clear whether this work will be inspected. However, given many statutory partner bodies in this work including children's services, health bodies, probation, youth offending and police services are subject to national inspection and regulation regimes, and the national narrative is that adults' social care may be in future, it is likely that services' responses to DA/DV will be included in a number of inspection bodies' framework developments in future years.



- 1.4 This report advises on how a new DALPB for York should relate to, and seek the willing and productive involvement of, relevant services within the City Council, and in York's many commissioners, providers, recipients and beneficiaries of DA services. It also comments on how these services are steered, governed, funded, determined, commissioned, provided and evaluated. It advises on what the shape of both governance and delivery should be in future. The report's contents include advising on where, among the City's several statutory and strategic multi-agency partnerships this new joint Board should sit; and what its relationships should be with the other Partnership bodies whose business touches on the issue of DA and its impact on the lives of those it affects. The recommendation is that DALPB should be hosted by the Safer York Partnership, whose citywide community safety duties include a elements of safeguarding, as well as fulfilling its core remit of steering the city's responses to crime and anti-social behaviour.
- 1.5 The report also advises on the nature, and where necessary the limits, of detailed day to day, rather than appropriately strategic and policy-shaping, involvement in work on DA by City Councillors, and members of any other agency's governing bodies.
- 1.6 This work has been completed with the willing cooperation of the City Council's relevant officers across a number of Directorates, representatives of partner bodies on the Safer York Partnership, the City of York Safeguarding Children Partnership (CYSCP), York Safeguarding Adults Board, York Health and Wellbeing Board, the Office of the Fire, Police and Crime Commissioner for North Yorkshire, and a number of voluntary and community sector bodies. Also involved in reflections and interviews, were North Yorkshire County Council's DA/DV coordinator, and a senior member of staff at the Office of the Fire, Police and Crime Commissioner whose role covers the OFPCC's considerable coordination and commissioning of DA/DV services, solutions and professional development activities.
- 1.7 Having agreed to take this approach so that views of all participants could be expressed frankly by all concerned, there is no detailed list of contributors in this report that would enable identification of individuals by name. This is intentional, given that participants were able to be very direct in what they had to say that would help to frame a positive way forward for York in this difficult and sensitive area of work by a wide range of professionals. The consensus view expressed in this report, coming as it did from every direction and all of York's contributing organisations, should mean that the lack of a list of named contributors will not be an obstacle to progress.



2 CONTEXT: WHAT THE CLIENT ASKED ME TO DO

- 2.1 I was asked to undertake a thorough and formal appraisal, in partnership with relevant representatives of partner bodies on the Safer York Partnership and a wide range of other bodies, of York's progress towards and readiness for the Local Authority hosted responsibilities entailed in fulfilling the requirements of the Domestic Abuse Act 2021. This was contracted as a piece of consultancy work with me as the sole consultant, working through my one-person company Maggie Atkinson Consulting Ltd. The City of York, through hosting a Domestic Abuse Local Partnership Board (DALPB) specific to the city rather than as now shared with North Yorkshire County Council, seeks to ensure the successful development, settling in, efficiency and effectiveness of York's chosen model which will satisfy the requirements on all top tier Local Authorities and partnerships set out in the Domestic Abuse Act 2021.
- 2.2 I was commissioned to provide advice, and an independent, external view, on how well the 2021 Act's forthcoming requirements are currently fulfilled, given at present the City and its neighbour North Yorkshire County Council undertake the work concerned jointly, and York wishes to form a locally contextualised Board that serves the City whilst continuing to do at least some of the work concerned in partnership. The aim of the work concerned is to enable York's many partnership agencies, the city's citizens and in particular victims of those at risk of Domestic Abuse and Violence, the Ministry for Housing, Communities and Local Government (MHCLG) and other external observers or stakeholders to be confident in York's collective work in this vital and highly sensitive field. Where issues must be addressed to enable these assurances, I was asked, through this report, to give clear advice, including where choices must be made from several possible options.
- 2.3 My consultancy-based support has been provided over 10 days of work. It has included contact with key individuals, and a co-constructive approach to the city's issues on DA/DV; desk-based analysis and preparation; and the drafting and final submission of a report for future use in ensuring the success of a DA/DV Partnership Board for York. Through a mixture of reading, research, one-to-one or small group interviews with a wide range and variety of people working in statutory and voluntary or community services where residents and families might be affected by DA/DV, I was asked to give considered and again formal advice on ensuring and securing future governance arrangements for a City of York Domestic Abuse Local Partnership Board, expected as part of the legislation.
- 2.4 I was also asked for my objective advice on how this Board should
 - (a) Relate to the City's other required partnership Boards and similar bodies
 - (b) Relate to and continue to work in partnership on some DV/DA themes and programmes with the neighbouring top tier Local Authority, North Yorkshire County Council.
- 2.5 I was approached to undertake this work and to advise the City's agencies on the basis of personal and professional experience in education, wider children and young people's services leadership, management, evaluation and monitoring, and the wider public sector. This span of experience and expertise is important given DV/DA issues affect people of all ages, and can be found not only in adult relationships, but in far younger ones - including featuring in peer-on-peer intimidation and online abuse within, and on the boundaries of, those relationships.



