

Meeting:	Local Plan Working Group
Meeting date:	10 September 2024
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Portfolio of:	Cllr Pavlovic, Executive Member for Housing, Planning and Safer Communities

Report Summary: **Prioritising Supplementary Planning Documents**

Subject of Report

1. Whilst the emerging new Local Plan sets the overarching planning policy framework, Supplementary Planning Documents (SPDs) can provide further detail on the implementation of specific policies as guidance for both internal and external parties. SPDs seek to ensure policy intentions are clear and can be applied consistently. They cannot introduce new planning policies and rely upon policies set out in the development plan.
2. Executive has previously agreed to prioritise the production of three SPDs: Affordable Housing, Climate Change and Green Infrastructure. An overall list of SPDs for production was agreed at Executive in January 2023 alongside a request to consider a potential SPD for culture and delegated the prioritisation of SPD production to the new administration (post May 2023 elections).
3. This report seeks to update on the existing SPDs agreed for production, recommend the prioritisation for production of further SPDs with an understanding of their likely contents, resources and timescales. It also seeks approval to proceed with an altered list of SPDs and advises on where additional guidance would be beneficial in preference to an SPD.
4. The report also considers the e-petition received in March 2024 regarding reviewing the thresholds set out in the Controlling the Concentration of Houses in Multiple Occupation SPD (Draft, 2014).

Benefits and Challenges

5. Once adopted, the new Local Plan will set a suite of planning policies for the city, including defining the Green Belt boundaries for the first time, in line with national policy. The production of SPDs will help enable this step change in policy delivery by effectively supporting the implementation of Local Plan policies, where necessary. The content of SPDs will enable the Council to define how applicants can meet the policy requirements in a consistent manner and will be a valuable tool for ensuring policies are applied to decisions on planning applications consistently.
6. In the long term, SPDs are likely to be beneficial to council services/technical officers who currently provide detailed advice to applicants in relation to how to deliver and achieve policy expectations set out in the Local Plan. In future, the SPD can be signposted and should deal with the key issues that are most consistently asked about leading to efficiency.
7. The SPDs may also include standard conditions and informative wording to demonstrate how the Council would secure the requirements of the plan policies through the grant of planning permission. Additionally, it could set out monitoring requirements (if appropriate) and explain how these would be secured.
8. Whilst considered helpful, applicants will need to be aware that this further suite of documents are to be referenced and adhered to during the application process. The requirements for this will be made transparent in the Validation List (to be published) against which planning applications will be validated. All SPDs will also be made available on the Council's website to ensure transparency.
9. One of the biggest challenges is how to ensure sufficient capacity and skills to progress the SPD work in a timely manner, as there is a considerable resource required to produce a new SPD. Due to pressures on the Council's revenue budget, it is recognised that the production of SPDs will need to be mainly undertaken in-house, which can be capacity intensive. The Strategic Planning Policy Team will be leading on SPD production but will require specialist input and a time commitment from technical officers in other teams. This may cause a capacity issue and conflict with existing priorities/work programmes in the short term. A detailed timetable will be developed, however at this stage it is anticipated that the additional

priority SPDs will take a minimum of 2-3 years to reach adoption utilising internal capacity. Timescales for all SPDs will be subject to the timing and content of the Inspectors' report on the Local Plan.

10. As set out in the report to Executive in January 2023, there are some cross cutting themes that Officers consider should be embedded into each SPD or produced as non-statutory guidance as opposed to an individual SPD. These include, but may not be limited to: health and well-being, cultural wellbeing, equalities, accessibility and environmental issues. The advantage of having some topics included as themes throughout the SPDs is that it limits the amount of documents produced and without delaying the production of other SPDs necessary to support implementation of policies within the Local Plan.
11. It is also beneficial that further council guidance could be prepared to sit alongside SPDs where a planning policy-defined approach is not required or applicable but some further explanation or signposting to existing documentation would be helpful. Additional guidance would not be required to adhere to the legislative requirements SPDs are subject to and would be more simple/quicker to produce. Guidance can also be produced ahead of a formal SPD to signpost to existing relevant documentation where information ahead of the SPD is beneficial.

