

## Analysis of Key Corporate Risk 8: York Local Plan

1. This Annex provides a more detailed analysis of KCR8 – York 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 investment.** 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 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 being considered by two Planning Inspectors, Simon Berkley and Andrew Mc Cormack. They are considering 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.
5. The draft Local Plan is at the hearing stage of the formal Examination process, which commenced on 10 December 2019. During and following the hearing sessions in December 2019 and also in 2020 the Inspectors have requested that the Council submit additional information. A summary of the progress made and work undertaken was reported to the Local Plan Working Group meeting on 16 March 2021 and is available on the Council website [here](#).

6. In February 2021 a timetable was agreed with the Planning Inspectors for the submission of the outstanding updated evidence and information. The required documents have been submitted to the Inspectors in accordance with this timetable, with the last of the documents was submitted to them on 30 April 2021.
7. Having received and considered the requested information the Planning Inspectors wrote to the Council on 5 May 2021 advising that arrangements should now be put in place for a 6 week consultation in relation to the documents / evidence submitted to the Planning Inspectors since December 2019. The formal public consultation commenced on 25 May and runs until 7 July 2021 This formal consultation is required before further hearing sessions take place, to consider the soundness of the plan and legal compliance, which are likely in early autumn. Providing the appointed Planning Inspectors are satisfied at that stage the Examination would move towards the consideration of the details and policies in the Plan probably in the spring of 2022 and if the Planning Inspectors are content with the draft plan policies and land allocations it would then be necessary for the Council to formally “adopt” the Local Plan, possibly in summer 2022.

## **Implications**

### 8. The implications for the Council include:

- The Local Plan Examination process continues and the policies in draft Local Plan is a “material planning consideration” in the consideration and determination of planning applications. 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. An “adopted” Local Plan following the Examination by the Planning Inspectors would carry greater weight than the draft Plan.
- 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

- 9 Officers have been following national guidance and good practice and taking specialist legal advice from very experienced, specialist planning barristers: David Elvin QC and Scott Lyness QC, throughout the plan making process.
- 10 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.
- 11 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.
- 12 Officers have had continued close liaison with neighbouring authorities in relation to the plan proposals and the plan making process / timetable.
- 13 Progressing the Local Plan to adoption will require the use of both internal and external personnel. The following measures / actions will address the resource requirements to progress the Local Plan through to the next phase of Examination hearings;
  - It is expected that the Council will be able to retain the services of the two very experienced planning barristers who have been supporting the Council through the Examination process.
  - Alison Cooke, the interim forward planning policy manager has recently been appointed into a new permanent post as Head of Strategic Planning with effect from 1 June 2021.

- Recruitment is underway for an interim planning policy/ local plan officer to support Alison and the small team for the next 5-6 months.
- The Strategic Planning Policy team has a number of temporary and “acting up” arrangements in place. A minor restructure over the summer / autumn will deliver permanent posts reflecting the skills / experience required to deliver a comprehensive service to work on a full range of planning policy services , including the Local Plan.
- Any vacant posts in the new Strategic Planning Policy following the restructure will be filled externally.
- Mike Slater, (formerly AD for Planning and Public Protection) is to be retained in a chief officer post until the end of October 2021,(longer than required as part of the management restructure) to enable his continued input into the Examination process and the anticipated hearings in the autumn.
- Additional temporary staff are being recruited via Work With York to support the existing staff to consider, classify / code and summarise the all of the responses following the close of the 6 week local Plan consultation.
- The external consultants who have input specialist evidence into the Local Plan preparation have been retained to give evidence, as required, at the next stage of hearings in the autumn.
- Council officers from a range of professional backgrounds including housing, transport, environment and climate change will contribute as required to the Examination process.

## **Risk Rating**

14 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)