



Meeting:	Full Council
Meeting date:	27/02/2025
Report of:	Director of Governance and Monitoring Officer and Director of City Development
Portfolio of:	Cllr M Pavlovic, Executive Member for Housing, Planning and Safer Neighbourhoods.

Decision Report: Adoption of York's Local Plan

Subject of Report

1. York's Local Plan was submitted on 25 May 2018 for independent Examination to assess whether it was prepared in accordance with legal and procedural requirements and whether the approach taken was 'sound', as per the National Planning Policy Framework ("NPPF"). This report follows the conclusion of the Examination of York's Local Plan and issuing of the Inspectors final report.
2. The Inspectors have concluded that, subject to the inclusion of their proposed modifications, the Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the NPPF. The Plan is therefore capable of adoption.
3. Full Council is therefore asked to endorse the conclusions made by the Inspectors Report and adopt the Local Plan as part of the Development Plan for the authority. This will meet our statutory duty for preparing and adopting a Local Plan for York.
4. Adoption of the Plan represents a defining step-change in the authority's approach to spatial planning and planning positively for the city. It will provide certainty in relation to our planned approach to development and sets our policy approach for achieving York-specific sustainable development. Importantly, the plan will provide a consistent local framework for decision-

making with the adopted policies having full weight in the process.

Benefits and Challenges

5. The Local Plan sets the framework for York's spatial strategy and development over a 15-year plan period. It is prepared under a legislative framework (set out in the next section), incorporating strategic and non-strategic policies to ensure delivery of identified development needs and sustainability outcomes. The policy approach embeds sustainable development principles at the national and local level to achieve desired local priorities in the decision-making process aligned to the vision for York's future. This spatial strategy is concluded to be '*rational, justified and thereby sound*'.
6. This is the first plan prepared for York in accordance with the NPPF and will be the first adopted development plan for the authority since 1956. It meets the Council's statutory duty for plan-making and ensuring plan-led decision-making. The adopted plan will fully supersede Saved Policies from the Yorkshire and Humber Regional Spatial Strategy (RSS, 2008) and the Local Plan Fourth Set of Changes approved for Development Management purposes in 2005.
7. The plan will set the detailed Green Belt boundaries in the authority for the first time. The approach taken is concluded to be:
 - in accordance with (a) the RSS Green Belt Policies and (b) the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York¹.
 - Based on a sound methodology; and
 - Reflective of the application of the spatial strategy.
8. The role of York's Green Belt is confirmed in Spatial Strategy Policy SS2, the primary purpose of which is to safeguard the setting and special character of the historic city of York. This will be spatially detailed on an accompanying Policies Map to be read in conjunction with the written plan. It is recognised that in

¹ As per the Partial Revocation Order 2013 (Annex X)

delineating the Green Belt boundary, needs are accommodated in a way that support this principal purpose.

9. The preparation of the plan started in 2013 and, following its submission in 2018, under transitional arrangements has been examined against the original NPPF (2012). As part of the examination process, the Inspectors have agreed modifications to the plan to ensure it is 'sound'. As far as possible, policy modifications reflect soundness against the 2012 NPPF as well as contemporary requirements set by updated NPPF, by agreement, and Written Ministerial Statements (to 2024).
10. The Government recently released an updated NPPF (December 2024) incorporating changes to meet their ambitions for higher housing delivery and economic investment. This was enacted for decision-making from its release date but comes into force for plan-making on 12 March 2025. Transitional arrangements for plan-making will not be invoked by having a plan adopted ahead of this date. This provides more certainty for decision-making by allowing the policy approach to be implemented with weight ahead of considering a review against the new NPPF and its requirements.
11. Additionally, the current Government have confirmed that they are proceeding with plan-making reform aligned with the Levelling Up and Regeneration Act (2023), with legislation expected to be released in summer 2025. Having a newly adopted Local Plan will allow us to more comprehensively scope a review aligned to this legislation.
12. Adoption of the Local Plan also provides certainty of the policy approach allowing the Community Infrastructure Levy Examination to proceed and be implemented in due course. Additionally, we can confirm the policy background and contents for the schedule of high priority Supplementary Planning Documents, as agreed by Executive in September 2024.

Policy Basis for Decision

13. As a Local Planning Authority, we are required to prepare a Development Plan for the authority area forward planning for a period of 15 years hence in accordance with national legislation:
 - Planning and Compulsory Purchase Act 2004 (as amended);

- Localism Act 2011(as amended);
- Town and Country Planning Regulations 2012 (as amended);
- National Planning Policy Framework;
- Environmental Assessment of Plans and Programmes Regulations 2004 (as amended);
- Conservation of Species and Habitats 2017 (as amended).

14. Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their Local Plan. The Local Plan is made up of these strategic policies, together with non-strategic policies covering more detailed matters.
15. Legislation within Section 19 of the Planning and Compulsory Purchase Act 2004 prescribes the specific matters to which the Local Planning Authority must have regard when preparing a Local Plan and the Town and Country Planning Regulations 2012 prescribe the general form and content of local plans. The Local Plan should include a Policies Map which gives a visual representation of the Plan policies.
16. Full Council resolved to submit the draft Local Plan for Examination on 17 May 2018, requesting that the Inspectors propose Main Modifications (“MM”) to the plan to ensure it could be found ‘sound’ in accordance with the Section 20 (7C) of the Planning and Compulsory Purchase Act 2004. Consequently, the plan was formally submitted on 25 May 2018. As a result of the positive endorsement for adoption by the Inspectors pending modification, the authority may now adopt the plan.
17. On 26 January 2023, Executive endorsed the schedule of MM to the plan agreed with the Inspectors prior to statutory public consultation. It was resolved that:

(iv) in the event that there are no material changes following the conclusion of the consultation exercise on the Proposed Main Modifications and the associated evidence base and following receipt of the Inspectors’ report, the Local Plan (as modified in accordance with the Proposed Main Modifications and the associated evidence base) and the Inspectors’ report be submitted to Full Council by the Leader, in consultation with

the Corporate Director of Place [succeeded by the Director of City Development], to recommend adoption.

Reason: To support progress towards adoption of the Local Plan, which will ensure the Council meets its statutory and national planning policy requirements.

18. It is also anticipated that the Partial Revocation Order for the Yorkshire and Humber RSS (2013) will be updated to fully revoke the saved policies pertaining to York's Green Belt. Following adoption of York's Local Plan, the requirement of the saved policies to set the detailed boundaries of York's Green Belt will have been met (Annex D).
19. The plan was prepared in accordance with, and to support, previous Council Plans and corporate strategy. The vision states:

"York aspires to be a city whose special qualities and distinctiveness are recognised worldwide. The Local Plan aims to deliver sustainable patterns and forms of development to support this ambition and the delivery of the city's economic, environmental and social objectives. This will include ensuring that the city's place making and spatial planning policies reflect its heritage and contemporary culture, contributing to the economic and social welfare of the community whilst conserving and enhancing its unique historic, cultural and natural environmental assets.

The plan will ensure that the vision and outcomes are delivered in a sustainable way that recognises, adapts to and mitigates the challenges of climate change, protects residents from environmental impacts and promotes social and economic well-being".

20. In the Council Plan 2023-2027, City of York Council set the ambition that the council would, over the next four years, establish the conditions to make York a healthier, fairer, more affordable, more sustainable, and more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations.
21. Through adoption of the Local Plan, the council takes one step forward in meeting this ambition, with the policies set out in the Local Plan aligned to the 10-Year Strategies 2022-2032, and The Council Plan 2023-2027 is rooted in the 10-Year Strategies.

22. During the development of the Local Plan, Council approved three 10-year strategies, covering Economic Development, Climate Change (sustainability) and Health and Wellbeing. The 10-year strategies cover the period 2022-2032, and reflect the strategies set out in the Local Plan. They further informed the 10-Year City Plan, co-designed by city partners and reflecting the ambitions set out in the 10-Year Strategies, and in alignment with the Local Plan.
23. Whilst prepared and submitted ahead of the current Council Plan 'One City, for all' (2023), the Local Plan supports the four core commitments, as follows. Additionally, all the core commitments align with and have been considered in the Sustainability Appraisal at each stage of plan production and consultation to inform the process.

Equalities and Human Rights

24. The plan seeks to ensure that it is relevant to all and plans specifically for some groups. Equalities impacts assessments have been undertaken for each stage of plan production, decision and consultation. Annex A sets out the overall approach taken and key findings as a result of implementing the plan.

Affordability

25. A key purpose of the Local Plan is to ensure we meet the development needs identified through the evidence base. A key aspect of this is the delivery of housing for which the Local Plan has allocated over 13,000 new homes to be delivered in the plan period to 2032/33 but has planned to deliver 22,000 in total when all allocations are developed.
26. A key part of the policy approach has been to ensure a viable approach to the delivery of market and affordable housing via development proposals as set out in Section 5 'Housing'. This has resulted in the inclusion of the following policies, all of which align to Council's objective for delivery of affordable and specialist accommodation to meet the needs of the population:
 - Policy H1: Housing Allocations
 - Policy H2: Density of residential development
 - Policy H3: Balancing the Housing Market
 - Policy H4: Promoting Self and Custom House Building
 - Policy H5: Gypsies and Travellers
 - Policy H6: Travelling Showpeople

- Policy H7: Student Housing
- Policy H8: Houses in Multiple Occupation.
- Policy H9: Older Persons specialist accommodation
- Policy H10: Affordable Housing.