Policy Basis for Decision

12. Supplementary Planning Documents are not a statutory part of the development plan. However, they have recognised benefits to help ensure consistency in the application of planning policy and determination of planning applications.
13. The National Planning Policy Framework (NPPF) recognises SPDs as a useful tool. This defines SPDs as: *'Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.'*
14. The Local Plan provides the starting point for SPD production. Whilst SPDs can be developed alongside the Local Plan, they can only be formally 'made' post adoption of the development plan for

the city. For timetabling purposes, we will therefore seek to ensure alignment between the emerging Local Plan and the content of the SPD.

15. Where SPDs are agreed to be taken forward, they are subject to [Regulations 11 to 16 in Part 5 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#). These regulations dictate the process by which the SPD must be produced, including public participation, consultation and adoption procedures. They have informed our Statement of Community Involvement (draft, 2024) setting out how we will produce SPDs. Production will be in conformity with the SCI document.
16. Members should note that the Levelling Up and Regeneration Act (2023)¹ and the proposed changes to the National Planning Policy Framework consultation (2024)² sets out planning policy reform. Following the change in Government in July 2024 it is not yet clear whether the changes proposed in the Act to the role of SPDs will be carried forward. Proposed changes to new-style Local Plans are intended to be progressed so it might be reasonable to expect that the role of SPDs still change to become less material supporting guidance as there is an expectation that the detail to implement policy will sit within new-style Local Plans. It was previously confirmed by MHCLG that SPDs can be adopted up until formal notification is issued of the Council's intention to commence plan-making under the new regulatory regime. Any SPD that is in production at that point may therefore be affected. Officers will advise further on potential timetable impacts and alignment with the new plan-making regime once MHCLG confirms its planning reform proposals.
17. An Article 4 Direction is in place across the main urban area of York, which removes permitted development rights to change a dwellinghouse (use class C3) to a House in Multiple Occupation (HMO) (use class C4). This is relevant to policy H8 of the emerging Local Plan and the current draft SPD for Controlling the Concentration of Houses in Multiple Occupation (2014). This topic is covered later in this report, specifically in relation to the e-petition received on this matter.

¹ <https://www.legislation.gov.uk/ukpga/2023/55/enacted>

² <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

18. Executive in July 2024 approved the new policy framework for Transport across the City by approving the Local Transport Strategy. This will feed into consideration of the Transport SPD.
19. SPD production aligns to achieving the Council's four core commitments for Equalities and Human Rights, Affordability, Climate Change and Health. Table 1 indicates which core commitment each SPD would significantly address, notwithstanding that equalities, climate change and health will be themes covered in general across all SPDs. More detailed indication of how each SPD addresses the council's core commitments and priorities will be set out in forthcoming reports on each individual SPD brought to Executive.

Table 1: Indicative compatibility to Council Plan Core Commitments and priorities.

	Core commitments					Council Plan Priorities				
	Equalities	Affordability	Climate Change	Health	Health & well-being	Education & skills	Economy & good employment	Transport	Housing	Sustainability
SPDs										
Climate Change			Y	Y	Y					Y
Housing	Y	Y		Y	Y				Y	
Green Infrastructure			Y	Y						Y
Sustainable Transport	Y		Y	Y				Y		
Gypsy, Travellers & Travelling Showpeople	Y			Y	Y				Y	
Developer Contributions		Y		Y	Y	Y		Y	Y	
Review of the House Extensions and Alterations (existing draft)									Y	
Review of the Subdivision of dwellings (existing draft) SPD									Y	
Heritage										Y
Environmental Protection			Y	Y	Y					Y
Culture							Y			
Healthy Places	Y			Y	Y					

Guidance										
Accessibility	Y				Y					
Biodiversity Net Gain			Y							Y
Flood Risk Sequential Tests			Y							Y
Health Impact Assessment				Y	Y					

Financial Strategy Implications

20. A £40,000 budget is in place for production of the Climate Change SPD, which is nearing completion. There are no other budgets in place for the production of other SPD's.
21. As set out above, due to constraints on CYC budgets, there is a working assumption that SPD production will need to be undertaken using in-house capacity and skills. While the Strategic Planning Policy team will lead/coordinate the process, there will also be a reliance on relevant technical officers in determining the detail of each SPD. The timescale and scope for production will be reliant on this technical officer capacity, and is something that needs to be discussed and programmed/agreed with senior officers and members alongside other priority work.
22. SPD production must follow the requisite regulatory regime, including a statutory 6 week public consultation. Costs incurred for each consultation will be subject the scope of consultation; usually this is citywide with targeted events which will be determined through a separate consultation strategy, aligned to the Council's Statement of Community Involvement.
23. Given the current level of budgeted resources it is not possible to speed up the delivery of SPD's.

