

York Local Plan Clarification Note to the Inspectors – 18th February 2019

1. *Many thanks for the message*
2. *We ask that the clarification covers the points listed below*
3. ***Precisely why does the Council say the plan period must extend beyond 15 years? Paras 83 and 85 of the 2012 NPPF do not say that local plans that are defining Green Belt boundaries must cover a period of more than 15 years, do they?***

Paragraph 157 of the 2012 NPPF states that Local Plan's should be '*drawn up over an appropriate timescale, preferably a 15 year time horizon, take account of longer term requirements and be kept up to date*'. It is clear therefore that in most cases Local Plans should be produced to cover a 15 year time period for both housing and employment allocations to ensure that development needs are met although it does make reference to taking account of longer term requirements.

The principle of a Green Belt around the City of York has been long established and its general extent was identified in the Regional Spatial Strategy (RSS) for Yorkshire and Humber. The RSS included York green belt policies through policy YH9 (Green Belts) and Policy Y1 (York sub area policy). The RSS key diagram illustrated the RSS York Green Belt policies and the general extent of the Green Belt around York. When the RSS was revoked in 2013 the Green Belt policies and Key Diagram were saved from the revocation.

Although the general extent of York's Green Belt has thus been identified the detailed boundaries remain undefined. The York Local Plan will set York's detailed inner and remaining outer greenbelt boundaries for the first time in line with relevant national policy (NPPF, 2012).

Paragraph 79 of the NPPF emphasises the importance of greenbelts and states that

'the fundamental aim of greenbelt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of greenbelts are their openness and their permanence'

The importance of permanence is further emphasised in paragraph 83 which states

'Once established, green belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan. At that time, authorities should consider the green belt boundaries having regard to their intended permanence in the long term so that they should be capable of enduring beyond the plan period'

Paragraph 85 makes clear that when defining greenbelt boundaries local planning authorities should '*satisfy themselves that green belt boundaries will not need to be altered at the end of the development plan period*' and '*where necessary identify in their plans areas of safeguarded land in order to meet longer term development needs stretching well beyond the plan period*'.

The submitted York Local Plan proposes a greenbelt that will endure for a minimum of 20 years which is considered by the Council to provide the required permanence in the longer term. This approach reflects previous advice given to the Council. In January 2000 the Council received an interim view from its Local Plan Inspector on the Plans proposed green belt boundary. The Inspector advised that the Council's position at that time – to establish a 'non-permanent' or 'interim' green belt and to undertake a formal green belt review immediately after the plans adoption ran contrary to government guidance which states that green belts should be 'permanent' importantly advocating that they should remain unchanged for at least 20 years.

In addition legal advice was provided to the Council in January 2015 (see enclosure 1). This advice confirms the national policy advice in NPPF (2012) in respect of green belts and considers how long beyond the Plan period should a Green Belt endure once it is defined in a statutory plan. The advice states that:

In my opinion there is no finite period for a Plan to endure. The land which is designated as Green Belt should be expected to remain open and undeveloped indefinitely' (paragraph 7).

The advice states that in accordance with paragraph 84 of the NPPF authorities are also required, when drawing up green belt boundaries to take account of the need to promote sustainable patterns of development. This requires consideration of the development needs of the area, which should be objectively assessed. As paragraph 85 makes it clear this involves consideration of the development needs which are to be met during the plan period, and also the longer term development needs. '*stretching well beyond the Plan period*'. The advice concludes that '*quite how far beyond is a matter of planning judgement*' (paragraph 9).

The submitted Local Plan proposes a greenbelt that will endure for a minimum of 20 years to 2037/38 through allocating specific sites to meet both housing and employment needs from 2017/18 to 2037/38. This is achieved through allocating sufficient land through policies EC1 and H1 to meet these needs in the longer term rather than through the use of safeguarded land. This approach is considered to provide more certainty both to the local communities who have previously expressed concerns about the need for and concept of 'safeguarded land' and to developers/landowners in respect of the provision of sustainable sites which are suitable and deliverable in the context of the policy requirements as set out in the Plan. This timeframe for the Plan period and post plan period was tested through the Regulation 18 and 19 Consultations.

- 4. Please clarify precisely what the plan period is proposed to be – does the Council propose that the plan should run to different periods for different aspects of the plan eg one period for housing, another for Green Belt, another for employment?**

The Plan period of the submitted York Local Plan runs from 2017/18 to 2032/33 a period of 16 years with the exception of the greenbelt boundaries which will endure up to 2037/38. This is proposed as an extended 'post plan' period of 5 years to ensure that York's greenbelt will endure unchanged for at least 20 years. This is first set out in the 'About the Plan' section of the submitted Plan at paragraph i).

The Council has proposed that the Plan period should extend beyond 15 years by a further 5 years to 2037/38 in order to ensure that the greenbelt boundary will be capable of enduring beyond the plan period. This is proposed to be achieved through the allocation of sufficient land to meet needs for both housing and employment over the extended plan period to 2037/38. Further clarification on where this is set out in the submitted Plan is provided under point 5.