Climate

27. Climate change and its relationship with sustainable development is specifically referenced in the vision for the plan and considered throughout the policy approach as part of embedding sustainable development at the local level.
28. Section 11 'Climate Change' includes specialist policies to manage climate change mitigation and adaption through the planning application and decision-making process. These are:
 - CC1: Renewable and Low Carbon Energy Generation and Storage
 - CC2: Sustainable Design and Construction of New Development
 - CC3: Decentralised Energy Networks.

Health

29. The Plan embeds supporting positive social outcomes through planning, including for health and wellbeing. Section 6 'Health and Wellbeing' directly supports the achievement of healthy lifestyles and the necessary physical infrastructure for health. Additionally, other sections in the plan support health and wellbeing through the inclusion of Green Infrastructure, requirement for placemaking and design, provision of new and specialist accommodation, sustainable transport delivery and maintaining environmental quality and flood risk.

Financial Strategy Implications

30. It is anticipated that the Local Plan will lead to long-term investment in the city by providing more certainty in relation to the policy approach and for development across York.
31. The Local Plan is supported by an infrastructure delivery plan, which sets out the anticipated supporting infrastructure needs for delivery. The financial implications will be considered as part of forthcoming planning decisions as well as ongoing capital programmes.

32. The Plan is also supported by a viability assessment to ensure that the desired policy outcomes are deliverable. On the basis of this and using the draft policy approach, a viability ‘headroom’ was identified in terms of viability leading to a decision to proceed and implement a Community Infrastructure Levy (“CIL”), taken by Executive in 2022. The adoption of the Local Plan will enable officers to proceed to the next stages of implementing CIL, which is to proceed to independent examination of the proposed charging schedule. This will allow funds for development to be collected and used across the authority, subject to an agreed pipeline of CIL spending. S106 contributions for infrastructure delivery will still be collected where this is specifically necessary as part of the development.

Recommendation and Reasons

33. Full Council is recommended to:
- i. Endorse the conclusions of the Inspectors’ report and adopt the Local Plan incorporating main modifications as set out in Annexes B & C;
 - ii. Delegate authority to the Director of City Development to agree any further non-material minor corrections and factual updates and publishing of the adopted Local Plan and Policies Map;
 - iii. Delegate to the Director of City Development statutory notification correspondence relating to adoption including the adoption statement, Sustainability Appraisal Report and communications regarding the plan in accordance with Regulation 26 of the Town and Country Planning Act 2012 (as amended).

Reason: To adopt a ‘sound’ spatial development plan for the City of York and to comply with the legislative requirements for adopting a Local Plan.

Legal Options for Council

34. As can be seen from the above, and is further explained in the background to this report, the process to bring the Local Plan to

the point of a finding of soundness, and subsequent adoption, has been both lengthy and statutorily proscribed.

35. Making alterations to the Local Plan is a process involving both an examination-in-public, and an impartial assessment of the proposed alteration by the Inspectors, taking account of the Council's proposals and any public response to those proposals. The Inspectors would subsequently need to assess the proposals for soundness, before including them in any revised version of the Local Plan recommended for adoption.
36. As such, the options for Council are limited. It can choose to endorse the report and thereby adopt the Local Plan in its current form; or it can choose not to endorse the report and thereby reject the Local Plan in its current form.
37. If Council chooses the latter, it will need to clearly identify the reasons why it disagrees with the Inspectors' conclusion that the Local Plan is sound and may be adopted. The Planning Inspectorate (PINS) is clear that the final report received by the LPA marks the end of the Examination process². We are required to inform PINs of the Council's decision and failure to adopt would likely result in Government intervention requiring the Council to adopt the plan for decision-making purposes. Other authorities have received similar intervention directions having taken decisions to pause Local Plan production or halt proceeding to examination with an advanced plan. As noted above, such further consideration is likely to result in significant changes to the provisions of the Local Plan to align with the latest NPPF (2024), and substantial delays in its ultimate adoption.
38. Consequently, Council has a strictly defined choice: to adopt (either with or without the additional modifications); or not to adopt. For the reasons set out above, it is considered that adoption with the additional modifications is the recommended option.

Background

39. Our Local Plan is the development plan for the City. It provides a vision and framework for the future spatial development of the area addressing the needs, and opportunities, in relation to

² [Procedure Guide for Local Plan Examinations - GOV.UK](#)

housing, the economy and infrastructure. It also addresses issues around conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well-designed places.