2.6 Children in families where adults are affected by DV/DA have also been a key theme and focus of this work, not least because the new legislation is clear that if a child or young person has been a witness of DA/DV, this makes them a victim of that DA/DV, rather than only a bystander or witness to it in their family or friendship environment. This means that there is a great deal of DA/DV that weaves through the practice, and into the work, of the many services that sit on and account to the City of York Safeguarding Children Partnership (CYSCP), whose Independent Scrutineer I have been since September 2020.

3. HOW THIS WORK WAS UNDERTAKEN

3.1 This section of the report outlines how the consultancy was framed and undertaken. As is my working practice as a Consultant, the work consist of gathering evidence and triangulating it across all of the following elements, within a time frame that matches the City's needs and requirements given there are deadlines involved.

3.2 It covers:

- The background work done on a desk-based segment of the assignment: reflecting York's current stage of development in matters relating to DA/DV, plus a good deal of comparative work with other areas of similar size and nature to the city. This stage entailed studying York's and other areas' needs assessments, matched to the new Act and to statements and expectations from the MCHLG driving this work alongside local needs and context. This involved reading and reflecting on, and being ready to triangulate York's work in the context of, all of the following:
 - The Domestic Abuse Act 2021, and available schedules and government briefings on its contents, the work needed to meet the powers and duties entailed. The .gov.uk website materials are a rich and plentiful source of useful relevant and context setting, as well as practice-reflecting and direction setting information.
 - The materials available on the current joint ways of working, from policy making and decisions, through strategic to operational levels, between relevant parties in North Yorkshire County Council, City of York Council, the OFPCC for North Yorkshire, and a wide range of partner agencies from statutory to voluntary and community bodies within and beyond City of York Council, health, policing, educational and other organisations.
 - A selection of DA/DV strategies and materials from a range of other localities across England, all of them faced with the same development and delivery opportunities and challenges as York's.
- The field work stage: a series of interviews with senior representatives of services connected to this agenda, within and beyond the City Council, as recommended and organised by the Head of Community Safety and other senior officials in partner bodies. These interviews have been noted in detail whilst they were underway. The evidence they have contributed feeds into this report, but no names or service



assignments are given in the text so that no individual can be identified. This stage included reflections on, triangulation and analysis of, the evidence given to me from participants. Due to Covid 19 restrictions this segment of the assignment was conducted as an online exercise via Microsoft Teams

- The writing stage, production, agreement and final sign-off of this report, again a desk-based segment of the assignment, writing to a strict deadline given the need to advance on a City of York agreed DA/DV strategy, the creation of a DALPB, the governance entailed and lines of reporting to be put in place. This segment closes the assignment, at the point of hand-over of this report to the Council, its partners, and the new City of York Domestic Abuse Local Partnership Board that will be configured, publish its strategy and plan, and begin to operate in practice, both across the city and with partners beyond it, later in 2021.
- The total time taken for this consultancy assignment has been:
 - one pro-bono day agreeing the scope and capturing it in a document that became the foundations for a co-signed Letter of Engagement serving as a formal contract.
 - 9 costed and charged days of work on the stages outlined above
 - A draft report for final sign-off was then created and submitted, and after due consideration by relevant staff was cleared for finalisation and closure, the work concerned being completed in a 10th and final costed and charged day.



4. WHAT PARTICIPANTS SAID AND WHAT CAN BE CONCLUDED

INTRODUCTORY REMARKS

I undertook ten, 45-to-60-minute interviews with representatives from a range of services both within and beyond the City Council. They included senior staff from the Police Service, health providers, housing and community safety teams, and those working with and seeking to ensure the safety of victims and witnesses of DA/DV including children and young people as well as adults in both public sector bodies and the community and voluntary sector. Had the government's timetable for implementation of the requirements of the Domestic Abuse Act 2021 been more generous following Royal Assent on April 29th, 2021, which comes with an implementation requirement of August 2021, I would have interviewed more representatives. However, it is my opinion that it is doubtful others would have said different things, or given different feedback from what those interviewed had to say. I state this because the consensus was both strong and striking. It is summarised in this section of the report.

- 4.1 All concerned were clear that whilst York now needs to form its own city-specific DALPB that sets a strategy and a direction for work on DA/DV including but not exclusively limited to fulfilling the Accommodation duty, the practicalities of commissioning and delivery of services for victims and perpetrators when York shares a police service and other bodies with North Yorkshire County Council means shared ways of achieving commissioning and delivery, and standard ways of working that do not change at boundary points, will remain important.
- 4.2 All agreed that the key "host" Partnership for a DALPB for York should be Safer York, the Community Safety Partnership. Its duties should already include work on community safety and cohesion, anti-social behaviour, threats to citizens' safety and peace of mind, safety on the streets and in communities, and violence including that which happens as a result of youth crime, what happens to trafficked or enslaved people brought into York, the profile of DA/DV in communities such as Universities and armed forces bases, the behaviours apparent in the night time economy, and abuse and violence in the city's sex industry. These are all difficult and delicate matters to deal with, but contributors were clear they are happening in York just as they do elsewhere, contributing to problems around DA and DV in relationships, families and communities.
- 4.3 There was strong consensus and clear recognition that the current tendency to see coordinating responses to and representing the city on DA/DV as the responsibility of the Head of Community Safety will not be sustainable once York creates its own DALPB, which all concerned were keen to see happen. Under current arrangements a good deal of coordination is undertaken through North Yorkshire County Council, and this will now rest on York shoulders. The City Council and its partners will need to factor in the funding of a team of people, drawn from across Departments and Directorates within and beyond the City Council, who can steer the formation of and service York's DALPB whilst working as closely as possible with North Yorkshire's DALPB on the practicalities mentioned in 4.1 above. The City has been granted £50,000 of government funding labelled a Capacity Fund, and a further £334,000 for 2021-2022 implementation and coordination purposes. This resource will need to fund the developments outlined in both creating York's DALBP, and beginning implementation, including the negotiation and securing of continued joint working with North Yorkshire where this is appropriate, efficient and likely to be effective.