Recommendation and Reasons

24. LPWG Members are asked to recommend the report to Executive with any additional observations they wish Executive to consider on the following recommendations:
 - (i) Members note progress of the ongoing production of the Climate Change SPD.

- (ii) Members agree the revised scope for the Housing SPD and Green Infrastructure SPD, as set out in Annex C, and continue to prioritise their production
- (iii) Members agree the scope for a 'Planning for Health' SPD, as set out in Annex C, and agree it's inclusion in the next phase of SPD prioritisation
- (iv) Members note the likely scope for a Transport SPD, as set out in Annex C, to support the implementation of the Local Transport Strategy. Further detail to be delegated to the Director for Transport, Environment and Planning in consultation with the Executive Member for Transport and Executive Member for Housing, Planning and Safer Neighbourhoods.
- (v) Members agree that a Gypsy, Traveller and Travelling Showpeople SPD be included in the next phase of prioritisation of SPDs. The scope of the SPD to be delegated to the Director for City Development on consultation with the Executive Member for Housing, Planning and Safer Neighbourhoods.
- (vi) That SPDs for Extensions & Alterations of Buildings, Environmental Protection, Culture and Heritage & City Walls be agreed as lower priority for SPD production, due to limited internal capacity to progress these at this time;
- (vii) Each draft SPD is reported to Executive for agreement to proceed to statutory public consultation and subsequently, adoption.

Reason: To progress a suite of SPDs to support the policies set out in the new City of York Local Plan to ensure policy is clear and applied consistently.

- (viii) Members note the response to the e-petition on HMO thresholds and agree the continued monitoring of the policy's implementation for consideration as part of future policy review.
- (ix) Members agree the continued gathering of evidence to support a potential Article 4 direction to remove permitted development rights allowing changes of use of a building in commercial, business and service use (use class E) to residential (use class C3);
- (x) Members agree the continued gathering of evidence ahead of Government introducing changes relating to short-term holiday lets, which could support a potential Article 4 direction to restrict permitted development rights.

Reason: To support implementation of the Local Plan and ensure evidence is available to inform a local policy response as appropriate.

Background

25. In October 2020, Executive agreed to progress draft SPDs alongside the Local Plan Examination for key topics to ensure their early adoption following adoption of the Local Plan. The agreed priority SPDs were for climate change, affordable housing and green infrastructure.
26. However, progress on the prioritised SPDs was halted to allow effective progression of the Local Plan Examination. Additionally, it was recognised that modifications to policies and updated national guidance would influence the SPD outturn. Pausing their production to a more advanced stage of the examination process has allowed progress based upon up-to-date policy requirements and avoided abortive work.
27. A report to Executive in January 2023 resolved:
 - To continue to prioritise the production of the 3 agreed priority SPDs (Climate Change, Affordable Housing and Green Infrastructure)
 - To agree that the new administration should determine how the remaining SPDs would be best programmed, to support the delivery of the Local Plan, including
 - Gypsy and Travellers and Travelling Showpeople
 - Sustainable Transport
 - Residential Design – alterations and extensions
 - Conversion, Small Sites and Self Build
 - Houses in Multiple Occupation
 - Shopfront Design and Advertisements
 - Developer Contributions (S106 and CIL Guidance)
 - Heritage and Conservation SPD / City Walls SPD; and
 - To agree that SPDs should also incorporate cross-cutting themes where relevant regarding health, culture, accessibility to avoid unnecessary production of SPDs.
28. Additionally, Members requested that officers consider the production of additional SPD regarding Culture in addition to

embedding culture as a theme into the various SPDs, where applicable.

29. An ePetition also ran from 26/02/2024 to 20/03/2024 petitioning the council to reduce the HMO acceptability thresholds permitting the conversion of further HMOs. This ePetition received 80 signatures and called upon the council to implement the Council motion of the 16th December 2021 submitted by Councillor Warters that resolved to:

Request Executive to initiate without delay a review of the HMO Supplementary Planning Document with a view to halving the acceptable percentage thresholds of HMOs across the Article 4 Direction Area.