40. With the introduction of the National Planning Policy Framework in 2012, preparation began on the development of a new Local Plan for York. This built on work already undertaken from 2005-2012 on the, now superseded, Local Development Framework. Evidence gathering, and a further call for sites in 2013/14, resulted in a Publication Draft Local Plan being considered by Local Plan Working Group and Cabinet in September 2014. A motion submitted to Full Council in October 2014 halted proceeding to consultation on the Publication Draft pending further work, including reviewing development needs for the city.
41. Consequently, the Preferred Sites Consultation occurred in 2016 followed by further work responding to the announcement of land in York identified for release by the Ministry of Defence. Consultations on the pre-publication draft (2017) and the publication draft (2018) of the Local Plan followed with the Local Plan being submitted for examination in May 2018.
42. We were appointed two independent Inspectors to undertake the formal Examination of York's Local Plan, who first wrote to the Council setting out their initial observations and intentions to proceed in July 2018. We also appointed an independent Programme Officer to manage correspondence and the administration of the Examination process in conjunction with the Inspectors.
43. Following initial observations, further work was undertaken at the request of the Inspectors to inform the examination process particularly in relation to the approach to the Green Belt and Housing Need. This was considered at Phase 1 Hearings Sessions in December 2019 wherein the sessions principally focussed on legal compliance, matters of Housing Need, the approach to the Green Belt and defining its boundaries.
44. At the Phase 1 hearings the Council agreed to submit further documents including a new Habitats Regulation Assessment to reflect landmark case law prior to the session. Submission of this was delayed as a result of the Covid-19 lockdown in Spring 2020 and, following further correspondence between the Council and Inspectors, further consultation was undertaken on proposed main modifications and evidence base documents in Spring 2021.

45. Phase 2 of the examination hearings took place in May 2022, followed by Phase 3 in July 2022 and Phase 4 in September 2022. Consultation took place on the Inspectors' proposed main modifications in February and March 2023 with further consultation on some revised Green Belt boundaries suggested by the Inspectors in August 2023.
46. Following correspondence between York Travellers Trust, City of York Council and the Inspectors, a Phase 5 hearing session was held in March 2024 considering policy H5: Gypsies and Travellers. Following two election periods, a further main modifications consultation was held Summer 2024 on the Inspectors' modifications to policy H5.
47. As part of the preparation of the Local Plan there is a statutory duty to ensure the plan is legally compliant with accompanying legislation. Consequently, we submitted and have subsequently updated throughout the examination process on matters pertaining to Duty-to-Cooperate, Sustainability Appraisal and Habitats Regulation Assessment. We have also published all outcomes of consultations held and how they have been carried out in compliance with the Statement of Community Involvement and Regulation 22 (1) (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Inspectors Conclusions

48. The Inspectors have concluded overall:

The Plan has a number of deficiencies in respect of soundness for the reasons set out above [in their report], which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above [in their report].

The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the City of York Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.
49. The Inspectors Final Report considers legal compliance of the submitted plan and process followed by 24 issues in detail:

- Issue 1: Do the 'Vision and Development Principles' behind the Plan give it an effective basis?
- Issue 2: Are the economic projections, and the Objectively Assessed Housing Need (OAHN) that flows from them, justified?
- Issue 3: Does that Objectively Assessed Housing Need (OAHN) translate into a housing requirement that is justified?
- Issue 4: Is the Spatial Strategy of the Plan justified?
- Issue 5: Will the Spatial Strategy deliver a five-year supply of deliverable housing sites in an effective way?
- Issue 6: Does the Plan effectively provide for economic development and are the employment policies consistent with national policy?
- Issue 7: Is the approach of the Plan to Strategic Sites justified?
- Issue 8: Is the approach taken to defining Green Belt boundaries compliant with national policy, and in general conformity with RSS?
- Issue 9: Have the detailed Green Belt boundaries been properly justified?
- Issue 10: Is the approach of the Plan to housing delivery, density, mix, tenure type, and specialist housing likely to be effective?
- Issue 11: Is the approach the Plan takes to the provision of affordable housing an effective one?
- Issue 12: Has the approach of the Plan to Gypsies and Travellers and Travelling Showpeople been properly justified?
- Issue 13: Is the approach of the Plan to education in general, and the Universities in particular, justified?
- Issue 14: Is student housing dealt with effectively by the Plan?
- Issue 15: Does the Plan address transport and traffic and the implications of development in an effective way?

