

Report of the Head of Strategic Planning Policy.

## **Implementation of Non-Statutory Planning Guidance**

### **Summary**

1. This report seeks Members' views on the proposed approach to the preparation and implementation of non-statutory planning guidance to support the emerging Local Plan. Non-statutory guidance will provide clarity to applicants, decision-makers and stakeholders on the interpretation and application of Local Plan policies prior to the adoption of formal Supplementary Planning Documents (SPDs).
2. The draft non-statutory guidance prepared for discussion is set out in Annexes A-E.

### **Recommendations**

3. The Committee is asked to:
  - 1) Note the reasons for preparing non-statutory guidance in preference to Supplementary Planning Documents
  - 2) Endorse the approach to the non-statutory guidance currently under preparation.
  - 3) Recommend amendments or further work prior to taking to an Executive Member Decision Session for approval.

Reason: To inform the final guidance and allow progression to an Executive Member Decision Session for approval for publishing.

### **Background**

4. The adopted Local Plan identifies areas where Supplementary Planning Documents (SPDs) were to be used to provide more detailed planning

advice regarding policy implementation. Previously, Executive has sought to prioritise the production of the following SPDs:

- Housing Supplementary Planning Document
- Planning for Health Supplementary Planning Document
- Planning for Green Infrastructure Supplementary Planning Document
- Planning for York's Gypsy and Traveller Communities
- Climate Change (sustainable design and construction) SPD
- Transport SPD

5. Where SPDs are produced they must adhere to the statutory process during their preparation, which includes a citywide consultation and formal approval. Whilst progress was made on the production of the SPDs, none had reached the statutory consultation or approval stages.
6. As part of the reforms to the plan-making system, the Government intends for a transition away from traditional SPDs. The guidance linked to the implementation of the Levelling-up and Regeneration Act reforms sets a deadline for all Supplementary Planning Documents (SPDs) in production under the existing regime to be adopted by 30 June 2026. After this date the ability to adopt new SPDs is curtailed and replaced with detail in a new Local Plan or in a new style Supplementary Plan.
7. Additionally, we are expecting a new National Planning Policy Framework (NPPF) to be released during the Summer 2026. This follows a consultation held earlier in the year for a significantly different approach. Further, Building Regulations have been updated significantly to require a focus on improved energy efficiency under the Future Homes Standard and for building safety. Both of these supersede some of the detail being pursued in our SPDs under production.
8. Consequently, Executive<sup>1</sup> endorsed an approach to progress with non-statutory planning guidance to support the adopted Local Plan policies. These carry material weight in decision-making but are not part of the statutory development plan. They can cover specific land-use topics or area-based guidance and are:
  - ✓ Faster to produce and update
  - ✓ Have no statutory consultation requirements
  - ✓ Still a material consideration in planning decision.

---

<sup>1</sup> [Decision - Plan-making activity and Local Plan Review](#)

## Consultation

9. There is no statutory requirement for consultation on non-statutory guidance. However, we can choose a targeted consultation approach, where considered necessary. A formal decision to endorse the guidance will be taken via an Executive Member Decision Session, which will allow public participation, to ensure material weight through the decision-making process. A consultation strategy was endorsed via officer decision<sup>2</sup> setting out the planned approach to preparation.
10. To prepare the draft guidance set out in the annexes, Strategic Planning Policy team have worked with relevant internal technical officers including Development Management, Design and Conservation, Public Health and Housing teams.
11. Targeted consultation has been undertaken with registered affordable housing providers on the Affordable Housing Guidance.

## Options

12. The following options for the committee are:
  - Option 1: endorse the approach taken to the delivery of non-statutory guidance
  - Option 2: recommend changes or further work prior to proceeding to an Executive Member Decision Session for approval

## Analysis

13. Option 1 supports the consultation approach as well as the content provided for each guidance piece set out in the annexes. Option 2 allows for the discussion by the Group to be enacted into the guidance prior to publishing and approval at an EMDS session; this is recommended.