- 4.4 There was universal agreement that although unpicking the current shared strategic arrangements with North Yorkshire will require sustained and mutually respectful effort, and bring a need for the commitment from citywide partners of time, effort, finances and human resources, the time is ripe for York to create a city specific DALPB. As all contributors were also clear, it will need to take a realistic, robust, evidence-led approach to identifying and dealing with York's DA/DV issues across all services at both leadership and frontline practice levels in agencies citywide. This must include ensuring the resources used by the OFPCC to commission some vital work on DA/DV for all communities is directed at both the County and the City, to meet evidenced need as proven by needs analysis in the two LAs operating their own strategic DALPBs, and in the work that continues in partnership across the two Authorities where that continuation is the best way of achieving the outcomes sought.
- 4.5 Every contributor was keen that any development ensures the workforce across all agencies receives the highest possible quality, properly funded and supported training, on a continuous not a one-off basis and in mixed-agency and service settings as well as single agencies, so that cross fertilisation and partnership ways of thinking and working are reinforced. I interviewed representatives from commissioning bodies and providers in the health economy, those working in education, housing, policing, adults and children's social care, services advocating for and supporting the voices of individuals, families and communities including in housing and community safety, and representatives from the voluntary sector. All were clear that in some lives, across all age, sexual orientations and identities, professions, intellectual and physical ability or disability communities, socio-economic and ethnic groups, DA/DV features whether it is physical, mental, emotional, or a mixture. It is clear that high percentages of children in Child in Need, Child Protection and in-care populations have experienced DA/DV. Health providers reported surprising numbers, particularly of older women, considering it a normal part of life to be physically or emotionally hurt by long term partners. Both local and national media and educators are currently acknowledging, and concerned about, a tendency for too many adolescent relationships to entail verbal, psychological and online abuse, or a mixture of these that also turns towards physical harm. Housing providers and commissioners were equally clear the safe accommodation duty in the new Act will require partnership-based, committed work to get the offer right. It was clear throughout this work that professionals see DA/DV as a pressing issue, to be addressed citywide. Tackling it by ensuring the entire workforce involved in any role with children, families and communities, has the appropriate levels of professional awareness and the tools to deal with the issue, will be vital.
- 4.6 Feedback was also clear that communication across the many partnerships and steering or reference groups, and the due separation of functions required between elected politicians including the Police and Fire Commissioner and those who are doing the work entailed must be ensured by all concerned. Contributors were clear that they are and will always be accountable to Elected Members, the PFCC, and community representatives for the work they undertake. The "clear blue water" that needs to lie between those who make policy, set direction and keep a close eye on vital strategic policy matters, and those appointed and paid to do the work, creates a safeguard for both groups that cannot be ignored and must be upheld. DA/DV, like many other issues, is both deeply emotive, and can be politically charged in ways that can create stumbling blocks in the delivery of what is required. That both elected representatives and paid officers in the agencies concerned are deeply committed is not at issue here. The definition of roles and the due separation of functions is vital, especially given DA/DV is now in a statutory space and may well be inspected in the future. This means that such definition and separation are all the more vital. It follows that mutual trust, as the foundation of the relationships concerned, must be the watchword at all times.



5. FINDINGS AND RECOMMENDATIONS: THE CHOICES TO BE MADE

5.1 What has already happened in York on readiness for the duties on localities contained in the Domestic Abuse Act 20201 must be captured here, as this work has been thorough and comprehensive, and is now part of the setting of direction for the future. The details of this very firm and appropriate foundation follow below, and inform both my findings and recommendations. A Local Needs Assessment has been completed, covering issues across all DA/DV themes and associated needs. Though there is a heavy emphasis in the legislation on LAs ensuring the provision of accommodation for any and all victims who need it if feeling a violent or controlling relationship, this assessment has not focused only on that duty, but on the bigger picture on DA/DV. This needs assessment had been completed in preparation for a continuation, wherever possible, of joint commissioning of DA/DV services, notwithstanding York's desire to set up its own strategic leadership and direction setting DALPB that is city-wide and city specific.

RECOMMENDATION 1: This should be used as the foundation for the work to be done to form, and then successfully to run, a York specific, strategic DALPB.

5.2 Strategic governance for domestic abuse is currently shared between the city's Community Safety Partnership (Safer York Partnership) and North Yorkshire's Community Safety Partnership. DA/DV is a central strategic and operational priority for both CSPs. There is also a DA/DV Joint Coordinating Group (DAJCG) as part of this arrangement, currently co-chaired by NYCC and CYC through their Community Safety Leads. The DAJCG and joint strategic partnership has oversight and management of the joint NYCC/CYC Domestic Abuse Strategy, already published and covering the period 2018-22. The time is therefore ripe for consideration of what needs to happen now that there is new legislation giving the duty for leadership of local work on DA/DV to top tier LAs, of which CYC is one.