- Issue 16: Is the approach of the Plan to retail-linked development in accordance with national policy and likely to be effective?
- Issue 17: Does the Plan deal with Health and Wellbeing in a fashion that is reflective of national policy and effective?
- Issue 18: Is the manner in which the Plan approaches placemaking, heritage, design and culture likely to be effective?
- Issue 19: Is the way in which the Plan deals with Green Infrastructure sufficient in its scope, in line with national policy, and effective?
- Issue 20: Does the approach of the Plan to managing development in the Green Belt accord with national policy and will it be effective?
- Issue 21: Is the stance taken by the Plan to environmental quality and flood risk compliant with national policy and positively prepared?
- Issue 22: Is climate change, and the issues around it, given its due importance in the Plan and will the policies to address it prove effective?
- Issue 23: Is the way in which the Plan deals with communications infrastructure soundly based and are the relevant policies positively prepared?
- Issue 24: Does the Plan provide effectively for delivery and monitoring?

50. Subject to modifications as outlined (Annex C), the soundness of each of the 24 matters are concluded on individually and are stated to be effective, justified and/or consistent with national policy.

51. Additionally, the following conclusions are made:

Policies Map

- When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the component parts of the Policies Map, to include all the changes proposed and published alongside

the MMs, alongside the relatively minor, but necessary, adjustments referred to in this report.

Legal Compliance – Duty-to-Cooperate

- The Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met. The Plan has been prepared in accordance with the Council's Local Development Scheme.

Legal Compliance – Other matters

- Consultation on the Plan and the various sets of MMs was carried out in compliance with the Council's Statement of Community Involvement.
- The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19. The sustainability appraisal was updated to assess the various sets of main modifications in a way that we have found to be adequate.
- The Habitats Regulations Appropriate Assessment sets out that the Plan may have some negative impact which requires mitigation. This mitigation has been secured through the Plan as modified. The Habitats Regulations Assessment (HRA) has been updated at various stages of the process, in response to new information coming forward, and the various groups of main modifications.
- The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
- The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. For reasons that are covered in [the report], we are satisfied that as modified, the Plan will be in general

conformity with the RSS of 2008, and as a result, s.24(1) of the 2004 Act.

52. The Main Modifications (“MM”) made by the Inspectors’ can be summarised as follows:

- A series of modifications to deal with the potential impact of development on Strensall Common SAC;
- Further modifications to recalibrate the approach of the Plan to the University of York and its future expansion;
- Modifications designed to address the potential impact of student housing on the supply of affordable housing;
- Amendments to simplify the approach of the Plan to development in the Green Belt;
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy; and
- Adjustments to the policies designating Green Belt on the Policies Map to confirm the boundaries.

53. Modifications included by the Inspectors are based on the final consolidated list of Main Modifications of September 2024 that was added to the examination website on 16 October 2024³. The final schedule of modifications is published as Annex C to this report.

54. The Inspectors have taken account of the consultation responses to all the public consultations in coming to their conclusions and in this light, have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessments that have been undertaken. Where necessary, the Inspectors have highlighted these amendments in the report.

³ Examination Library reference EX/CYC/141 <https://www.york.gov.uk/downloads/file/9899/ex-cyc-141-city-of-york-lp-consolidated-policy-mods-september-2024>

Next steps

55. Subject to the decision made by Full Council and adoption as recommended, legislative requirements regarding the publication of the adopted plan will need to be met, as set out in the Town and Country Planning Regulations. Regulation 26 states:
26. As soon as reasonably practicable after the local planning authority adopt a local plan they must—
- (a) make available in accordance with regulation [35](#)—
 - (i) the local plan;
 - (ii) an adoption statement;
 - (iii) the sustainability appraisal report; and
 - (iv) details of where the local plan is available for inspection and the places and times at which the document can be inspected;
 - (b) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the local plan; and
 - (c) send a copy of the adoption statement to the Secretary of State.
56. To accord with the above, it is recommended that delegated authority is given to the Director of City Development to agree, publish and notify of the decision to adopt a Local Plan.
57. Additionally, Officer's intend to provide internal training on implementing the adopted Local Plan and update the Local Development Scheme⁴ in due course.

Consultation Analysis

58. There has been extensive consultation in both the preparation of the plan (2012-2018) and during the Examination process (2018-2025). This is summarised below:

2012-2018: Pre-Submission

- Issues and Options 2 (2011) (as part of the halted Core Strategy)
- 'Call for sites' (2012) requesting land to be submitted for consideration for development

⁴ A statutory report setting out the forward plan-making schedule.

