

Council

30 June 2011

Report of the Director of City Strategy

City of York Local Development Framework –Core Strategy Submission Draft

Summary

1. The purpose of this report is to allow Members to consider the draft Local Development Framework Core Strategy Submission document. The Core Strategy was previously reported to Council on 7th April 2011 and approved for publication and subsequent submission for public examination, subject to amendment. Council's Cabinet meeting on 21st June 2011 raised further issues to be addressed leading to changes to the document. These have been incorporated in a revised submission draft attached as Annex A and detailed in a schedule attached as Annex B. The report also comprises the following Annexes for Members to consider when making a judgement about the content of the main Core Strategy document.
 - Annex C – Preferred Options Consultation Summary;
 - Annex D – Sustainability Appraisal;
 - Annex E – Heritage Topic Paper and Heritage Impact Appraisal;
 - Annex F – Transport implications of LDF growth assumptions and potential mitigation;
 - Annex G – Potential Housing Sites; and
 - Annex H – Potential Employment Sites.
2. Members are recommended to approve the revised Core to Strategy for publication and subsequent submission to the Secretary of State, following which it will be subject to a public examination.

Background

3. The LDF Core Strategy is the key tool for delivering effective, strategic planning and provides the context for all subsequent LDF documents. To do this it is important that it delivers the spatial / physical elements of the Sustainable Community Strategy. It must do this in a way that provides an effective strategy for managing change and responding to York's specific planning issues. This includes responding to the future need for development land in a way that respects York's unique natural and historic environment.
4. The Core Strategy effectively involves public participation at the three stages highlighted below.

- **‘Issues & Options’ Stage** – at this point the Council highlights key issues and options for consultation to inform the content, scope and direction of the Core Strategy.
 - **‘Preferred Options’ Stage** – consultation on the Council’s intended approach.
 - **Publication and Submission Stage** - representations are invited on the final document which will be submitted by the Council to the Secretary of State. Any comments received at this stage will be forwarded to the Planning Inspectorate for consideration at a public examination into the document.
5. We are currently at the Publication and Submission stage of production. This follows on from two Issues and Options stages undertaken in June 2006 (Issues and Options 1) and again in August 2007 (Issues and Options 2) and a Preferred Options consultation June to October 2009. As highlighted a draft Core Strategy was approved at Council in April for publication and submission for public examination. The Council’s Cabinet meeting on 21st June have raised further issues to be addressed leading to changes to the document.
6. The issues raised and the subsequent changes effect several different thematic areas of the plan. The most significant change to the previously approved document relate to alterations to the proposed Spatial Strategy. They arise largely from the proposal to increase the housing target for York for the LDF period. Given the complexity of the changes to the Spatial Strategy and its divergence from the previous position take by Council it is described in more detail below.

Spatial Strategy - Background

7. The previously approved Submission draft Core Strategy included a Spatial Strategy in part predicated on an approach which aimed to ensure that the general extent of the Green Belt remained unchanged from that included in the draft Local Plan. This led to the inclusion of an average housing figure for York of 575 dwellings pa for the plan period. This figure differed to that included in the reported LDF evidence base.
8. At the LDF Working Group on the 4th October 2010 it was reported that Arup had been commissioned to consider the level of population and household growth that should form the basis of future housing provision in York and its wider area. In particular, the work considered whether the RSS housing figures were still appropriate in light of the recession. The review considered the following elements:
- the evidence base for the RSS;
 - the latest evidence in terms of ONS population and CLG household projections;
 - the effect of the recession on the RSS estimates and on population and household projections (as all of these predate the recession);
 - the observed effect of trends in the housing market in terms of housing completions, house prices, affordability and housing capacity; and