5.3 York now has a choice to make regarding how it wishes to see the future of its work to be governed and run. This creates three potential ways forward.

(a) The retention of the current strategic Partnership with North Yorkshire, which draws from York where Officers have the capacity to contribute, though as all participants were clear is more heavily resourced, and tends to be more focused on the issues brought to the table, by the larger and more substantially resourced team of people available to the County Council and its services. Neither the County Council nor City of York Council are among the better-resourced local authorities in England, but contributors to this consultancy have been clear throughout that North Yorkshire staff tend to have more dedicated time to commit entirely to DA/DV issues than is possible in a small unitary city where all staff, including those in leadership and senior management roles, tend to have to carry a multitude of strategic and operational duties and responsibilities. In the circumstances covered by this consultancy, the reality is that forming its own strategic DALPB will cost York both monetary and HR resources that will have to be found. What it currently contributes to the joint arrangements will not be sufficient, not least because some of the weight involved is currently carried by staff in the County Council and OPFCC.



(b) At the other extreme: York dissolves all links with the County Council and its partners, including currently shared ways of working within the Police and other cross-county/city services, and insists on everything, including the delivery of services on the ground working with both perpetrators and victims or survivors, is made entirely York-specific regardless of what partner bodies or agencies wish to do. This would be a feasible idea, given York is a Unitary City Council and has its own distinct identity and sense of self. My caution should this choice be made is three-fold.

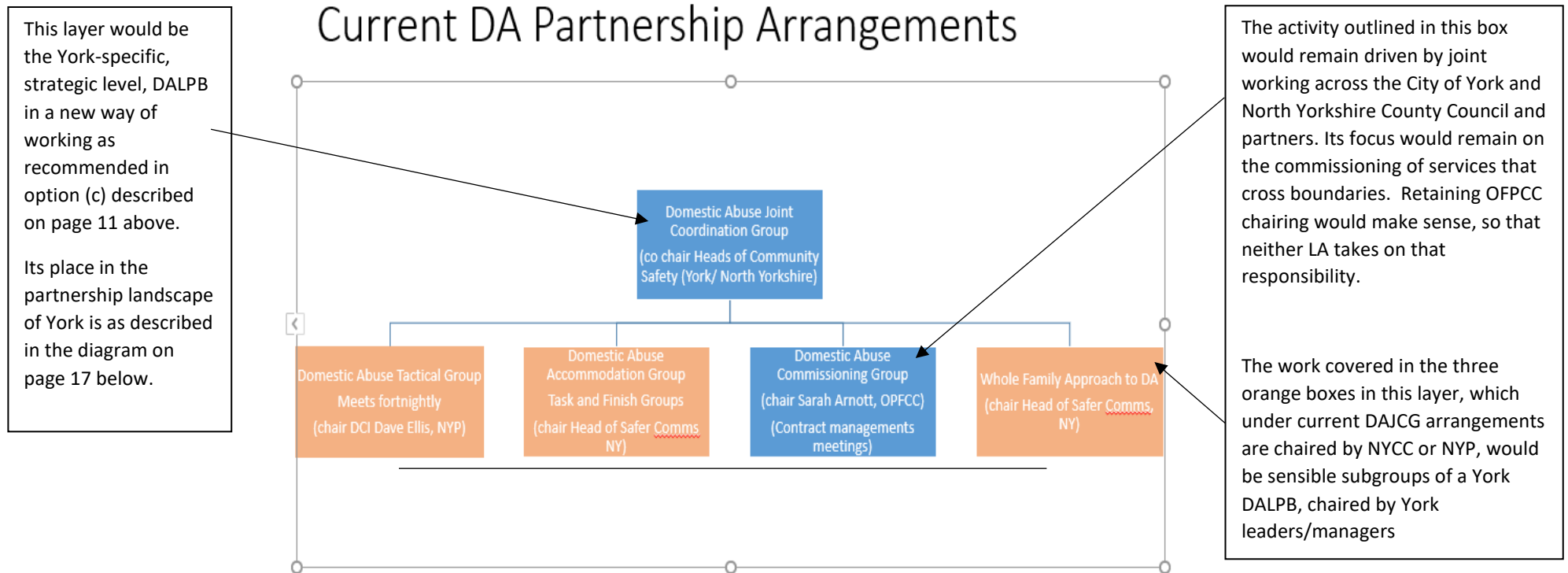
- First, senior representatives of partner bodies contributing to this consultancy asked directly and pointedly for continued commonality with regard to the standards set, the approaches expected of teams and services working across the boundaries between North Yorkshire and York, and the “asks” of providers.
- Second, both victims and perpetrators, as well as staff in many cross-boundary services, do not stop at those boundaries. The fluidity of local authority boundaries and the ease of moving into and out of York mean that attempting to create both strategic and operational ways forward that are entirely York-specific are unlikely to be feasible in the long term.
- Third, the needs of the victims and survivors in DA/DV situations must come first, and they are already vulnerable, meaning that for example, as many contributors said during the fieldwork for this consultancy, the need for good cross-boundary working relationships is key to keeping them safe, because sanctuary and security might well, indeed already do, lie in being able to place them in another LA’s safe accommodation.