- Preferred Options (2013)
- Further Sites Consultation (2014)
- Preferred Approach and evidence base consultation (2016)
- Pre-submission (Regulation 18) consultation (2017)
- Publication (Regulation 19) consultation (2018)

2018-2025: Post Submission

- Proposed modifications consultation between June to July 2019
 - Proposed modifications and Evidence Base consultation between May to June 2021
 - Proposed Main Modifications consultation between February to March 2023
 - Proposed Main Modifications consultation pertaining to Policy H5 'Gypsies and Travellers' between July to September 2024
59. Consultation has been undertaken in accordance with the adopted statutory Statement of Community Involvement⁵, which sets out our approach to engagement in planning services. Consultation has also taken place in accordance with the Town and Country Planning Regulations, predominantly Regulations 18 and 19, which dictate how consultation should be undertaken at each preparatory stage of the process. As stated above, the Inspectors have concluded this approach was legally compliant.
60. Further consultation has been undertaken by the Programme Officer on behalf of the Inspectors on more focussed matters. This includes for example, consultation on Green Belt amendments proposed by the Inspectors in August 2023, for which the Council prepared consultation materials and the process of consultation was performed by the Programme Officer.
61. Additionally, the Inspectors have held five phases of in-person Hearing Sessions between 2019-2024 prior to which there has been an invitation to comment on the Matters, Issues and Questions outlined by the Inspectors. As part of this, respondents were invited to state whether they would like to attend the hearing sessions in person. The process of attendance, coordination and delivery of the Hearing Sessions was undertaken by the Programme Officer, in conjunction where necessary with Council Officers. All details of the sessions were published online via their

⁵ Core Document CD0016: City of York Statement of Community Involvement (SCI) (Adopted December 2007) <https://www.york.gov.uk/downloads/file/1388/cd016-city-of-york-statement-of-community-involvement-sci-adopted-december-2007->

Examination webpage⁶ and held in accessible venues in York, with a public viewing gallery for those wishing to observe the proceedings but not actively participating in the discussion.

Options Analysis and Evidential Basis

62. Options for members consideration are:
- i. Adopt the Local Plan with main modifications (Annex B and C);
 - ii. Adopt the Local Plan with main modifications (Annex B and C) and additional modifications (to be delegated to the Director for City Development);
 - iii. Do not accept the Inspectors conclusions and not adopt the Local Plan.
63. The options for adoption are dictated by national legislation following receipt of the Inspectors report. Where the report recommends the plan is 'sound' subject to modification, Schedule 23 of the Planning and Compulsory Purchase Act (as amended) states:
- 3)The authority may adopt the document—*
- (a)with the main modifications, or*
- (b)with the main modifications and additional modifications if the additional modifications (taken together) do not materially affect the policies that would be set out in the document if it was adopted with the main modifications but no other modifications.*
64. Option 2 (or 23 (3b)) is recommended. This will allow a modified plan to be adopted aligned with the Inspectors conclusions. It also allows a schedule of non-material updates to be incorporated where they do not materially affect the policy approach.
65. As per above (paragraph 37), Option iii would not result in an adopted plan for the city and would likely result in Government intervention requiring the Council to adopt the plan for decision-making purposes. Other authorities have received similar

⁶ Examination webpage managed by the Programme Officer: www.york.gov.uk/localplanexamination

intervention directions having taken decisions to pause Local Plan production or halt proceeding to examination with an advanced plan. It may also lead to challenges through decision-making and planning by appeal as applications are received that are not aligned to a development plan and the weight afforded to the policy framework for the city would be limited as per the requirements of para 49 of the NPPF⁷.

Organisational Impact and Implications

66. **Financial:** The preparation and examination of the Local Plan commenced in 2012 and in that time expenditure of over £3.6m (excluding council staff resources) has been incurred on gathering evidence and supporting the examination process. Should the Plan not be adopted at this time it will be necessary to identify resources to start a new process. In adopting the plan there is further work required as outlined above and this will be contained within council base budgets.
67. **Human Resources (HR):** There are no HR implications contained within this report. Training for technical officers on the implications of adopting the local plan will be required should this option be taken forward, for which budget will need to be identified.
68. **Legal:** The Planning and Compulsory Purchase Act 2004, as amended ("the 2004 Act") requires local planning authorities to prepare Local Plans, which must be kept under review and revised as necessary. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, ("the 2012 Regulations") set out the procedures to be followed in the preparation of Local Plans.
69. By virtue of sections 23(2) to (4) of the 2004 Act, the Council may adopt a Local Plan only if the Inspector(s) has recommended that outcome, whether in relation to the plan as submitted for examination or with any Main Modifications to make that plan sound and/or satisfy the relevant legal requirements. If the Council wishes to adopt the Local Plan it can only do so in accordance with the terms of the recommendation made by the Inspector(s), along with any other modifications that do not

⁷ Relating to weight that can be afforded to policies in plan-making taking into the account the stage of the plan, unresolved objections and conformity with the NPPF.