- the effect of the economy and economic growth on housing and migration.
9. Arup's analysis of this evidence indicated that:
- i. it would not be appropriate to plan on the basis of a housing figure that is below the long term average of completions;
 - ii. the main impact of the recession on housing completions was in 07/08 and 08/09 and that the market began to recover in 09/10;
 - iii. as the 2006 based CLG household projections were based on trends associated with boom conditions it would not be unreasonable to suggest that they may overstate requirements;
 - iv. the 2003 based CLG household projections were based on trends more representative of an economic cycle and are therefore likely to be more soundly based (780 - 800 a year);
 - v. York is part of a wider housing market and actual demand will depend on the policies and housing provision approaches in neighbouring authorities. This also needs to consider issues of affordability and transport networks; and
 - vi. York has one of the stronger economies of the sub region and likely long term employment growth of around 1,000 jobs per annum is higher proportionately than trend housing completions, suggesting higher levels of in commuting.
10. The work concludes that an appropriate annual average would be 780 – 800 dwellings a year.
11. At the LDF Working Group on the 4th October, Members requested further information on affordable housing levels as they relate to different growth scenarios. At the 1st November 2010 LDF WG, Officers presented a report based on the early targets and findings of the emerging Affordable Housing Viability Study, to estimate the potential future provision of affordable housing based on the type and size of sites that could come forward in the future.
12. Using the targets from the emerging Affordable Housing Viability Study, it was calculated that affordable housing units equated to 26% of the net additional dwellings given consents over the last 5 years. To provide a means of relative comparison the overall percentage was applied to future potential levels of housing minus existing consents. The results of this work showed that an annual average housing figure of 800 units could potentially deliver approximately 50% more affordable housing than a figure of about 588 units (slightly higher than figure included in the previous submission draft Core Strategy).
13. Consultation relating to this issue undertaken on the Preferred Options draft of the Core Strategy between June and October 2009 highlighted that:
- 58% of respondents felt that we should be building less than 850 new homes a year (the housing figure included in the regional plan), 33% agreed that 850 new homes per year should be built, whilst 9% felt it should be higher;
 - around 60% of respondents felt that land should not be identified in the draft green belt for housing or employment. However, if we had to

identify land in the draft green belt for housing, 67% of respondents felt that Areas to the East of Huntington and Heworth Without/ North of Osbaldwick would be most suitable. 58% of respondents believed that land to the North of Hull Road was suitable for industrial and distribution employment, whilst 41% agreed that land around Northminster Business Park was suitable.

Annex C includes a full summary of consultation responses for Members to consider along side the Submission draft Core Strategy document.

14. It should be noted that the Core Strategy will be subject to a public examination. This includes ensuring that it complies with the Planning and Compulsory Purchase Act 2004. Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is “sound”. To be “sound” a core strategy should be ‘justified’, ‘effective’ and consistent with national policy. “Justified” means that the document must be founded on a robust and credible evidence base. Whilst acknowledging the changing public policy context relating to Localism Officers indicated that the divergence from the published evidence base included in the previously approved Core Strategy raised a significant risk the document could be found unsound and that this would prevent the plan going forward and could lead to its withdrawal (LDFWG 14th February 2011 and Executive 1st March 2011).
15. In brief the Council’s Cabinet in considering the Spatial Strategy has asked officers to:
 - increase the annual average housing target from 575 to 800 dwellings per annum for the plan period;
 - re evaluate the housing capacity of the YNW – York Central Strategic Allocation in light of the most up to date information;
 - continue to include an allowance for very small windfall sites but ensure that they don’t include an allowance for the conversion of small properties;
 - allow for increased densities in highly sustainable locations;
 - identify housing sites that would be suitable for higher density accommodation for young people with good access to education establishments;
 - reinstate part of the previously proposed employment site North of Monks Cross to ensure opportunities for inward investment and built critical mass in terms of improving public transport; and
 - in strengthening the approach to the provision and protection of open space for amenity, recreational and nature conservation value include the provision of significant new public open spaces to compliment any expansion of the city.

Revised Spatial Strategy

16. **The revised spatial strategy is predicated on delivering an annual average housing target of 800 dwellings per annum in line with the evidence base** outlined in paragraphs 8 and 9 above. It also seeks to address the other issues highlighted in paragraph 12. It is described in

summary below with key responses to the issues raised by Council's Cabinet highlighted.

17. The Spatial Strategy continues to be based on three sequential components
 - (i) firstly, prioritising development within York's main urban area;
 - (ii) secondly, brownfield or infill development within the most sustainable larger villages and free standing employment sites; and
 - (iii) thirdly, land outside the existing main urban area.

This is highlighted on the revised Core Strategy Key diagram attached as figure 1. Each of the sequential components is described in more detail below.