(c) **The potentially harder but pragmatic choice: consensus among contributors settled on this option, hence this bold font.** This option for the future would entail York forming its own strategic partnership as shown in the diagram on page 12 below, which is taken directly from the joint North Yorkshire/City of York DA/DV strategy 2019-2022. Taking up this option would entail dismantling the arrangements shown in the topmost blue level and the orange boxes in the diagram on page 12. That topmost level, and the work shown in the three orange boxes, would become the province of York as its own DALPB is formed. The work shown in the blue box on the second layer below would continue to be shared across York and North Yorkshire. Ensuring the success of this option will take time, effort and significant additional resource. That the government has made resources available to enable localities to begin to work on implementation of their new duties under the 2021 DA Act.

RECOMMENDATION 2: The third of the options discussed above carries most weight with all parties and should be pursued. Achieving it should not be underestimated as a task and will require significant investment in partnership development with all partners including current providers of DA/DV services, and all statutory partner agencies. It will require time from a wide range of leaders and staff in all agencies concerned, and the efficient and transparent use of the allocated resources coming from central government funding. The latter should be used to give both assurance that the LA’s new duties under the 2021 Act can be taken up,



and that the “breathing space” created by the presence of a dedicated financial resource for 2021-2022 enables the City to decide how future years’ work on DA/DV will then be resourced, given those duties will continue.



5.3 It was recognised by all concerned that the current strategic needs assessment needs a significant refresh. North Yorkshire Police (NYP) produces a DA/DV problem profile, and there is a recognised need to ensure all key documents are deliberately interlinked across agencies both within York, and given NYP serves both county and city, with NYDALPB once it is established as a separate entity for the county.

5.4 There is also clear recognition that all new documentation and planning material needs to be owned and directed by York’s newly established DALPB, rather than simply being regularly presented and “taken as read” by partner bodies.



- 5.5 Officers are clear that this work needs to be completed on a 3-year cycle, and refreshed on an annual basis, with the LA to lead on and host this work. All concerned are aware that this is currently undertaken by OPFCC, and that the Office and the Commissioner will remain key partners in this work, and is already a commissioner of some services and programmes.
- 5.6 It is clear that the current DA/DV lead in Community Safety employed by CYC is aware of what the new legislation will require, and has briefed both senior staff across partnerships and city organisations as to what will be required. It is equally clear that the current tendency to “leave it to her” across agencies in York will not be sufficient to ensure the success of a York-specific DALPB. There will need to be a team of people, both within the group directly servicing the Safer York Partnership’s work, and across other partnerships and multiple agencies’ teams, who will work on this agenda across the city.

RECOMMENDATION 3: The infrastructural, governance and other “business and back-room” matters discussed in 5.3 to 5.6 above should be early and vital work for the new DALPB to undertake, in its very earliest days of working. There will inevitably need to be a structured and supported transitional phase that very securely “lands” the new City of York (Council-led and coordinated) DALPB and does not endanger victims or jeopardise continuity.

5.7 The analysis undertaken to date confirms all of the following are key considerations as York seeks to find direction and fulfil its responsibilities under the 2021 Act:

- (a) That as per the requirements of the DA Act 2021, City of York Council will now need to lead conversations with local experts, across children’s and adults’ services, the police, physical and mental health commissioners and providers, housing and other bodies, and the city’s voluntary sector bodies working with both victims and perpetrators to consider how new statutory duties will be delivered locally, and the need to do this immediately to meet MHCLG requirements is equally clear.
- (b) That the York-specific arrangements, required under the new Act, must ensure genuine and productive engagement with relevant key partners, to enable early identification of membership of the City of York Domestic Abuse Local Partnership Board (CYDALPB,) which York and all other Tier 1 authorities are expected to convene.
- (b) That these discussions must facilitate both expertise and information sharing in relation to the new duties under the 2021 Act, so as to help identify and address potential changes in implementation early and proactively.
- (d) That the review of and changes to current arrangements all of which are shared with North Yorkshire, the development of York’s new strategic DA/DV partnership, its membership, and relations between it and already-established York Boards and Partnerships, must include decisions about where DA/DV should remain part of those established Partnerships’ business.