"materially affect" the policies in the plan (additional modifications). At this stage, the Council cannot propose any further main modifications, such as changes to policy wording or site allocations.

70. The 2004 Act and the 2012 Regulations place certain provisions on the Local Planning Authority in complying with the plan-making process, which are tested at examination. The appointed Inspectors' Final Report confirms their conclusion that the Local Plan has been prepared and consulted on in accordance with the legal and procedural requirements but that the Local Plan will require Main Modifications to ensure that it is sound. These modifications were published for consultation in their own right. With the incorporation of the final Main Modifications the Local Plan has been found sound and the Council can proceed to the adoption of the Local Plan.
71. The decision to adopt must be taken by Full Council. The choices available to a Council once an Inspector's report is received are restricted to a binary option. The choices are: to either adopt with the Main Modifications (together with any additional modifications) or not to adopt. The Council, as a matter of law, is not entitled, and has no power, at this stage in the plan making process to make material or Main Modifications to the Local Plan.
72. The Secretary of State has the power to intervene in plan making; this includes that the plan be submitted to the Secretary of State for approval (sections 21 to 21A of the 2004 Act). Section 27(5) empowers the Secretary of State to (a) approve the Local Plan with Main Modifications recommended by the Inspector(s), or (b) direct the Council to consider adopting the Local Plan by resolution of the authority. The Council may withdraw the Local Plan at any time prior to its adoption. A sound planning reason(s) and a rationale should be provided as a basis for a decision not to adopt, including how or why the plan, which has been found by the Inspectors as being sound, is not sound. Any decision not to adopt the Local Plan in accordance with the Inspectors' recommendation will be amenable to judicial review.
73. Following adoption, the Council will need to comply with the requirements of the 2012 Regulations to make adoption documents available and to notify persons who asked to be notified (and other consultees) as soon as reasonably practicable.
74. The adopted Local Plan is then subject to a statutory legal challenge period of six weeks starting with the date of adoption,

when the Local Plan could be challenged through an application to the High Court under section 113 of the 2004 Act. The grounds for such a challenge will be set out in the Adoption Statement and are that (a) the document is not within the appropriate power and/or (b) a procedural requirement has not been complied with. Officers consider that the risk of a successful legal challenge is low.

75. Once adopted the new Local Plan will form part of the statutory development plan for the Council's administrative area. The Council must have regard to the development plan when it determines planning applications and the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
76. **Procurement:** Whilst there are no direct procurement implications relating to the Local Plan itself, procurement will be a main tool used to deliver some of the upcoming priorities. Should any priorities require procurement, all works and/or services must be procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015, soon to be Procurement Act 2023 from 24th February 2025. Creative and innovative ways of procuring will be explored to ensure York's local supply chain can tender for any contracts to support and improve the local economy. Further advice regarding the procurement process and development of procurement strategies must be sought from the Commercial Procurement team.
77. **Health and Wellbeing:** The adoption of the Local Plan is positive for the health of the city, giving more scope for healthy placemaking. A Healthy Places SPD is currently being developed and will be consulted on in due course to support the policies in the plan. This will aim to further articulate healthy planning policy for the city, and how we will comply with Issue 17 raised by the inspectors.
78. The wider determinants of health are a diverse range of social, economic and environmental factors which influence people's mental and physical health. Systematic variation in these factors constitutes social inequality, an important driver of health inequalities in York which lead to around an 11 year gap in life expectancy. The quality of the built and natural environment

such as air quality, the quality of green spaces and housing quality impact significantly on health.

79. Additionally, Section 106 and future CIL contributions from developers can have positive health and wellbeing benefit, through things like Affordable housing, Transport/highways and sustainable travel, Education, Health care, Sport, recreation and open space, and ecology. To help us achieve the council plan 2023 to 2027 – One City for All developer contributions should be considered in the context of wider determinants of health.
80. **Environment and Climate action:** The Local Plan sets out a delivery plan for sustainable development in the context of the cities environmental objectives and conserving its environmental assets.
81. The Inspector's report has deemed that the Local Plan has given due importance to climate change and that the policies within it will prove effective. Since initial development of the Local Plan, City of York Council has declared a climate emergency and set an ambition for York to be a net zero and climate ready city by 2030; this was acknowledged during the course of the Examination process.
82. **Affordability:** The Plan is critical to unlock availability and a pipeline of more affordable housing for those living and working in the city, and therefore improve opportunity for those with lower incomes and their families.
83. **Equalities and Human Rights:** A full Equalities Impact Assessment can be found at Annex A. This identifies positive impacts for several groups with protected characteristics as a result of adopting the Plan, including Gypsy and Traveller communities and those on low income.
84. **Data Protection and Privacy:** The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