30. A response to controlling the concentration of HMOs is dealt with in more detail under the Housing SPD (paras 44 to 46) of this report, which directly addresses the issue raised.

Local Plan context

31. The Local Plan provides an overarching spatial strategy to meet the quantitative and qualitative needs of York's population to 2032 and beyond. As the development plan for the city, it sets the spatial and policy framework of how and where new development will be supported requiring high quality, sustainable place-making. The City of York Local Plan was submitted for Independent Examination in May 2018 and has been through a rigorous independent Examination process with appointed Inspectors.
32. Consultation on matters relating to the Phase 5 Hearings Sessions (March 2024) regarding gypsy and traveller matters concluded on 30 August 2024. The Council anticipates the Plan's adoption at Council in Autumn/Winter 2024, subject to receipt and content of the Inspectors' report.

Progress of existing priority SPDs

33. Annex C sets out in more detail the likely scope of each proposed SPD and resources required for its production.

Climate Change SPD

34. Promoting mitigation and adaptation to Climate Change continues to be recognised as key to addressing the climate emergency and

supports the climate change strategy for the Council, which sits alongside the Local Plan.

35. The Climate Change SPD focuses on the implementation of Local Plan policies:
 - CC1 Renewable and Low Carbon Energy Generation and Storage;
 - CC2 Sustainable Design and Construction of New Development; and
 - CC3 Decentralised Energy Networks
36. Particular focus is given to the requirements of Policy CC2 and the interaction with other policies in the plan. Guidance is to be framed around 'water', 'energy', 'materials' and 'waste' in recognition that these resources are used through the lifespan of a development project. Matters relating to relevant policy requirements are to be set out along with best practice examples (drawn from local case studies where possible).
37. Given that climate change is also a cross-cutting theme, we are ensuring that the document also sign-posts and links to other guidance/ SPDs as necessary.
38. Strategic Planning Policy are working alongside the Carbon Reduction Team with consultants Buro Happold following specific funding to fast-track SPD development and a competitive procurement process. A draft SPD is expected to be taken to Executive for a decision on consultation in early autumn 2024, subject to the delivery and outcomes of the Local Plan Inspectors report. Consultation expected Autumn 2024 with adoption by Executive in Winter 2024/25.

Housing SPD

39. The original decision to commence an Affordable Housing SPD reflected the need to clarify specific aspects of delivery through the planning system for emerging policy H10 and guidance on how properties should be occupied and operated. However, since this decision, the policy context for affordable housing has changed and it has become clear that there is significant merit in widening the scope for this SPD to address all relevant housing policies together. This will avoid the need for separate SPD to tackle issues also common to the development of market housing.

40. The provision of and design of accessible housing is particularly important in this context. Embedding these considerations into an SPD that holistically covers housing matters will support the Council's commitment to the Social Model of Disability and the Public Sector Equality Duty.
41. The scope of the SPD, as set out in Annex C, is now recommended to address the following policies, where necessary:
- H1 Housing Allocations
 - H2 Density of Residential Development
 - H3 Balancing the Housing Market
 - H4 Promoting Self and Custom House Building
 - H7 Off Campus Purpose Built Student Housing
 - H8 Houses in Multiple Occupation
 - H9 Older Persons Specialist Housing
 - H10 Affordable Housing
 - DP3: Sustainable Communities
42. There has been detailed consideration of the proposed policy approach through the Local Plan's Examination and the Council has proposed policy modifications to capture national policy changes, where necessary.
43. The SPD is being undertaken in-house by the Strategic Planning Policy team in conjunction with technical officers in the Housing Team predominantly. Inputs and support will also be drawn from the York Access Forum.

Houses in Multiple Occupation ePetition

44. Currently there is a historic draft SPD to support Policy H8 Houses in Multiple Occupation, which is requested for review via the recent ePetition and as proposed through the Council Motion in December 2021.
45. This draft SPD was prepared and endorsed to support the implementation of the Article 4 Direction in 2012 in lieu of an adopted Local Plan policy. However, policy H8 in the emerging Local Plan now sets out the thresholds for controlling the concentration of HMOs (applied at the street and neighbourhood level) and has been tested in public through the Local Plan

Examination³. To date, Inspectors have not directed the Council to consider its evidence further or propose modifications to that policy.

