

<b>Meeting:</b>	Executive Member Decision Session
<b>Meeting date:</b>	07/07/2026
<b>Report of:</b>	Garry Taylor, Director of City Development
<b>Portfolio of:</b>	Cllr Pavlovic, Executive Member for Housing, Planning and Safer Communities

## **Decision Report: Implementation of non-statutory planning guidance**

### **Subject of Report**

1. This report seeks the Executive Member’s decision to publish the non-statutory planning guidance at Annexes A-E to support the adopted Local Plan. Non-statutory guidance will provide clarity to applicants, decision-makers and stakeholders on the interpretation and application of Local Plan policies.

### **Benefits and Challenges**

2. The following benefits of preparing guidance have been identified:
  - Provides clarity and consistency in the application of adopted Local Plan policies and updated national policy, where necessary.
  - Improves decision-making efficiency and transparency for applicants and stakeholders, making policy expectations clearer.
3. Supports delivery of high-quality development aligned with policy intentions in lieu of Supplementary Planning Documents, which cease to be able to be adopted post June 2026.
  - They can be updated and amended quickly to enable changes should national policy or guidance be updated.
  - They will be a material consideration in planning decisions and can help to defend decisions at appeal, where well evidenced.
  - Where relevant, detail in the guidance may be taken forward into the preparation of a new Local Plan.

4. The following challenges and risks have been identified:
  - Non-statutory status means guidance has less weight compared to adopted Supplementary Planning Documents (SPDs).
  - A risk of inconsistency or misinterpretation by decision-makers, applicants or appeal inspectors if the guidance is unclear.
  - Potential for challenge if guidance is perceived as introducing new policy rather than interpreting existing policy.
  - Introducing too much guidance may mean the planning context for an application is harder to navigate.

## **Policy Basis for Decision**

5. Executive in April 2026 endorsed the approach to prepare non-statutory guidance following consideration of the Government's decision to halt adoption of Supplementary Planning Documents (SPDs) post June 2026.
6. Whilst there is no statutory basis for preparing planning guidance, endorsing it through a formal decision will help to ensure that it is given weight when making planning decisions.
7. 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.
8. The specific guidance presented at Annexes D-H will specifically meet Council priorities associated with the delivery of affordable housing and health.

## **Financial Strategy Implications**

9. There are no significant financial implications from the implementation of non-statutory planning guidance. Early publication of guidance may reduce costs associated with delays and inconsistent decision leading to planning appeals

## **Recommendation and Reasons**

10. The Executive Member is asked to:
  - To approve publication of the draft non-statutory planning guidance at Annexes D-H;

- Delegate authority to the Director of City Development to approve any recommended changes and/or minor factual updates required to the planning guidance.

Reason: To enable publication of the guidance to support the implementation of the Local Plan policies and support consistent, high-quality development and decision-making.

## Background

11. 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
12. 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.
13. 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.
14. 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 previously proposed SPDs.

15. Consequently, Executive<sup>1</sup> endorsed an approach to progress with non-statutory planning guidance to support the adopted Local Plan policies.

## Consultation Analysis

16. A consultation strategy was approved by [officer decision](#) in May 2026<sup>2</sup> in accordance with the [Statement of Community Involvement](#)<sup>3</sup>. This noted that, as there was no statutory consultation requirement for planning guidance, it was intended to adopt a proportionate approach to consultation predominantly involving internal officers and targeted consultation where considered appropriate. Details of the consultation undertaken, comments received and the response to them are included in the Consultation Summary at Annex B.
17. The planning guidance was discussed at Planning Policy and Local Plan Advisory Group on [9 June 2026](#). The comments are recorded in the Consultation Summary (Annex B) along with a response.

## Options Analysis and Evidential Basis

18. The following options have been considered:

**Option 1: Recommended.** To approve publication of planning guidance presented in Annex D-H.

**Option 2:** To recommend changes to the planning guidance presented in Annex D-H, with delegated authority to the Director of City Development for publishing.

