

**Gladman Hearing Statement
York Local Plan Examination**

Matter 1: Legal Requirements



November 2019

DUTY TO COOPERATE

Q1.5 Overall, has the Plan been prepared in accordance with the ‘duty to cooperate’ imposed by Section 33A of the Planning and Compulsory Purchase Act 2004

1. Gladman consider that the Council has fulfilled its legal Duty to Cooperate obligations. The Council’s actions in relation to the Duty for the submitted Local Plan are set out in CD020 and CD024. The documents illustrate that the Council has consulted and worked with its neighbouring authorities and statutory consultees on all key strategic and cross-boundary matters. The Council has engaged with its neighbours and statutory consultees in relation to proposed modifications to the Local Plan with all responses provided in EX/CYC/21a, EX/CYC/22b, EX/CY/C22c, and EX/CYC/22d.
2. It is evident that the collaboration undertaken by the Council includes, in relation to housing, discussions with Selby District Council which show an agreement that the assessment of housing need is to be derived separately by each authority despite forming part of a shared housing market with York. Furthermore, all bordering authorities have confirmed that there are no outstanding unmet housing needs to be met through the York Local Plan based on current evidence, and none have objected to the Council’s proposed amendments to the Local Plan.
3. The Duty is not a duty to agree, and as such, Gladman do not consider that it is problematic that there are some parts of the Local Plan where the Council has failed to secure the agreement of a statutory consultee in relation to the Plan’s proposals. For example, it is evident that the Council disagree with Historic England in relation to several sites allocated in the Local Plan. The Council has however, through its allocation process, taken a rounded view as to how its spatial strategy operates across the City accounting for all relevant planning matters and issues, national planning policy and supporting evidence. The spatial strategy set out within the Local Plan (as modified) represents the Council’s conclusions of this process based on collated evidence.
4. The Duty is a process which is ever evolving and continues beyond the adoption of the Local Plan. It is therefore important that the processes are in place to ensure that any future changes to cross-boundary strategic matters can be responded to and account for through plan making and decision taking. Opportunity for this continued collaboration in the case of York is evident through the Council’s membership and contributions to Leeds City Region and York, North Yorkshire and East Riding LEP, and North Yorkshire senior officer discussions which meet regularly and will continue to over the coming years. Such processes will be important for securing the effectiveness of the Local Plan when it is subject to its next review.

Q1.7 Has the Plan’s formulation been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the Sustainability Appraisal (SA) [CD009, CD010 and CD011] adequate?

1. The Council has published a new SA at each stage of the plan making process which provides justification for the strategy proposed. This includes the publication of the latest addendum to the SA which relates and responds to proposed post submission modifications of the Local Plan as consulted upon in June/July 2019 and provides an update to the existing appraisal of policies and sites as a result of the altered strategy and new evidence.

2. The SA is an iterative process which is produced over a lengthy period. As conditions within the City, supporting evidence, and national policy changes, it is unsurprising that the findings of the SA also change influencing the approach to be taken within the Local Plan. Gladman consider that the Council has considered a variety of options during the preparation of the Local Plan. This is more extensive in the case of York, where the Local Plan has reached Regulation 19 stage twice during the plan preparation process.

3. It is acknowledged that a SA needs to be based on a sound process and provide for an adequate appraisal of the proposed strategy, policies and identified sites. However, the conclusions reached within the SA also reflect planning judgement so it is likely that there may be some divergence in the conclusions reached as perception of issues may be different. As such, whilst Gladman hold some concern over the conclusions reached within the SA on site specific matters in relation to Site ST31 (particularly in relation to Health, Biodiversity and Landscape) and how this relates to extensive site-specific evidence and proposals for the Site, Gladman do not object to the SA when read as a whole, and notes that the conclusions of the SA nevertheless support the allocation of ST31.