(i) Development within the main urban area

18. In meeting the authority's future development needs the spatial strategy prioritises development within the main urban area of York (Sub Regional City) recognising this as offering the most sustainable location. The Strategic Housing Land Availability Assessment (SHLAA) and the Employment Land Review (ELR) have identified options within the main urban area. These include utilizing the opportunities provided by the following major development opportunities and sites:

- (1A) York Northwest – York Central
- (1B) York Northwest – British Sugar / Manor School
- (2) Castle Piccadilly
- (3) Heslington East
- (4) Hungate
- (5) Nestlé South
- (6) Germany Beck
- (7) Derwenthorpe
- (8) Terry's

19. Central to this approach is the need to ensure that the considerable potential offered by the York Northwest area in meeting the City's economic, housing and retail needs is fully realised. Since the Core Strategy was last considered by Members four further pieces of analysis have been undertaken relating to the Spatial Strategy. This is detailed below.

Figure 1 Key Diagram

York - Sub-Regional City (main urban area)
Relates to the main urban area of York as the focus of employment, housing, shopping, health, leisure, business and public service

Large Villages
The most sustainable settlements after York itself, ensuring good access to services, employment and public transport

Villages

Small Villages

District Centres

General extent of the proposed Green Belt

York Northwest Corridor

City Centre Area Action Plan

Strategic Allocations and Major Development opportunities

1 York Northwest Corridor
A York Central
B Former British Sugar/Manor School

2 Castle Piccadilly

3 Heslington East University expansion

4 Hungate

5 Nestle South

6 Germany Beck

7 Derwenthorpe

8 Terry's

Areas of Search for Urban Extensions

Strategic Open Space (in connection with Areas of Search)

Existing/proposed new or relocated Park and Ride site * exact locations to be determined