46. Prior to the public hearings of the Examination in 2022, a report reviewing the approach to HMO policies was brought to Executive in April 2022 to address the Council motion of December 2021. The report set out the implications and legal considerations associated with undertaking a review of the SPD and asked Members to consider these, and any changes to policy, in the context of the council's Local Plan, ahead of the in-public examination hearing sessions. In relation to the HMO policies, the following decision was taken by Executive:

(i) That it be confirmed that the current HMO policies are evidence-based, robust and fit for purpose and that the consideration of a review of the Local Plan Policy H8 and the HMO SPD be deferred until such time as the Local Plan is adopted, at which time the appropriate resources and scope can be considered as part of the ongoing process of maintaining an evidence based Local Plan and the National Planning Policy Framework (NPPF) requirement for regular Local Plan reviews.

Reason: To ensure the Local Plan examination is not put at risk and to ensure resources are in place to facilitate a robust evidence base approach to the future review of the Local Plan and policies.

47. The decision made by Executive informed the Council's Local Plan examination position at hearing sessions held for Phase 3 in July 2022 for policy H8, the outcomes of which have been considered in the recommendations for the current draft HMO SPD in this report.
48. The request of the ePetition to revise the thresholds set out in the draft HMO SPD is therefore not possible to agree, as amendments to the Local Plan policy thresholds can now only be achieved through a Local Plan policy review that is triggered by monitoring evidence of the policy's implementation or scoped in as part of a wider policy review.

³ Phase 3 Hearing sessions – Student Housing.

49. It is recommended that relevant content supporting the implementation of the policy currently within the draft HMO SPD should be incorporated into the Housing SPD. The content of this is likely to include how the calculation will be undertaken by the Council, the datasets used and how this will be used in the determination of a decision on a planning application.

Green Infrastructure SPD

50. An SPD for Green Infrastructure was prioritised to reflect the need for detail associated with meeting policy requirements, which otherwise would have made the Local Plan policies overly lengthy and complex.
51. Whilst the scope of the GI SPD was previously agreed with a former Executive Member, the policy context and requirements have evolved and there is a need to be consistent with national policy and updated policies in the Local Plan. A key example of this pertains to mandatory requirements for Biodiversity Net Gain.
52. It is also recommended that there is a split between environmental matters covered in this SPD and human health impacts/outcomes, which should be covered separately in a future 'Planning for Health' SPD. Aspects of recreational openspace, which is policy within the Green Infrastructure section of the Local Plan, will feature in both as necessary.
53. On this basis, it is recommended that a revised scope for the SPD be agreed to cover the following policies in the Local Plan (as set out in Annex C):
- GI1 Green Infrastructure
 - GI2 Biodiversity and Access to Nature
 - GI2a Strensall Common Special Area of Conservation (SAC)
 - GI3 Green Infrastructure Network
 - GI4 Trees and Hedgerows
 - GI6 Provision of New Open Space
 - ENV4: Flood Risk (where applicable)
 - ENV5: Sustainable Drainage (where applicable)
 - DP2: Sustainable Development
54. Matters relating to flood risk and drainage are included on the basis that blue and green infrastructure should be integrated considerations in new developments. In doing so the opportunities

for optimising the multi-functionality of solutions are more likely to be achieved. The SPD will be a useful vehicle for exploring ways of doing this in York.

Other identified SPDs

Gypsy, Traveller and Travelling Showpeople SPD

55. Policies H5 and H6 in the Local Plan support the delivery of suitable accommodation for gypsy and traveller and Travelling Showpeople. However, additional guidance provided through an SPD will ensure that particular design considerations are clearly set out and can be followed by developers in order for sites to best meet the needs of future residents.
56. Given the need to ensure suitable accommodation delivery and design, this SPD would be prepared between Strategic Planning Policy and Housing teams with significant input and consultation with the gypsy and traveller community in a co-design process. It is recommended that this is included in the next phase of priority SPDs to ensure forthcoming provision adheres consistently to best practice and design requirements.

Transport SPD

57. The Local Plan transport section includes policies focussing on the delivery of strategic, local and sustainable transport requirements for planning proposals. This SPD would focus on ensuring clarity in relation to specific topics, wherein particular detail as to how the council approach such matters would be helpful. This may include but not limited to highway design and supporting active travel.
58. It is recommended that this SPD is included in the next phase of priority SPDs to broadly coincide with the development the Local Transport Strategy (LTS) to ensure that relevant planning policy issues can be addressed. This SPD is recommended as a priority aligned to the LTS timetable.