## Council Plan

14. The preparation of non-statutory planning guidance supports the implementation of York's adopted Local Plan. This in turn support the Council Plan 2023–27 priorities including economy, environment and communities.

---

<sup>2</sup> [Decision - To approve a consultation strategy for planning guidance documents.](#)

15. The specific guidance presented at Annexes A-E will specifically meet priorities associated with the delivery of affordable housing and health.

## **Implications**

16. Financial – There are no financial implications
17. Human Resources (HR) – There are no HR implications; preparation of the guidance is being undertaken by internal teams
18. Equalities –
19. Legal – the guidance will not be part of the statutory development plan but should be referred to and have material weight in decision-making.
20. Crime and Disorder – there are no implications for crime and disorder
21. Information Technology (IT) – There are no IT implications other than publishing on the City of York Council website.
22. Property – there are no implications for Property.
23. Other – there may be implications specifically relating to the areas relevant to the guidance.

## **Risk Management**

8. The following risks have been identified:
  - Limited weight in decision-making - Non-statutory guidance does not form part of the statutory development plan and therefore carries less weight than adopted SPDs. There is a risk that its influence may be challenged by applicants or given limited weight in appeals if not clearly aligned with Local Plan policy and national guidance. A lack of clear guidance may also weaken the Council's position at appeal, particularly where detailed expectations (e.g. design, viability, climate requirements) are not clearly articulated.  
*Mitigation:* Ensure all guidance is firmly rooted in adopted/emerging policy, evidence-based, and where appropriate endorsed through Executive Member Decision Sessions (EMDS).
  - Risk of inconsistency or misinterpretation - If guidance is unclear, overly complex, or not kept up to date, there is a risk of inconsistent interpretation by Development Management officers,

applicants, and Inspectors. Without supporting guidance, there is a significant risk that Local Plan policies will be open to differing interpretations, leading to inconsistent decision-making across applications.

*Mitigation:* Apply robust internal review processes, clear drafting standards, and regular updates to guidance.

- Legal or procedural challenge - where guidance could be perceived as introducing new policy requirements rather than interpreting existing policy, leading to potential legal challenge.  
*Mitigation:* Clearly distinguish between policy and guidance, and seek Legal input where necessary.
- Delays to development and decision-making - Applicants may submit incomplete or suboptimal proposals where expectations are unclear, resulting in delays, protracted negotiations, or refusals.  
*Mitigation:* Prepare and release guidance in a timely manner to support decision-make.
- Inefficient use of resources - Without non-statutory guidance, greater officer time may be spent providing bespoke advice through pre-application discussions and application negotiations, leading to inefficiencies.  
*Mitigation:* Prioritise guidance topics, align with Local Plan workstreams, and use proportionate formats (e.g. web guidance, technical notes).

## Contact Details

**Author(s):**

Alison Cooke  
Head of Strategic Planning Policy  
Strategic Planning Policy,  
City Development

01904 551467  
Alison.cooke2@york.gov.uk

Alison Stockdale  
Strategic Planning Policy  
Manager  
Strategic Planning Policy,  
City Development

01904 552255  
Alison.stockdale@york.gov.uk

**Chief Officer Responsible for the report:**

Garry Taylor  
Director of City Development

**Report**      **Date** 27/05/2026  
**Approved**    ✓

**Wards Affected:**

All

**For further information please contact the author of the report**

**Background Papers:**

Executive 14 April 2026 - [Decision - Plan-making activity and Local Plan Review](#)

**Annexes**

Annex A – Draft Affordable Housing non-statutory planning guidance  
Annex B - Draft Hot Food Takeaways non-statutory planning guidance  
Annex C – Draft Masterplanning and Garden Village non-statutory guidance  
Annex D – Draft Self Build non-statutory guidance  
Annex E – Draft Houses in multiple occupation non-statutory guidance

**List of Abbreviations Used in this Report**

SPD – Supplementary Planning Document  
NPPF – National Planning Policy Framework