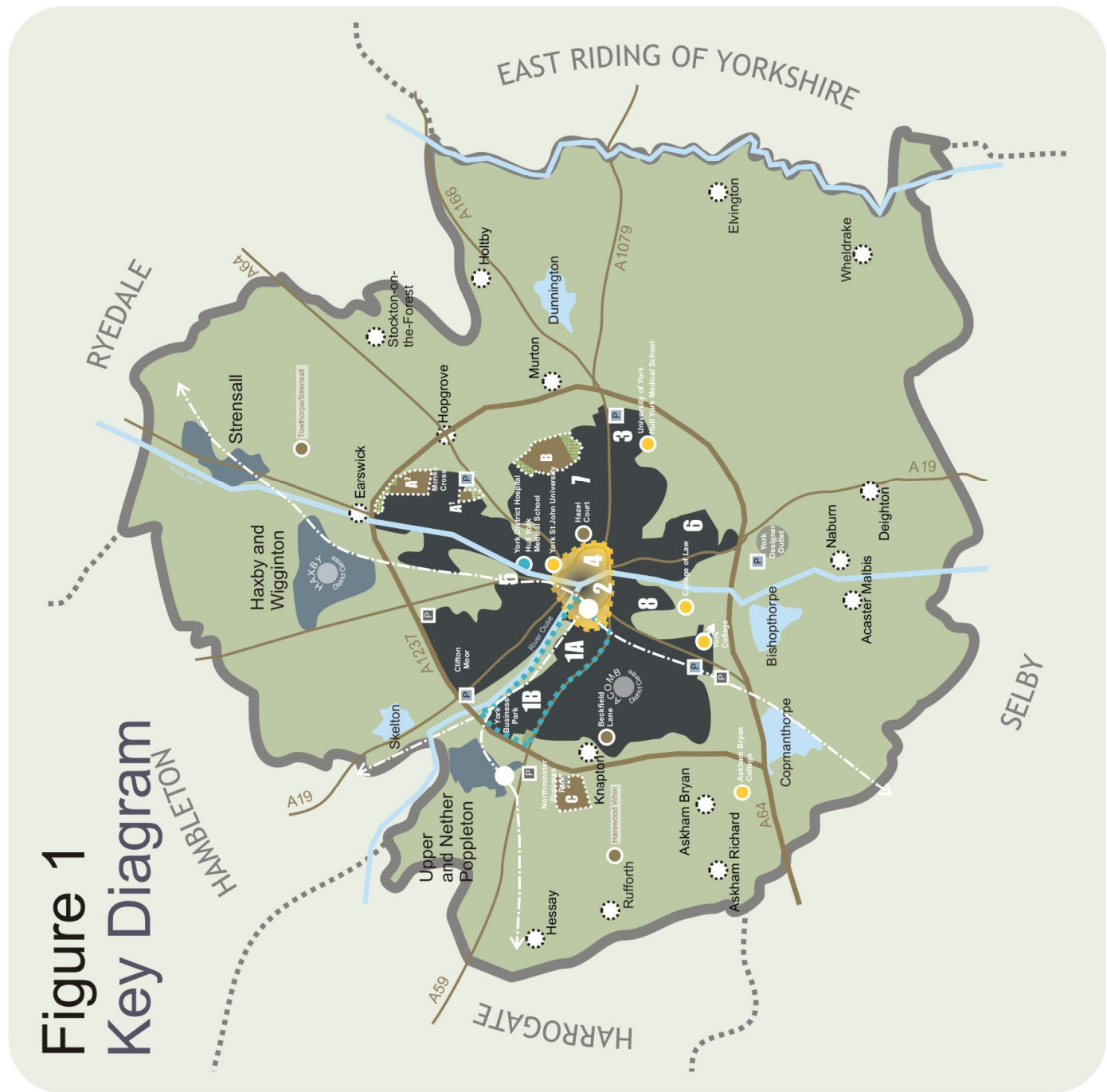
Main rail network

Main road network

Further and Higher educational establishments

Waste and recycling sites

Hospitals



Additional Work Responding to Issues Raised By Cabinet

20. Work has been undertaken on **York Central** to establish a revised figure for the residential element of the site to take account of the latest information on the area of land that would be required for operational rail requirements and for alternative land uses such as employment, expansion of the National Railway Museum, retail and parking. This has resulted in **a revised housing figure of 1,165 dwellings**; a reduction of 615 dwellings.
21. An exercise has been undertaken to re-assess the potential for increased densities to be applied to the sites in the Strategic Housing Land Availability Assessment (SHLAA) which are the most accessible to local facilities and to public transport routes. The most **accessible sites** are considered to be those within:
- 400m of a primary school;
 - 400m of a GP;
 - 400m of a convenience store; and
 - 400m of a frequent bus route (15 mins or less).

Further sites which reach the same accessibility criteria as above but are within 400-800m of a GP were also included. Overall this resulted in **an increase in supply of 62 dwellings**.

22. Following the motion at Council on 7th April officers have also considered the potential for increasing densities on sites that would be appropriate for **student/young people's accommodation**. This work looked at the most accessible sites and/or sites which are close to the higher education institutions. This resulted in the identification of three potential sites: Barbican Centre; Heworth Green South/Frogghall; and West of Grimston Bar (safeguarded land). Higher densities were applied to these sites based on their characteristics and densities for student/young person's housing that are coming forward on emerging schemes of this type. These amendments have **increased the supply by 616 dwellings**.
23. Work has been undertaken to consider the role of the **North of Monks Cross** site for employment. Previously in the Core Strategy Submission draft considered by Members the majority of the site (15.7ha) was included for housing giving a potential housing figure of 591 dwellings. Officers have now re-assessed the site and this has resulted in 10.4ha of potential residential land being retained as a proposed employment site (alongside the existing employment land to the south). This is considered necessary to ensure opportunities for inward investment and the required critical mass to improve public transport.
24. A full list of potential sites included within the SHLAA housing trajectory is provided in Annex G. It should be noted that this is for indicative purposes only and before formally allocating these sites they would be subject to further work and Member approval.

(ii) Development within Large Villages and Villages

25. Following the main urban area the larger villages and settlements and existing free standing employment sites are considered the next most sustainable locations for development. The villages and settlements around York have been the subject of a piece of work to consider their relative sustainability and place them in a settlement hierarchy. This is reflected in figure 1.

Windfalls

26. In the past York's housing supply has included a high number of windfalls (housing delivered on sites not identified in any development plan). Government guidance makes it clear that windfalls should not be included in the first 10 years of housing supply and therefore a full allowance is not included in the supply of housing in York over the 20 year plan period. However, it is considered appropriate to include a reduced allowance for windfalls to reflect historic rates of completions on very small windfall sites (less than 0.2ha) and changes of use or conversions of larger properties. Both of these sources are too small to be picked up in the SHLAA, but nevertheless are characteristic of the types of sites that have come forward in York in the past. **Reflecting the spatial strategy settlement hierarchy and the focus of development on the main urban areas and large villages an allowance has been included in the supply of 168 windfalls a year.**