Residential Extensions and Alterations SPD

59. Currently there are 2 draft SPDs that address these issues to expand policy D11 'Extensions and Alterations of Buildings'. It is recommended that these SPDs are brought together into one document. This is a document we understand is frequently used by householder applicants and there is therefore benefit in reviewing and publishing further information on this issue to inform the

development management approach.

60. Whilst the refreshing of these SPDs is recommended to be a lower priority, reflecting that both existing draft SPDs can be retained in use in the interim period, it should be a relatively light touch consolidation exercise rather than a significant piece of work, and therefore will be brought forward when practical to do so.

Culture, Environmental Protection, Heritage and City Walls

61. It is recommended that the production of an SPD specifically relating to culture is regarded a lower priority when considered against other topic areas that are likely to influence and benefit more development proposals. Embedding culture as a theme into other SPDs as appropriate is therefore considered to be an appropriate and proportionate approach. Similarly, matters relating to the plan's environmental protection policies will be addressed as part of the suite of prioritised SPDs and guidance documents as necessary.
62. SPD concerning the City's heritage and development affecting the City Walls was previously outlined to:
- provide detailed guidance on alterations and extensions to listed and historic buildings.
 - detail how development proposals (including signage/advertisements) can be consistent with and sympathetic to the scheduled monuments/listed buildings.
 - provide guidance on proposals directly affecting the City Walls as well as their setting.
63. Whilst local guidance on these matters would be beneficial, it is recognised that there is a wealth of material produced at a national level that supports development in historic settings. Furthermore, a design guide for the City Walls is being developed that sets out a range of practical information relating to different consent processes (planning and non-planning) and includes design scenarios from street furniture, change of use, to public and private advertising. In light of this, a Heritage and City Walls SPD is recommended as a lower priority.

New SPDs proposed

Healthy Places SPD

64. Executive in January 2023 previously agreed that health should be incorporated into each SPD as a key theme. However, officers are recommending a new SPD to cover policies relating to improving human health; this aligns with the Council Plan's core commitments.
65. Principally a Healthy Places SPD would seek to effectively deliver:
- Policy HW7 'Healthy Places', including the requirements of a Health Impact Assessment
 - Policy GI5 'Existing Openspace'
 - Policy G6 'New Openspace'
66. The production of this SPD will lead by Strategic Planning Policy working with the Public Health team. It is recommended that this is a priority SPD to ensure that there is clarity with regards to policy expectations, particularly in relation to the production of Health Impact Assessments (HIA). In the interim period, a new planning policy guidance page for HIA is available on the Council's website signposting to existing national guidance and best practice examples.

New guidance

67. There are complimentary subject areas which are not covered directly by policy in the Local Plan or do not require an SPD, but would benefit from clear guidance to be a material consideration in the planning process. This guidance may sign post to existing information where helpful and in some cases confirm how the Council intends to apply policy at a national level.
68. We have recently made available webpages relating to Biodiversity Net Gain following its mandatory introduction in 2024 and our approach to Developer Contributions (via S106 / Community Infrastructure Levy).
69. Further guidance is currently being prepared for:
- Accessibility in design – working with the York Access Forum to develop a design checklist for design considerations. This guidance will complement the accessibility content in the Housing SPD, with a greater focus on the design of public realm and non-residential developments.
 - Applying the Sequential Test for flood risk – working with Development Management officers and the Flood Risk

Management Team to help set out the different parameters for applying the test.

70. Additionally, there are two further areas that have been identified as requiring further exploration as to whether an SPD may be relevant. These are regarding a potential Article 4 Direction for the City Centre to remove certain permitted development rights and guidance pertaining to short-term holiday lets. Whilst this is recognised as an important issue for York, Officers recommend that further evidence gathering is necessary in the first instance to ensure such an approach is justified. Further, the Government's response to consultation of short term lets confirms new measures are to be implemented, which need to be enacted through legislation and may influence a future policy direction. It is recommended that this issue is reported separately to Executive, when more clarification is available at a national level.

