

Annex B

Analysis of Key Corporate Risk 8, Local Plan

1. This Annex provides a more detailed analysis of KCR8 - Local Plan
2. The description of this risk is as follows: **Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding.** The Council has a statutory duty to develop a Local Plan, a city wide plan, which helps shape the future development in York over the next 20 years. It sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses. The Local Plan is a critical part of helping to grow York's economy, create more job opportunities and address the needs of our increasing population.

Risk Detail

3. **The Council fails to agree and then adopt a Local Plan for the city.** The Council has submitted the Draft Local Plan for Inspection in May 2019, in accordance with a timetable agreed with the Ministry of Housing Communities and Local Government. The production and submission of the Draft Plan represents significant step in reducing the risks associated with the failure to deliver a Local Plan for York. A number of LA's including City Of York Council were identified by central government as not making adequate progress in relation to the preparation of Local Plans. The submission of a Draft Local Plan for Examination (in May 2019) was an important milestone in the plan making process.
4. The draft Local Plan is currently at Examination stage and we are due to commence phase 1 of the Examination hearings on 10 December 2019. The phase 1 hearings cover strategic elements of the Local Plan relating to: housing need and green belt, dependent on the outcomes of phase 1 hearings (an interim Inspectors report is anticipated in Jan/Feb 2020) this will determine the timings of the phase 2 hearings (detailed matters) and ultimately the timing of the adoption of the Local Plan. The Examination hearings are also an important milestone in the plan making process.
5. Since the Draft Local Plan was submitted the two appointed Inspectors have been considering the considerable volume of evidence, information and representations (following extensive public consultation) and are now at the stage of obtaining further evidence from the scheduled hearings in public. They will consider all of the evidence, information and representations before making recommendations on whether the Draft

Local Plan meets legal and procedural requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the associated Regulations and whether it is sound and in accordance with the National Planning Policy Framework. There remains a risk that if the Inspectors found that the Draft Local Plan, as submitted, fails the legal and soundness tests this could result in the Council undertaking further / additional work to rectify any deficiency or in the worst case scenario the Council could be asked “withdraw” the Plan. This would delay the Plan making process.

Implications

6. The implications for the Council include:

- The city continues to have no adopted strategic development plan or framework to guide new development and to shape the city whilst protecting and enhancing the environment and heritage of York. Development proposals which are not in accordance with the Draft Plan may continue to be submitted as planning applications resulting in refusals of planning permission and an increase in planning appeals.
- There may be a negative impact on the council's strategic economic goals and may have an adverse impact on investment in the city until there is an adopted Local Plan which provides greater direction through land use allocations and policies which guide and direct development.
- For some major planning applications which may be supported by the Council the development processes and decision making is slowed down by need to refer application to the Secretary of State for Housing, Communities and Local Government for consideration as to whether a Public Inquiry should be held or not.
- Central government (Ministry of Housing Communities and Local Government) have already identified York as a high priority to produce a Local Plan. The failure to prepare and produce a Local Plan in accordance with the timescale accepted by central government could possibly result in action from the Secretary of State for Communities and Local Government to directly intervene in the plan making process.

Controls

7. Officers have been following national guidance and good practice and taking specialist legal advice throughout the plan making process.
8. Officers have had continued close liaison with: MHCLG, the Planning Advisory Services, the Planning Inspectorate and the two appointed planning inspectors since the Draft Local Plan was submitted for

Examination. Officers have responded positively to requests for additional information, clarification of some details and the request from the planning inspectors for further consultation on evidence before reaching the hearing stage.

9. The Local Plan Working Group (LPWG), the Executive and full Council have all been engaged in the plan making process at appropriate stages and before submission of Draft Local Plan for Examination.

10 Officers have had continued close liaison with neighbouring authorities in relation to the plan proposals and the plan making process / timetable.

Risk Rating

11 Whilst the direction of travel is positive the gross risk score is 20 (likelihood probable, impact major). After applying the controls detailed above the net risk score is reduced to 19 (likelihood possible, impact major)