**Option 3:** Do not publish guidance

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

<sup>2</sup> <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=7703>

<sup>3</sup> <https://www.york.gov.uk/downloads/file/10706/statement-of-community-involvement-april-2026>

19. Option 1 is recommended; This would enable immediate use of the guidance with the consequent benefits of clarity and consistency in the determination of planning applications. Option 2 would allow changes to the guidance recommended by the Executive Member.
20. Option 3 is not recommended; If the guidance is not published then there is potential for inconsistent decision making and consequent risk of appeal. The guidance provides advice which would inform developers making planning applications so there would also be a potential impact on the quality of applications submitted.

## **Organisational Impact and Implications**

21. **Financial** – There are no financial implications.
22. **Human Resources (HR)** – There are no HR implications; preparation of the guidance is being undertaken by internal teams.
23. **Procurement** – There are no procurement implications.
24. **Health and Wellbeing** – This suite of non-statutory planning guidance is expected to have positive direct and indirect health impacts. Most specifically, there is clear and persuasive evidence that limiting hot food takeaways will have a net positive impact on population health.
25. **Environment and Climate Action** – It is anticipated that the non-statutory masterplanning guidance will have positive impacts for designing in and considering solutions for the environment and climate change. There are no direct implications as a result of releasing the other proposed non-statutory guidance.
26. **Affordability** – The affordable housing guidance will support the effective delivery of affordable housing through planning, setting out clear guidance as to the Council's expectations and design standards.
27. **Equalities and Human Rights** – A Human Rights and Equalities Assessment has been undertaken in relation to the guidance. The outcomes from this have shown that there would be positive outcomes from implementation of the guidance and in particular for those in need of affordable accommodation.

28. **Data Protection and Privacy** – There are no implications for data protection and privacy as a result of publishing this report or the non-statutory guidance.
29. **Communications** –Officers will work with the communications team as necessary, should requests be made or further correspondence be required.
30. **Economy** – There are no direct implications anticipated on the economy. The guidance is anticipated to add clarity to the existing policy framework and will be balanced into decision-making on an application by application basis.
31. **Legal** – The guidance will form non-statutory guidance to aid implementation of the Local Plan policy requirements and will represent a material consideration in the determination of planning applications.

## Risks and Mitigations

32. The following risks and mitigations have been identified:
  - **Planning guidance has 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 Planning 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).

## Wards Impacted

33. All wards would be impacted by the non-statutory planning guidance which will be used to advise decision-making across the authority area.

## Contact details

For further information please contact the authors of this Decision Report.

### Author

<b>Name:</b>	Alison Stockdale
<b>Job Title:</b>	Strategic Planning Policy Manager
<b>Service Area:</b>	Strategic Planning Policy, City Development
<b>Telephone:</b>	01904 552255
<b>Report approved:</b>	Yes
<b>Date:</b>	26/06/26

## Co-author

<b>Name:</b>	Alison Cooke
<b>Job Title:</b>	Head of Strategic Planning Policy
<b>Service Area:</b>	Strategic Planning Policy, City Development
<b>Telephone:</b>	01904 552255
<b>Report approved:</b>	Yes
<b>Date:</b>	26/06/26

## Background papers

- Executive April 2026 - [Decision - Plan-making activity and Local Plan Review \(york.gov.uk\)](#)
- [Agenda for Planning Policy and Local Plan Advisory Group on Tuesday, 9 June 2026, 5.00 pm \(york.gov.uk\)](#)

## Annexes

- Annex A: Human Rights and Equalities Impact Assessment (HREA)
- Annex B: Consultation Summary
- Annex C: Hot food takeaways background paper
- Annex D: Affordable housing non-statutory planning guidance
- Annex E: Hot food takeaway non-statutory planning guidance
- Annex F: Masterplanning and garden villages non-statutory planning guidance
- Annex G: Self and custom build housing non-statutory planning guidance
- Annex H: Houses in Multiple Occupation non-statutory planning guidance