Consultation Analysis

71. The policy framework set out in the Local Plan has been through various consultation stages as part of its preparation for submission in May 2018 and since then as part of its Examination. The Examination process has resulted in modifications to the submitted policies to ensure they are 'sound' in relation to national policy requirements. The modified policies (as determined by the Inspectors in their final report) will form the policy basis for all SPDs.
72. SPDs must adhere to the production procedures set out in national legislation (as set out above). This includes specific public participation and consultation for a period of 6 weeks.
73. Consultation on SPDs will be undertaken in accordance with the Council's Statement of Community Involvement (SCI). This is a statutory document that sets out the consultation procedures for Planning Policy and Development Management. A revised SCI was endorsed for consultation in March 2024, including the requirement that for each plan-making consultation, including SPDs, an individual consultation strategy will be developed.
74. The report has also been informed by internal discussion with technical officers to understand where further guidance is necessary and/or helpful.

Options Analysis and Evidential Basis

75. In determining the approach to options and prioritisation, Officers have carried out a scoping exercise to identify more specifically the areas which would benefit from further clarification. Annex C presents the anticipated contents of each SPD and has influenced officer's recommendations for how they should be prioritised.
76. The following options have been considered:

Existing priority SPDs

- (i) Members continue to prioritise and note progress of the Climate Change SPD (which is under way);
- (ii) Members to re-prioritise the existing SPDs under way for housing and Green Infrastructure;
- (iii) Members agree the revised scope for the Housing and Green Infrastructure SPDs
- (iv) Members do not agree to the revised scope of the Housing and Green Infrastructure SPDs

Prioritisation of other SPDs

- (v) Members agree to the following prioritisation of SPDs:
 - Second phase of priority
 1. Healthy Places
 2. Gypsy, Traveller and Travelling Showpeople Design guidance
 3. Transport (aligned with Local Transport Plan)
 - Lower priority
 4. Residential extensions and alternations
 5. Environmental Protection
 6. Culture
 7. Heritage and City Walls
- (vi) Members recommend alternative prioritisation of SPDs.

SPD Decision-making

- (vii) Each draft SPD is reported to Executive for agreement to proceed to statutory public consultation.
- (viii) Where further decisions regarding the preparation of the SPDs are required, authority should be delegated to the Director for City Development in conjunction with the Executive Member for Housing, Planning and Safer Communities.

- (ix) Members recommend alternative reporting and delegated decision-making authority.

Analysis

- 77. Option (i) allows the continuation of Climate Change SPD development already underway. This is currently funded and consultancy led. On this basis, it is considered that its production should continue.
- 78. Option (ii) would reorganise the timeline for the production of the housing and GI SPDs. Both of these SPDs are under preparation and progress would be halted. It is recommended that they remain high priority SPDs to ensure that the relevant policies are enacted effectively.
- 79. Option (iii) allows for the scope and specification for the housing and green infrastructure SPDs to be updated to align with local and national policy. Option (iv) would, in the context of the Housing SPD, mean that the scope would sole focus on affordable housing delivery. It is anticipated that this would mean a further SPD would need to be produced to cover the remaining aspects of housing policy that needs further definition. This is likely to increase timescales, resources and duplication of matters which other would be covered under a new agreed scope (as per Option (iii)). For Green Infrastructure, this would exclude additional information linked to policy GI2a Strensall Common SAC, which has been proposed as part of the Local Plan examination process and not originally included in the scope of the GI SPD. Additionally, there is an opportunity to align information at the local level relevant to the mandatory introduction of biodiversity net gain.
- 80. Option (v) recommends that the priority order for commencing additional SPDs. The recommended prioritisation reflects the areas identified to require further helpful detail to support policy implementation to ensure effective delivery. This priority list also seeks to best deliver the council's core commitments and priorities (outlined in para 18). Option (vi) allows for Members to recommend an alternative approach to SPD production.

Organisational Impact and Implications

Financial:

81. The council budgets for a core Local Plan team at a cost of c £370k per annum with a residual £10k for consultancy. There is therefore limited capacity to undertake a significant additional workload. The recommendations within the report will need to be delivered within current budgets.

Human Resources (HR):

82. There are no HR implications contained within this report. Should additional capacity be required to undertake this work then this would be sourced in accordance with the Council's resourcing procedures.

Legal:

83. A Supplementary Planning Document must be prepared, consulted upon and adopted in accordance with the requirements of regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012. SPDs should provide advice and guidance on policies in an adopted local plan. As an SPD will not form part of the statutory development plan, it cannot introduce new planning policies into the development plan. An SPD will however be a material consideration in decision making.