(iii) Extensions to the Main Urban Area

27. If sufficient land to meet York's future development needs cannot be found within the areas covered under point (i) and (ii) then consideration should be given to potential sites outside existing settlement limits. In addition to reflect the locally derived LDF evidence base any expansion of the main urban area must be subject to ensuring the following:
- York's unique character and setting is protected;
 - future development is concentrated in locations accessible by walking and cycling, well served by public transport and services, maximising the use of brownfield sites;
 - flood risk is appropriately managed; and
 - green infrastructure is protected and enhanced.
28. This initially lead to six potential areas of search where the main urban area could be extended and prior to Preferred Options each was considered in more detail.
29. As indicated however the expansion of the main urban area would only be considered suitable should it not be possible to find sufficient land for future employment and housing needs within the existing built up areas. The Employment Land Review (ELR) and Strategic Housing Land Availability Assessment (SHLAA) provide up to date information on the supply of development land.
30. The ELR review indicates that the City's future needs for employment land could be met within the main urban area, and other identified sites. This

included both the existing allocation and safeguarded land at Northminster Business Park for general industrial and storage and distribution. This is shown as site 'C' on figure 1. A list of currently identified potential employment sites along with information on likely future demand is provided in Annex H. It should be noted that this is for indicative purposes only and before formerly allocating these sites they would be subject to further work and Member approval.

31. In terms of housing, the SHLAA incorporates a range of sites within the main urban area and most sustainable villages. The SHLAA indicates that:
 - these will provide sufficient land to meet York's housing need up to at least 2024/2025, but there will be an overall shortfall of 6,841 dwellings up to 2031;
 - allowing for windfalls will equate to an additional 3,108 dwellings by 2031 (it is important that the LDF Core Strategy plans for at least a 20 year period to meet the requirements of national guidance relating to the setting of Green Belt boundaries); and
 - this leaves an overall requirement to provide sufficient land to accommodate 3,733 homes.
32. Whilst it is likely that further, as yet unidentified, previously developed sites may become available over the Core Strategy timeframe, **to ensure that York's needs for both land for new communities can be met it is necessary for this plan to identify greenfield areas for potential development in longer term. This led to the identification of area A1, A2, and B as highlighted on Figure 1.** These areas would allow a margin of flexibility over demand at around the minimum level that is likely to be sustainable through the examination process. This is necessary to provide for lower rates of delivery on identified and of unidentified sites.
33. It should be noted that **the approach is sequential and the areas identified will only be brought forward for development through the Allocation DPD should there be insufficient brownfield land and other suitable sites** in the Sub Regional City of York, Large Villages and Villages to maintain an appropriate supply of land for housing and employment (a minimum of 10 years). In addition if brought forward for development these areas would be subject to further master planning which would consider in detail the way that they would be developed and delivered. The master planning process would establish the proposed design and layout of the site, taking account of specific transport infrastructure requirements, supporting social infrastructure and green infrastructure. It would ensure that any development takes place with the context of protecting York's unique character and setting, maximising accessibility by sustainable transport modes and appropriately managing flood risk. In relation to green infrastructure it would consider the protection of nature conservation sites, provision of appropriate green buffers, linkages with the wider green corridor network and the **provision of new strategic open space.**
34. The key diagram attached as Figure 1 effectively provides a summary of the approach. It highlights the settlement hierarchy, the location of major development opportunities and strategic allocations and potential areas of search to be considered for development should they be needed.

Sustainability Appraisal

35. When producing LDFs local authorities are required to consider, at each stage of production, the impacts their proposals are likely to have on sustainable development. This is done through undertaking a sustainability appraisal of the document concerned and the publication of the appraisal so that those responding to any consultation are aware of the economic, social and environmental implications of certain approaches. The Sustainability Appraisal is provided as Annex D for Members to consider along side the draft Core Strategy document with key findings highlighted below.