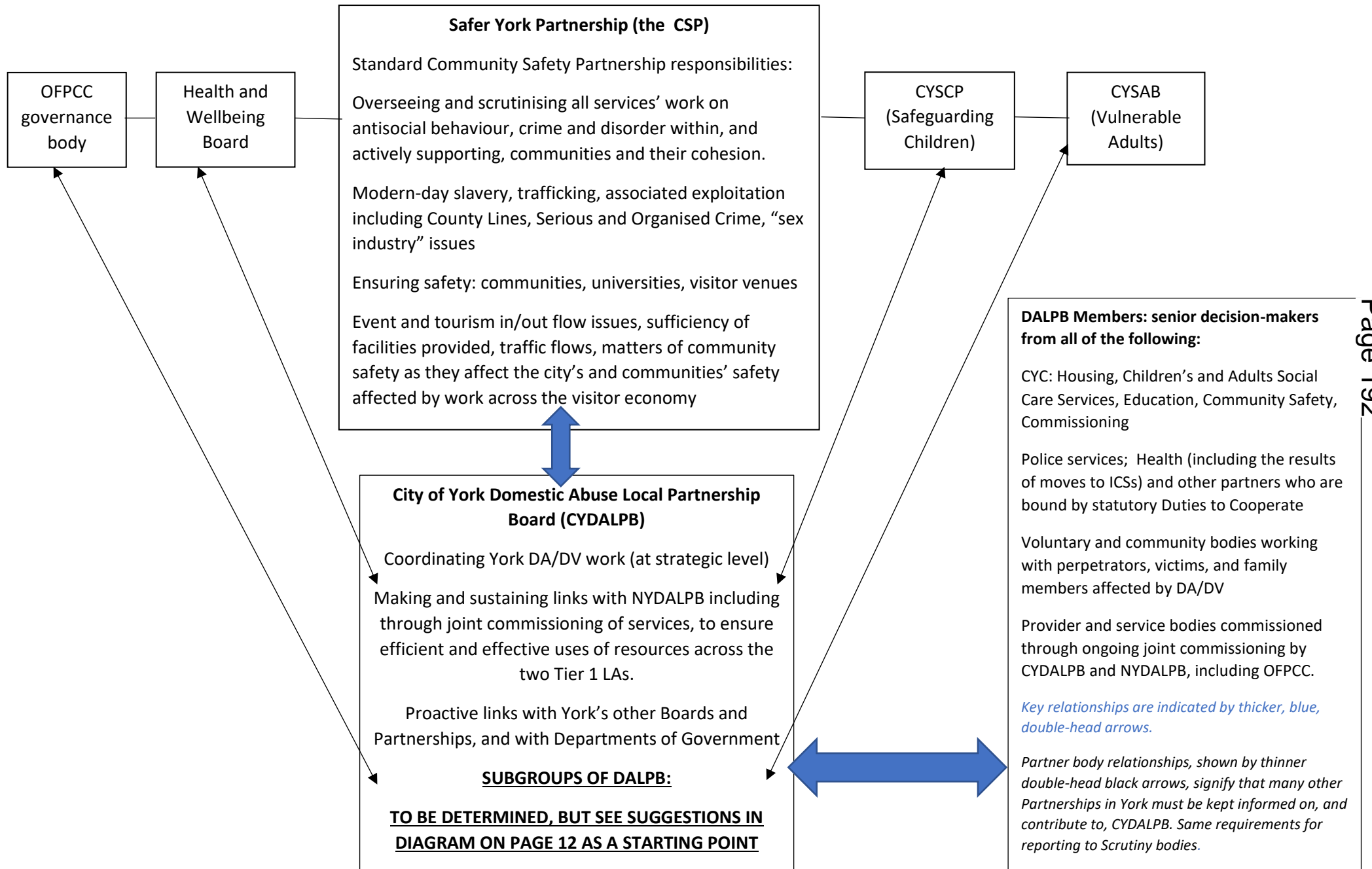
- (e) That all partner bodies and agencies, from housing bodies to the voluntary and community sector, across the Council and all other statutory partners and relevant agencies, must be included “at the table” of a new, York-specific, DALPB, albeit with continued links with North Yorkshire’s equivalent for the commissioning of services to work with both victims and perpetrators.
- (f) That the current Domestic Abuse Joint Coordinating Group, co-chaired by North Yorkshire’s and York’s lead Officers for this work, is all too easily taken over by considerations regarding the larger of the two top-tier Council areas, North Yorkshire, despite the efforts of those who attend to continue to keep York’s different needs in mind. The conclusion that a York-specific DALPB is now needed is therefore inescapable, but so is the fact that all concerned will need to “step up, turn up, lead and deliver, without the presence of a bigger partner in North Yorkshire to help carry the strategic weight,” as more than one contributor said very clearly.
- (g) That the local needs assessment required by the 2021 Act will not be a one-off undertaking but will need to be refreshed every 3 years, and that in “refresh” exercises need to ensure close linkages with other Boards’ and Partnerships’ strategic and operational plans, and those of individual agencies that attend and contribute to both those Boards and Partnerships, and the DALPB. The current refresh exercises are undertaken by the OFPCC, and York’s DALPB should expect to continue to call on this from that Office, which it shares with North Yorkshire.
- (h) That York is already well on the way to fulfilling the requirements of the 2021 Act in terms of the need to ensure the provision of safe and suitable accommodation for victims and families, including when a victim is male. The current provider landscape is well established, IDAS and Foundation being both present and active in both the city and the neighbouring county, though both recognise the need to go on seeking ways to increase capacity, develop a Safe Haven scheme, and work with both DALPBs to achieve maximum efficiency and effectiveness. Contract management, both as a single DALPB for York and in partnership with North Yorkshire, will need to be considered as York develops its own strategic approach.
- (i) That the new Act’s requirements on DALPBs to ensure provision will meet the needs of marginalised or particularly vulnerable groups will be uppermost in the creation of a DA/DV Strategy for the city that meets York’s needs. Such groups include, but are unlikely to be limited to, Black and other Minority Communities’ citizens; LGBTQI+ victims and perpetrators, disabled including learning disabled victims, teenagers affected by DA/DV in their relationships especially where they are under-16, and children living in households affected by DA/DV, who are considered victims under the requirements of the new Act.
- (j) That the York DALPB will need actively to pursue and ensure the strengths and productiveness of relationships with – for example – housing bodies not only in York but in neighbouring LAs, given both victims and perpetrators are among the groups in society who move across boundaries as part of their responses to their situations.