Procurement:

84. There are no likely procurement implications arising from the recommendations of this report.

Health and Wellbeing:

85. Strategic planning documents are beneficial for health for several reasons:
- Guidance: They provide a roadmap for developments within the city which actively considers the key elements required for designing a healthy city, ensuring developments are considering health outcomes for our residents. The inclusion of a health SPD ensures that efforts are aligned with overarching CYC health priorities and guides the developers to those priorities set out for the City's growth in a sustainable framework.
 - Resource Allocation: Strategic planning documents help to prioritise the allocation of resources effectively by identifying priority areas for investment. This ensures that limited resources are utilised efficiently to address City of Yorks specific health concerns. Including the prioritisation of impacts

caused by an expanding population and increasing demands on the health systems.

- Long-Term Vision: By outlining the impact of growth on the health systems over the long-term we can mitigate population increase and its impact on those health systems using strategic planning documents to promote a forward-thinking approach to health and the prevention of ill health by the way we design our spaces. This helps anticipate future health challenges and develop proactive solutions to address them.
- Overall, strategic planning documents serve as essential tools for improving health systems, enhancing efficiency, and ultimately, promoting better health outcomes for individuals and communities.

Environment and Climate action:

86. Positive implications would result from the implementation of topic specific SPDs as outlined in this report.
- The Climate Change SPD will specifically support sustainable design and construction objectives to ensure new development embeds mechanisms for carbon reduction and energy efficiency and renewable energy generation.
 - The opportunity for the Transport SPD is to enable the positive delivery of transport policies in the Local Plan, including where applicable, sustainable and active travel, connectivity and highways design.

Affordability:

87. The delivery of the Housing SPD, incorporating specific information regarding the delivery of affordable housing policy and how this is achieved, is positive. This should have a positive effect in terms of delivery and affordability objectives.

Equalities and Human Rights:

88. An EIA completed for this report is attached at Annex A. It is acknowledged that the detail of each SPD will be considered separately when they are produced and subject to further Executive decision making.

Data Protection and Privacy:

89. As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a data protection impact assessment (DPIA). This is

evidenced by completion of DPIA screening questions AD-05688 (Annex B).

Communications:

90. There are unlikely to be any significant impacts of this report for the Communications Service, with the exceptions of managing any incoming media enquiries that may result from it (or the associated Local Plan and SPDs), and - from time to time and as required - occasional proactive media activity.

Economy:

91. There are no direct economy implications arising from the recommendations of this report.

Risks and Mitigations

92. Making a decision ahead of the receipt of the Local Plan Inspectors final report may influence the content of policies included therein, which impact on the scope of the SPDs.
93. The production of SPDs in-house can be an intensive process. The availability of resources and prioritisation of the process will impact on the timetable for the production of SPDs. To enable their effective production, support for their development needs to be included on relevant service plans and Directorate work programmes.

Wards Impacted

94. Planning policies apply citywide and therefore development in all wards will be impacted by the introduction of SPDs.

Contact details

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Background papers

York's emerging Local Plan (2018) [[CD001](#)], proposed Main Modifications Schedule (2023) [[EXCYC128](#)] and [proposed Main Modifications to Policy H5 and H6](#) (2024)

Executive Report of 21 April 2022 – [Issue - items at meetings - Review of the “Controlling the Concentration of Houses in Multiple Occupation” Supplementary Planning Document 2012 \(revised 2014\) in response to the Council Motion of December 2021 \(york.gov.uk\)](#)

Executive Report of 26 January 2023 - [Issue details - City of York Local Plan Proposed Modifications and Evidence Base](#)

Executive Report 18 July 2024 – [Local Transport Strategy](#)

Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Data Protection Impact Assessment (DPIA)
- Annex C: Scope of proposed SPDs

Abbreviations

CYC – City of York Council

DPIA - Data Protection Impact Assessment

EIA - Equalities Impact Assessment

HIA - Health Impact Assessments

HMO - Houses in Multiple Occupation

LPWG – Local Plan Working Group

LTS - Local Transport Strategy

MHCLG – Ministry of Housing, Communities and Local Government

NPPF - National Planning Policy Framework

SAC - Special Area of Conservation

SCI - Statement of Community Involvement

SPDs - Supplementary Planning Documents