- **This revised draft of the Core Strategy Submission document is deemed by the SA to be more sustainable in the long-term compared to the previous draft** due to the largely positive effects arising from the analysis. Changes made to this version have made the impacts on the social and economic objectives, in particular, more positive. The strongest positive effects identified relate to the economy as the majority of the Core Strategy Policies could directly or indirectly help to support conditions for economic success and investment, either in terms of delivering jobs or underpinning those factors that make York attractive for visitors, residents and investors. Positive social effects are also identified through the consideration of increased accessibility to services and sustainable transport as well as a strengthened approach to positively influencing human health and well being through enhancing green infrastructure and improving air quality. Previously however, the SA identified that the dwelling targets of an average of 575 dwellings per annum would under deliver in terms of housing and have significant adverse in-combination effect with the economy and transport.
- The SA welcomes the revised average annual housing targets of 800 dwellings per annum. This is in line with the evidence base and should work towards achieving York's sustainability objective of achieving affordable housing for all. This has helped to alleviate concerns regarding the gap between provision of homes and job growth and the subsequent effects on transport. The inclusion of areas of search for potential urban extensions is deemed positive by the SA in ensuring that the city will have enough housing and employment land to meet the city's need. The Core Strategy overall supports the creation of sustainable communities both in existing and new areas as well as the objectives for economic growth and stability which meets the economic and social objectives set out in the SA.
- The Submission Core Strategy overall is also positive in meeting environmental objectives set out in the SA. The SA has also found that the policies have strengthened their approach towards achieving environmental objectives EN2, EN4 and EN5 regarding the character and setting of the Historic and Built Environment, managing the impacts of climate change and improving air quality through more comprehensive inclusion of targets connected to design and construction. The whole strategy has used environmental constraints to ensure development is located in suitable locations using flood risk, the historic character and setting, green infrastructure and accessibility. Former concerns over the link between development and the historic centre should be abated

through strong design and masterplanning processes as well as the revised spatial strategy. The policies also continue to be positive in the long-term for meeting the climate change and low emissions agenda through minimising emissions from transport and maximising the inclusion of various sustainable technologies.

- The SA acknowledges a conflict between maximising brownfield land and the areas of search for urban extensions given that they are Greenfield sites. However, these locations will only come forward subject to a lack of provision and the subsequent social and economic value provided should ensure that the value of these sites balances out the loss of this land.

Heritage Appraisal

36. Both the Issues and Options and Preferred Options papers noted the significance and concentration of Listed Buildings, Scheduled Ancient Monuments and Conservation Areas (amongst other assets) in York, and used available historic and archaeological records to map their location. While such a 'heritage assets' approach will help at a site specific level, providing guidance about the sensitivity of a particular location, the overall pattern and profile of monuments and buildings, and indeed of other features such as historic parks and gardens, it cannot describe the significance and sensitivity of the wider historic environment, nor what elements of the city's character we should strive to protect or hope to strengthen.
37. In order to develop a sound basis for informed decision making, a Heritage Topic Paper and Heritage Appraisal have been undertaken. The Heritage Topic Paper aims to capture the significance of York's many historic assets, describing why these are special or unique to the city, and uses this to assess what the impact of the LDFs emerging development strategy would be on those assets. It takes a strategic, high-level overview of historic environmental character and sensitivity to assist with determining the location and broad scale of development and change and provide a framework within which more detailed studies can be undertaken. The purpose of the Heritage Impact Assessment is three-fold. First, it provides an evidence base for the historic environment for the Core Strategy. Second, it provides a view of the special character and significances of this historic environment. Third it provides a methodology for testing, at a high level, the potential impacts of the policy statements contained in the LDF Core Strategy.
38. The Heritage Appraisal is provided as Annex E to this report for Members consideration when evaluating the content of the Core Strategy with key findings highlighted below.
 - **The Appraisal supports the proposed spatial strategy and green belt policy.** While the Core Strategy now promotes Areas of Search to accommodate future housing and employment growth in the longer term, this enables a long-term green belt to be preserved, and reduces the potential harm to the character of the City's existing urban areas caused by intensification of development. The appraisal recognises that the creation of new places offers the opportunity to deliver a new era of architecture, representing a new layer of development of which the City can be proud. Continuing to focus development on York reinforces the

compact nature of the City. Should Areas of Search be required to accommodate future development, the Appraisal notes that the effect of bringing development closer to the ring road changes the experience of entering the City, particularly at B, where the rural gap is currently significant. It recommends that strategic development proposals (including Areas of search, if required) must be developed with reference to the six Principle Characteristics identified in the Heritage Topic Paper: strong urban form; compactness; landmark monuments; architectural character; archaeological complexity and setting. In recognition of this the areas of search will reinforce York's green wedges as can be seen through the provision of strategic open space, for example, to the north and south of area B. More detailed site appraisal work/masterplanning will be required to consider heritage issues fully. It is also stated that the policy approach will reinforce existing neighbourhoods and nodes, and set a good framework for establishing the same within new major development opportunities.

- In relation to raising densities within the urban area to accommodate the housing needs of younger households, the appraisal notes that, unless well designed, the intensification of development could interrupt the residential character of surrounding areas. The need for further is highlighted to understand the unique characteristics of parts of urban York.