5.8 A good deal of work has been done or is already underway across a range of services both within and beyond the City Council, on DA and DV issues, on which the new arrangements should build and there is no need to “go back to square one”. For example, North Yorkshire Police is already undertaking high quality, well received training, for front line officers and civilian staff alike, through the provider Safer Lives.



This is already having a positive effect on practice, Force-wide, as the police's data on that practice is beginning to show. Children's Social Care Services is also undertaking work on the subject, and the Education team within Children's Services within the same Directorate is also keenly aware that the newly statutory Personal Social Health and Citizenship Education curriculum is a prime and ready focus for good curricular work with children and young people on matters pertaining to respectful and mutually fulfilling relationships. It has become very clear during this consultancy arrangement that all of these need to be collected and reported on in one place rather than as now being somewhat service specific; and that the DALPB should be that place, alongside ensuring "For Information" reporting to inform the work of York's other Partnerships and Boards.

RECOMMENDATION 4: The structure diagram on the next page illustrates my evidence based, strongly partnership-supported advice on what a York-specific DALPB should look like, what organisations should expect to be asked to attend and at what levels of representation, and how it should relate to other Boards Partnerships and services. As the text makes clear, the DALPB will then need to decide on what subgroups it will require in order to ensure duties under the 2021 Act are fulfilled.





ACKNOWLEDGEMENTS AND THANKS

From start to finish – from early conversations and the commissioning of the work to this final publication point – I have been met with unfailing courtesy, interest and enthusiasm for the subject, and for getting things right in the troubled work surrounding all issues of domestic abuse and violence. The determination and expressions of commitment came from all agencies and their representatives, and bodes well for refreshed and truly partnership-based action going forward from this point.

I owe particular but by no means exclusive thanks to Jane Mowat and Amber White from City of York Council, the first for commissioning this consultancy as part of developing a York-specific DA local response under the new 2021 legislation, the latter for her untiring patience and efficiency in ensuring I could meet and gain the insights of as many relevant players as possible in a condensed period of time.

I wish the Council and its many partners good luck in ensuring the new duties on LAs are fully met, which will be the work of many rather than the previous rather small group of key staff, and will need to be owned and seen through by all the partnerships and bodies whose logos appear on the cover of this report.

Professor Maggie Atkinson

July 2021

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City of York and North Yorkshire Domestic Abuse Safe Accommodation Strategy

Vision Statement

Partner agencies across York and North Yorkshire recognise the negative impact that domestic abuse has on individuals, families, children and communities, and all are committed to providing effective and consistent support and interventions to meet the needs.

Aim

Provide relevant, safe accommodation and accommodation-based domestic abuse support for victims, including children, across York and North Yorkshire, and those that come from outside the area.

Objectives

Build on current partnership arrangements to ensure an effective multi-agency domestic abuse local partnership boards are in place for York and North Yorkshire. These boards will provide strategic oversight to both Tier One local authorities (York and North Yorkshire) as they fulfil the duties of the Domestic Abuse Act 2021.

- Undertake a needs assessment for accommodation-based domestic abuse support in their area for all victims including children, who reside in relevant safe accommodation including those that come from outside of their area
- Prepare and publish a strategy for the provision of such support to cover their area, having regard to the needs assessment
- Discharge the recommendations of the strategy through robust commissioning/ de-commissioning decisions
- Monitor and evaluate the effectiveness of the strategy
- Report back annually to central government.

Tier Two authorities (borough and district councils) **must**, so far as reasonably practicable, cooperate with Tier One authorities in exercising their functions. This should include (but is not limited to):

- Providing advice, guidance, and knowledge on the local area to support in the completion of a local needs assessment
- Contribute to the development of a local strategy based on the needs assessment
- Work in line with the agreed and published local strategy, particularly where commissioning responsibility has been delegated to Tier Two authorities
- Passing on relevant data to Tier One authorities for monitoring, evaluation and reporting purposes.

Policy

Respond to the Domestic Abuse Act (2021) and associated guidance for Local Authorities on the provision of Safe Accommodation, with due consideration of other legislation and guidance including the Equality Act (2010), Human Rights Act (1998), Children's Act (2004), Housing Act (1996) and Homelessness Act (2002). Any subsequent legislation and guidance that may be published.

Strategy Principles

The principles of the strategy are to successfully deliver the vision and aims of the strategy, outlined above, through the formulation of a detailed action plan. The action plan will be delivered through the multi-agency groups, with accountability through the governance structures in both CYC and NYCC.

