

GUIDANCE NOTE
CITY OF YORK LOCAL PLAN
PROPOSED MAIN MODIFICATIONS CONSULTATION
FEBRUARY 2023

Where do I send my comments?

You can comment on the consultation:

- via our online survey <https://www.york.gov.uk/consultations>
- by requesting a response form. Contact the Strategic Planning Team at localplan@york.gov.uk or (01904) 552255.

The response form can be returned:

- by email to localplan@york.gov.uk with the subject line 'Draft Local Plan MM Consultation'
- by post to:
Strategic Planning Policy
West Offices
Station Rise
York
YO1 6GA

However you choose to respond, in order for the Inspectors to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy.

On what can I make comments?

Our new Local Plan is currently in the process of examination by independent Planning Inspectors following submission to the Secretary of State for Housing, Communities and Local Government in May 2018.

As part of the examination process, the council has requested that the Inspectors recommend any main modifications that they consider necessary to make the plan sound and legally compliant, to allow it to be adopted. Following hearing sessions, which took place between December 2019 and September 2022, the council has worked with the Inspectors to prepare a Schedule of Proposed Main Modifications to the plan. Further evidence base published since the previous modifications consultation (May 2021) is also being made available for comment.

You can make comments on any of the proposed Main Modifications and evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this note. At this stage in the examination process, the consultation only relates to the proposed main modifications and any policies map changes (and not other aspects of the plan). The main modifications are put forward without prejudice to the Inspector's final conclusions. Therefore please note:

- Comments can **only** be made on documents which form part of the proposed Main Modifications consultation (set out in the Statement of Representations Procedure and on the consultation webpage)
- This is not the opportunity to make comments on other aspects of the Plan.
- If you submitted comments during previous stages of Local Plan consultation, the Inspector has considered these during the examination and there is no need to make these again.

How do I know what has changed?

Modification schedules have been prepared which include the text as it appeared in the submitted Plan with proposed new text highlighted and **underlined** and deleted text highlighted and **struckthrough**.

Please note that the policy numbering reflects the policy numbering in the submitted Local Plan (May 2018). Where new policies are being proposed, these have been numbered sequentially with a suffix letter 'a'. It is the intention of the Council to renumber the policies (and any consequent cross-referencing) at the point of Adoption.

What are the Tests of Soundness and Legal Compliance?

The purpose of the Examination is to consider whether the Local Plan complies with relevant legal requirements for producing Local Plans, including the Duty to Cooperate, and meets the national tests of 'soundness' for Local Plans set out in the National Planning Policy Framework (NPPF) (see below). Therefore, representations submitted at this stage must only be made on these grounds and, where relevant, be supported with evidence to demonstrate why these tests have not been met.

Legal Compliance

To be legally compliant the plan has to be prepared in accordance with the Duty to Cooperate and legal and procedural requirements, including the 2011 Localism Act and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Soundness

Soundness is explained in paragraph 182 of the NPPF. The Inspectors conducting the Examination in Public have to be satisfied that the Local Plan is 'sound'; namely that it is:

- Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy - the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

Do I have to use the survey/response form?

Yes please. This is because further changes to the plan will be a matter for Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use the survey or consultation response form. Please be as succinct as possible and **complete one form for each modification or issue on which you wish to comment**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on the consultation survey/response form with the information attached.

Do I need to attend a Public Examination?

Four phases of Public Hearings have already been held on the broad range of strategic and detailed policy matters addressed by the Local Plan, between December 2019 and September 2022. The

need for, and scope of, further Hearings will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. Should the Inspectors decide to hold further sessions as a result of the modifications consultation, please indicate whether you consider there is a need to be present. You should note that Inspectors do not give any more weight to issues presented in person than written evidence.

Where can I view the Consultation documents?

Copies of the consultation documents are available to view:

- On the Council's website <https://www.york.gov.uk/consultations>
- At the Council's West Offices, Station Rise, York, YO1 6GA (Mon-Fri 9:00-17:00, Sat and Sun closed)

Documents are also available to view electronically via Libraries. See our [Statement of Representations Procedure](#) for further information.

How will my comments be used?

The comments received during Proposed Main Modifications consultation will be forwarded to the Inspectors who will then issue their Report and Recommendations.

Comments made on the Additional Modifications will be considered by the council.

Comments are not being invited on the unchanged content of the submitted City of York Local Plan (May 2018)

Next Steps

The Inspectors will consider all the representations made on the proposed MMs before finalising the examination report and the schedule of recommended MMs. Further hearing sessions will not usually be held, unless the Inspector considers them essential to deal with substantial issues raised in the representations, or to ensure fairness.