Legal and Soundness Issues

Planning and Compulsory Purchase Act

39. Under the current Planning and Compulsory Purchase Act 2004 S 20(5)(a) an Inspector is charged with firstly checking that the plan has complied with legislation. This includes checking that the plan:
 - has been prepared in accordance with the Local Development Scheme and in compliance with the Statement of Community Involvement and the Regulations;
 - has been subject to sustainability appraisal;
 - has regard to national policy;
 - conforms generally to the Regional Spatial Strategy; and
 - has regard to any sustainable community strategy for its area (i.e. county and district).
40. In addition Section 20(5)(b) of the Act requires the Inspector to determine whether the plan is "sound". To be "sound" a core strategy should be 'justified', 'effective' and consistent with national policy. "Justified" means that the document must be founded on a robust and credible evidence base. It must also be the most appropriate strategy when considered against the reasonable alternatives. "Effective" means that the document must be: deliverable and flexible. If it appears to the Inspector at the pre-examination meeting that it is likely that the Core Strategy would require significant amendments to make it sound and that these amendments would not be able to be made through the examination process, the Core Strategy would need to be withdrawn at that stage.

Revocation of Regional Strategies

41. The coalition agreement published in May 2010 highlighted that the Government believes that it is time for a fundamental shift of power from Westminster to local councils, communities, neighbourhoods and individuals. As a part of this approach they included a commitment to 'rapidly abolish Regional Spatial Strategies and return decision making powers on housing and planning to local councils'. Following on from this on 6th July the Secretary of State for Communities and Local Government (CLG), Rt Hon Eric Pickles, announced the revocation of Regional Strategies with immediate effect.
42. In early August, house builder CALA Homes (Cala 1) launched a legal challenge to the government's decision to revoke RSSs. They argued that the Secretary of State was not empowered to revoke RSS in the way he did and that he had breached his obligations under European law by failing to assess the environmental effects. They were successful in this challenge which essentially means that the regional strategy remains part of the statutory development plan. The Secretary of State has subsequently advised that the proposed abolition of regional strategies (in the now published Localism Bill) is a Government commitment which Inspectors should take into account as a material consideration where relevant to their casework. This position was the subject of a further unsuccessful legal challenge to the Secretary of State by Cala Homes (Cala 2). In Cala 2, the Court of Appeal decided that the proposal to abolish RSS is capable of being a material planning consideration for the purpose of determining planning applications and appeals. It should be noted that in dismissing the appeal by Cala Homes regarding planning applications and appeals, the Court of Appeal commented that it would be unlawful for a local planning authority preparing development plan documents to have regard to the proposal to abolish regional strategies. For so long as the regional strategies continue to exist, any development plan documents must be in general conformity with the relevant regional strategy.

Localism Bill

43. The Decentralisation and Localism Bill ('the Bill') was published by the Coalition Government on 13th December 2010. In a press release dated 13th December 2010 CLG indicated that the Localism Bill will put an end to the hoarding of power within central government and top-down control of communities, allowing local people the freedom to run their lives and neighbourhoods in their own way. In addition a letter from the chief planner dated 15th Dec 2010 indicates that the Government has been clear that it intends to bring forward a number of reforms to the planning system, aimed at restoring democratic and local control and shifting power to communities. The Localism Bill is a key vehicle for achieving this. Part 5 of the Bill refers to planning matters and indicates that Regional Spatial Strategies are to be abolished. In addition it does however include a new duty to cooperate in the preparation of development plans.

Analysis

44. **The Submission draft Core Strategy broadly conforms with RSS;** in terms of its approach to housing it has a slightly lower annual target of 800 dwelling against the RSS figure of 850 dwellings. However, given the likely abolition of RSS through the Localism Bill, coupled with the Cala 2 ruling, this is likely to

be a matter of timing. In addition the revised figure reflects the evidence base including the position of the housing market given the recession.