- **Authentic voice of victims/ survivors and their children to inform our partnership approaches.** Exploring how feedback can be heard consistently and effectively.
- **Effective pathways- supporting those with 'additional needs'.** Barriers can exist for those with 'additional needs' (e.g. substance misuse, mental health needs, no recourse to public funds) in accessing relevant safe accommodation and support. Partnership arrangements and structures need to ensure no one is 'lost' within our systems
- **It is not 'safe accommodation'- if 'support' is not in place.** Our approach is not just about bricks and mortar. Relevant, effective support must be provided whilst in safe accommodation.
- **Clear, consistent approaches must be in place across York and North Yorkshire.** All referrals for safe accommodation and support to come through the Hub. Enabling the **right advice and support** being offered at the **right time**.
- **Meeting the needs of individuals, families and communities.** Within our action plan we must be clear on how we support a range of groups, including male victims, victim fleeing illegal cultural harms, BAME (Black, Asian and minority ethnic) victims and victims from the Gypsy, Roma and Traveller communities.
- **Understanding our need and demand for safe accommodation.** Our understanding of need and demand needs to come from a range of local partners, including housing. From the findings of the needs assessment, robust systems will be developed to ensure we have accurate recording and reporting.
- **Ensuring we have effective partnership arrangements (Domestic Abuse Local Partnership Board).** Enhancing our current arrangements including chairing, membership and effective linkages with other partnerships.

Accountability and Delivery

Through working in close partnership, each Local Authority is individually accountable for financial probity and the delivery of outcomes and impact of this strategy via the Partnership Board to central government. The statutory mechanism for reporting is outlined in Section 29 of the Domestic Abuse Act 2021.



Executive

9 December 2021

Report of the Director of Governance

Portfolio of the Executive Leader

Lord Mayoralty 2022/23

Summary

1. The purpose of this report is to invite the Executive to consider the points system for the annual nomination of the Lord Mayor for the City of York Council. The Executive will be asked to formally confirm those with the most points to qualify for nomination of the Lord Mayor for the next approaching municipal year, 2022/2023.

Recommendations

2. Members are asked to:
 - (i) consider the accumulated points system as set out in paragraphs 3-6 below; and to
 - (ii) invite Councillor Warters to consider accepting the nomination for Lord Mayor for 2022/2023, in line with the accumulated points system.

Reason: To ensure that the Council adopts an appropriate method by which to nominate Lord Mayors for Office.

Background

3. The system for nominating the Lord Mayor is based on an accumulation of points determined by the number of seats held by each particular group on the Council. The group having the largest cumulative total of points on Lord Mayor's Day each year is invited to nominate the Lord Mayor for the following year. A group loses 47 points when nominating the Lord Mayor. It should be noted that currently a nominee for Lord Mayor requires at least five years' service as a City of York Councillor, or four years in an election

year (see minute 74 of the Executive Meeting on 29 November 2018).

Current Points System

4. Should a group lose all its seats on the City Council, it may have any accumulated points frozen until seats are once again gained by that group on the Council.
5. Under the current points system, the number of points accumulated by each group or independent Member, as we move towards the Annual Meeting in May 2022, is as follows:

PARTY	POINTS at LM Day 2021	LOSS FOR LM	POINTS at LM Day 2022*	Total
Labour	-16		-16 + 17	1
Lib Dem	28	-47	-19 + 21	2
Green	-3		-3 + 3	0
Conservatives	3		3 + 2	5
York Independents	4		4 + 2	6
Councillor Warters (Independent)	9		9 + 1	10
Councillor D Taylor (Independent)	1		1 + 1	2

***Note:** In view of the Covid 19 Pandemic, there was no Annual Meeting in May 2020 and the previous year's Lord Mayor, Councillor Looker, was asked to serve a consecutive second term of office. The Council's points system then became operational again as of May 2021 when the current Lord Mayor assumed Office for the current Municipal Year 22/22.

6. The above table shows that Councillor Warters, with a total of **10** points, will qualify for the Lord Mayoralty in 2022/2023 under the existing points system. Councillor Warters has indicated that he would like to consider his position closely over the Christmas

break. Given that the nomination for 2022/23 goes to him as an individual independent member, there is sufficient time into the New Year before proceeding with the traditional practices of announcing a Lord Mayor Elect.

7. Traditionally, the outgoing Lord Mayor assumes the mantle of Deputy Lord Mayor following their year in office. This is to ensure there is an experienced Member to chair meetings of Full Council, should the incumbent Lord Mayor be absent for any Council meetings during their term. Otherwise, the role of Deputy Lord Mayor is very minimal, given that the civic standing of York requires it to have a Sherriff to work alongside and share duties with the Lord Mayor during their year of office.

Options

8. Under the existing points system, the available option to Members is:

To invite Councillor Warters to consider accepting the nomination of Lord Mayor for the Municipal Year 2022/2023 based on the existing accumulated points system, set out in paragraphs 3-7 above.

Analysis

9. The nomination of a Lord Mayor is an annual event which is undertaken by way of a points system to ensure a fair and robust outcome. This system has been in place for some considerable time and has operated successfully in terms of rotating the role and honour of becoming Lord Mayor on a cross party basis.

Council Plan 2019 - 23

10. The appointment of the Lord Mayor in York is a fundamental part of the city's continuing historic traditions. The role of Lord Mayor is firmly enshrined in the Council's Constitution, as an ambassador for the city and its cultural and economic ambitions. As such, the appointee will promote all of the Council's priorities.

Implications

11. There are no direct implications in relation to financial, human resources, legal or equalities arising from the recommendations in this report.

Risk Management

12. Failure to appoint a Lord Mayor in the second most traditional city outside of London could have a significant impact on the Council's reputation in terms of maintaining its civic heritage. It is important that an equitable and robust system is applied to the nomination process.

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	Report Approved	√	Date	23.11.21
Wards Affected: All				√
For further information please contact the authors of the report				

Background Papers/Annexes: None