5. *Please clarify where the plan sets out the plan period(s)*

In addition to the 'About the Plan' section highlighted under point 4 above the plan period is set out in Section 3 of the Plan: The Spatial Strategy. This section of the Plan details the spatial strategy for York by setting out the drivers for growth and the factors that shape growth alongside detailing the key areas of change in a series of individual site specific policies for the strategic sites (sites 5ha or above).

Policy SS1: Delivering Sustainable Growth for York sets out that development during the plan period will be consistent with the priorities set out in the policy including the provision of sufficient land to accommodate an annual provision of around 650 new jobs to support sustainable economic growth and to deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and the post plan period to 2037/38 to enable the building of strong and sustainable communities.

Paragraph 3.2 and 3.3 give further explanation to policy SS1. With respect to economic growth paragraph 3.2 states that technical work on economic growth has been carried out for the Council by Oxford Economics and that this work suggests that over the period 2017 to 2038 around 650 additional jobs per annum could be created in the City. Paragraph 3.3 gives explanation in relation to housing growth stating that the Council aims to meet an objectively assessed need of 867 new dwellings per annum for the plan period to 2032/33, including any shortfall against this need in the period 2012-2017, and for the post plan period to 2037/38.

Policy SS2: The role of York's Greenbelt states that the primary purpose of York's green belt is to safeguard the setting and special character of York and to deliver the Local Plan spatial strategy. It states that to ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the Plan and for a further minimum period of five years to 2038. Paragraph 3.13 the explanation to policy SS2 states that the Plan seeks to identify sufficient land to accommodate York's development needs over the plan period 2017 to 2033. In addition the plan provides further development land to 2038 (including allowing for some flexibility in delivery) and establishes a greenbelt boundary enduring for at least 20 years.

Policy EC1: Provision of Employment Land allocates sufficient land to meet employment needs during the plan period to 2033 and for the post plan period to

2038. Paragraph 4.6 and table 4.1 illustrate the employment land requirements in the period 2017 to 2038. This is set out in more detail in the supporting documents SD063 Employment Land Review Update (2017)) and SD064 Employment Land Review (2016).

Policy H1: Housing Allocations sets out the sites required to meet the housing requirement set out in policy SS1 (Spatial Strategy). Table 5.1 details each proposed site allocation, the site size, estimated yield and the estimated phasing of the site in years 1-5, 6-10, 11-15 and 16-21. Paragraph 5.5 states that the sites allocated in policy H1 will provide a range and choice of sites capable of meeting future requirements and in line with the spatial strategy. Paragraph 5.9 states that to fulfil the housing requirements set out in policy SS1 and to provide additional certainty we have allocated land for the full plan period, including the greenbelt period, to 2037/38 to meet the minimum housing requirement as set out in policy SS1 of 867 dwellings per annum.

6. *If the plan period relating to housing is proposed to run beyond 2033, why is this not shown on the updated Figure 5.1 and updated trajectory provided to us previously?*

Figure 5.1(the illustrative trajectory) illustrates the housing trajectory over the plan period to 2033 but does not include the post plan period to 2038. This is set out in the detailed housing trajectory provided at figure 6 of the Strategic Housing Land Availability Assessment 2018 [SD049A] - please refer to enclosure 2.

Section 4 of the SHLAA sets out the detailed housing trajectory assumptions including the proposed non-implementation discount of 10% applied to extant planning consents and proposed site allocations and the provision of a 20% buffer on years 1-5 of the Plan in line with paragraph 49 of the NPPF, 2012.

Figure 6 of the SHLAA illustrates that at the end of the plan period (2032/33), once the proposed non-implementation discount is applied, there is a cumulative over supply of 2407 dwellings which represents approximately 2.8 yrs at the submitted Plan OAN of 867. This is a reduction on the over supply of 4,071 dwellings at the end of the plan period shown in figure 5.1 due to applying the proposed 10% discount rate for non-implementation. This figure is based on local evidence provided in Annex 5 of the SHLAA which include a housing implementation survey of national and local house builders and an assessment of national practice and relevant Inspectors decisions.

Figure 6 also illustrates that at the end of the post plan period (2037/38) that there is an over supply of +494 dwellings illustrating that the greenbelt boundary proposed is capable of enduring beyond the plan period for a minimum of 20 years in order to provide a 'degree of permanence'.

We have enclosed updates to figures 5.1 and 5.2 which show the housing trajectory over the Plan period and post Plan period to 2037/38. Enclosure 3 illustrates the extended trajectory without the 10% non-implementation rate applied and enclosure

4 includes the 10% non-implementation rate which aligns with the detailed trajectory provided in the SHLAA (2018) [SD049A].

These updated trajectories are provided on the basis of the submitted Plan with an OAN of 867 dwellings per annum. As stated in our letter (29th January 2019) and the submission of the updated OAN evidence the Council is moving towards potential modifications to the submitted Plan at the meeting of its Executive on 7th March 2019. We will therefore provide an updated housing trajectory and figures 5.1 and 5.2 at this time based on the revised OAN of 790 dwellings per annum. This will show the relationship between the revised housing requirement and the housing supply identified in the submitted Plan.

7. *It may well be that we have further questions, but we will await the Council's explanatory note and take things from there.*

We are happy to provide any additional clarifications required.