45. There is little guidance at the moment relating to the content of the new National Planning Framework. In the absence of new provisions existing national guidance remains. **The plan is written to be in conformity with National Guidance with the only substantial divergence relating to the inclusion of windfalls** as highlighted in paragraph 26 above. As indicated however the proposed approach is considered appropriate given the role of very small windfalls within York's housing supply.
46. National guidance currently indicates that for a plan to be 'sound' it must be 'justified'. This means a plan must be founded on a robust and credible evidence base. When previously considering the Submission draft Core Strategy it was reported to Members that a significant amount of technical evidence base work across many policy areas has been undertaken to underpin the plan's approach. **However, in terms of considering the quantity and location of future housing, the plan's approach didn't reflect technical evidence. This has now been addressed through the proposed change to the annual average housing target.** National Guidance also indicates that a plan must be 'effective' i.e. 'deliverable' and 'flexible'. The draft Core Strategy now incorporates a sufficient land supply to meet the City's needs whilst also building in a small amount of flexibility as indicated in paragraph 32 above to provide for lower rates of delivery on identified and of unidentified sites.

Options

47. Members have two options relating to the Core Strategy Preferred Options document:

Option 1: approve the document, attached as Annex A, along with supporting information for publication and submission for public examination.

Option 2: Seek amendments to the document attached as Annex A and relevant supporting information prior to its publication and submission for public examination.

Analysis of Options

48. As highlighted in paragraph 46 above the document presented to Members is considered by officers to be 'sound'. It has been through several stages of consultation and is supported by a robust evidence base. Officers would therefore support option 1 to allow the document to progress to examination and adoption. If Members chose Option 2 it is important that changes to the plan are considered in the context of the LDF evidence base to ensure that the risk of the plan being found unsound is minimised.
49. If the Council pursue a strategy which ultimately proves unsound following Public Examination then this will lead to the abortive costs of running such an inquiry and the potential additional costs of a future examination. Any subsequent planning work to achieve a 'sound' plan and its testing at a Public

Examination will have to be funded by the Council, and would therefore prove an additional cost.

Next Steps

50. If Members approve the attached Submission draft Core Strategy the document and supporting appraisals will be prepared for publication in September 2011 and submission for the public examination. The public examination would be likely to take place early in 2012. In addition Officers will produce relevant topic papers and other supporting documents to provide background information and explanation of the approach and process. This will include information on infrastructure delivery.

Corporate Priorities

51. The option outlined above accords with the following Corporate Priorities

- The Sustainable City
- The Thriving City
- The Learning City
- The City of Culture
- The Safer City
- The Healthy City
- The Inclusive City

Implications

52. The following implications have been assessed.

- **Financial** – *If the Core Strategy is found unsound then this would lead to additional costs as detailed in paragraph 49 above.*
- **Human Resources (HR)** – *None.*
- **Equalities** – *Through the stages of the Core Strategy's development equalities issues have been considered. In relation to the 10 dimensions of equality, the Core Strategy is likely to have strong positive impacts on longevity; health; education; standard of living; and productive and valued activities. The Equalities Impact Assessment highlights a potential issue with seeking to reduce the use of the car, which may impact negatively on some disability groups.*
- **Legal** – *Highlighted in paragraph 39 to 46 above*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** – *None*

Risk Management

53. According to the Council's Risk Management Strategy there are a number of risks associated with this report. The most significant risks relate to legal and financial issues as outlined in paragraphs 39 to 46 and 49.

Recommendations

54. That Members:

- i) Approve the attached Submission draft Core Strategy and supporting documents for publication and subsequent submission for public examination.
- ii) Delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any changes to the Submission draft Core Strategy and supporting documents that are necessary as a result of the recommendations of Council.
- iii) Delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any non substantive editorial or formatting changes to the Submission draft Core Strategy and supporting documents.
- iv) Delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the approval of relevant topic papers and other supporting documents to provide background information and explanation of the approach and process.

Reason: So that the Local Development Framework Core Strategy can be progressed.

Contact Details

Author:

Martin Grainger
Head of Integrated Strategy
Tel: 551317

Chief Officer Responsible for the report:

Richard Wood
Assistant Director of City Strategy
Tel: 551448

**Report
Approved**



Date 22nd June 2011

Specialist Implications Officer(s)

N/A

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

All

For further information please contact the author of the report

Background Papers:

LDF Working Group 4th October 2010
LDF Working Group 1st November 2010
LDF Working Group 14th February 2011

Executive 1st March 2011

Annex A – Submission draft Core Strategy

Annex B – Schedule of Changes

Annex C - Preferred Options Consultation Summary

Annex D – Sustainability Appraisal

Annex E – Heritage Topic Paper and Heritage Impact Appraisal

Annex F – Transport implications of LDF growth assumptions and potential mitigation

Annex G – Potential Housing Sites

Annex H – Potential Employment Sites