85. **Communications:** Communications, consultation and engagement has taken place over the last six years to help ensure partners, businesses, communities and residents were given the opportunity to provide feedback and be involved in the development of the plan. The Local Plan will continue to be a critical aspect of how the Council delivers for the city and communications will continue to adapt to help everyone access the policies and guidance within the plan as easily as possible.
86. **Economy:** York's economic strategy over the past 12 years has consistently included "adopt the Local Plan" as a key action, and the recommendations in this report would finally conclude that action. The Local Plan has been developed to provide for the economic needs of York, and realising the plan will have a significant positive impact on the local economy.

Risks and Mitigations

87. The decision to adopt a development plan for the City of York complies with relevant planning legislation. The Inspectors conclude that the plan can be adopted with modifications, and therefore that the Council may adopt it as a 'sound' plan for the authority.
88. Failure to adopt the Local Plan ahead of the 12 March 2025 NPPF 2024 implementation will lead to the application of transitional arrangements set out in para 234 of the NPPF. This invokes a requirement for the council to review the plan against the NPPF as soon as possible after adoption; this includes consideration for the revised housing need target set by the Government, which increases York's housing requirement from 822 dpa to 1217 dpa.
89. Risk associated with future planning applications or development proposals that are not plan compliant are mitigated with the adoption of the Local Plan and setting of the Green Belt Boundaries as full weight can be applied to the policies.
90. Following adoption of the plan, there is a 6-week statutory period for challenging the Council's decision to adopt the plan. Notification of the judicial review (JR) ('challenge') process will be set out in the Adoption Statement. Should JRs be submitted and proceed for review by the High Court, a report will be taken to Executive outlining the challenge for information.

91. In 2017, City of York Council received a letter from the Planning Minister outlining concerns with the plan-making process and timetable for production. Submission of the plan in 2018 and the plan being subject to examination allayed concerns regarding plan-making progress. Adoption of the plan will ensure that there is an up-to-date development plan for the authority and consequently, no further government intervention is anticipated for plan-making.

Wards Impacted

92. All wards in the City of York Authority will be impacted by the adoption of the Local Plan. The Local Plan sets planning policy for the whole of the authority area.

Contact details

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Background papers

Key Decisions:

- Full Council 17 May 2018 – decision to submit the Local Plan
- Executive 21 April 2022 – decision regarding matters for discussion at Hearing Sessions phases 2-4
- Executive 26 January 2023 - Decision endorsing proposed modifications agreed with the Local Plan Inspectors and where no significant amendments arise, proceeding to Council for adoption.
- Executive 14 March 2024 – decision regarding the approach to investment for improvements to and delivery of Gypsy and Traveller pitches in the Local Plan.

Documents:

- Draft Local Plan Submission Documents (2018), including core documents & supporting evidence base.
 - <https://www.york.gov.uk/downloads/download/420/local-plan-submission-documents-1>
 - <https://www.york.gov.uk/downloads/download/896/local-plan-submission-documents-2>
- Local Plan Examination Library – <https://www.york.gov.uk/LocalPlanExaminationLibrary> - an online resource including all updates provided by the Inspectors via the appointed Programme Officer and correspondence/ documents considered by the Inspectors post submission during the Examination period (between 2018 – 2025). Including:
 - Correspondence from the Inspectors
 - Correspondence to the Inspectors from the Council 2018-2023 and 2023 - 2025
 - Hearing Phases 1 (2019), 2-4 (2022) and 5 (2024)
 - Other correspondence

Consultations:

- June to July 2019 – Proposed modifications consultation: <https://www.york.gov.uk/LocalPlanProposedModificationsConsultation2019>

- May to June 2021 – Proposed modifications and Evidence Base consultation: <https://www.york.gov.uk/LocalPlanConsultation>
- February to March 2023 – Proposed Main Modifications consultation: <https://www.york.gov.uk/LocalPlanConsultation2023>
- July to September 2024 – Proposed Main Modifications consultation pertaining to Policy H5 ‘Gypsies and Travellers’: <https://www.york.gov.uk/LocalPlanConsultation2024>

Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Local Plan Inspectors Report
- Annex C: Local Plan Inspectors Report Annex A - Main Modifications Schedule
- Annex D: Saved Policies from the Yorkshire and Humber Regional Spatial Strategy relating to the York Green Belt.