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Meeting	Corporate and Scrutiny Management Committee (Calling In)
Date	8 October 2014
Present	Councillors Galvin (Chair), Burton, Fraser, Horton, King, Potter, Runciman (Vice-Chair), Healey (Substitute for Councillor Steward) and Ayre (Substitute for Councillor Cuthbertson)
In attendance	Councillors Cuthbertson, Merrett, Steward, Richardson and Watt

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#### 14. **Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal interests not included on the register of interests, any prejudicial interests or any disclosable pecuniary interest which they might have in respect of the business on the agenda. No additional interests were declared.

#### 15. **Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme and that a Member of the Council had also requested to speak.

Mr Charlesworth, representing Earswick Action Group, expressed concern at the inclusion of a safeguarded site (SF14) at Earswick. He stated that the inclusion of the site made the plan unsound as it did not take into account infrastructure overload and did not meet the "exceptional circumstances" test for use of green belt land. Mr Charlesworth stated that ten villages had formed an alliance to challenge the inclusion of any safeguarded sites. He requested that their concerns be heeded and that the proposals in respect of Earswick and other villages be removed from the plan.

Councillor Watt expressed concerns regarding the inclusion of sites in or near Skelton. He stated that housing targets in the plan were unrealistic and unachievable. He urged that the Plan

be referred back to Cabinet to enable Members to work together to address concerns that had been raised.

**16. Called In Item: City of York Local Plan Publication Draft**

Members considered a report which asked them to consider the decisions made by Cabinet at their meeting held on 25 September 2014, in relation to publication of the Draft Local Plan and Proposals Map. Cabinet had been asked to consider whether the Local Plan Publication Draft and Proposals Map should be published for statutory consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 (S12012/767).

Details of the Cabinet's decision were attached as Annex A to the report and the original report to the Cabinet attached as Annex B. The decision had firstly been called in by Councillors Steward, Watt and Doughty on the grounds that:

- “The plan fails to reflect the importance of the unique protections York was given when the Regional Spatial Strategy was abolished and from this incorrect presumption proposes too much building on the Greenbelt and building which is well in excess of the exceptional circumstances required.
- The plan is according the lead cabinet member Cllr Dave Merrett a ‘very ambitious plan’, which is in contrast to the legislation which requires plans to be about need rather than ambition.
- The proposed level of growth of approximately 1,000 dwellings a year (996 according to the draft) is more than required by the council's own supporting data regarding future population, employment and housing needs. It is driven by a philosophy of “growing the economy” in a way which is in no way proven to be sustainable.
- The draft fails to take account in any meaningful way of the public consultation responses to the Preferred Options and Further Sites.
- The plan continues to plan for safeguarded land beyond the life of the plan when there is no requirement under the National Planning Policy Framework (NPPF) for this. Local

Authorities are only required to provide viable and deliverable sites for years 1-5 of the Local Plan and only “broad locations for growth” for years 5-15 and there is absolutely no requirement for a 25 year plan with specific sites.

- The NPPF is clear that previous under delivery should be accounted for by the 20% buffer in the first five years and nowhere does it state that local planning authorities should also make provision for an inherited shortfall (or backlog) and annualise it over the plan period as the City of York Council has done. As a result, the housing trajectories are 126 dwellings higher each year than is necessary.
- The NPPF states that where there is a record of under delivery, local planning authorities should deploy a buffer supply of 20% for 5 years “moved forward from later in the plan period”. The proposed buffer supply is being proposed in addition to later years’ allocations, rather than being taken from them.
- The plan does not provide a true or robust justification for the Freight Consolidated Centre on the A1237 and its proposed removal from the Greenbelt.
- The proposed solar sites are in contradiction of government legislation which discourages them in rural open countryside.
- The plan does not apply a “Sequential Test” to the agricultural land allocated for development.
- The plan assumes that hyper-growth in outer York will be underpinned by “...the full dualling of the A1237...” but does not explain how the York will finance this multi-billion pound project, without which transport mayhem and gridlock will result.
- There has not been sufficient resident consultation regarding the radical concept of new settlements within the Greenbelt, most particularly Whinthorpe and Clifton Gate.

- There is no account of the fact that 'jobs' don't directly relate one-to-one to people, as York has one of the highest part-time economies.
- Because the plan prioritises "affordable housing" it remains slanted towards allowing large-scale developers to build on out-of-city-centre greenfield sites instead of maximising brownfield areas.
- The level of travellers' site demand has not been proven and is based on a misleading method, including for example one which counts as unmet demand, travellers living in bricks and mortar.
- The plan fails to provide for windfall sites, though the NPPF says they can form part of a plan if there is evidence of such sites coming forward in the past and likely to continue to do so.
- The proposed travellers' site at Rufforth goes against all of the criteria as it is inappropriate on a green corridor, has no links to public transport or services, has a poor road to link onto safety wise, is in an area of flood risk and adjacent to a tip.
- The proposed travellers' site at Naburn has similar issues to Rufforth and there is a lack of consultation, including most obviously with the Designer Outlet who have in the past been interested in the land.
- There has been no account taken of purpose built student accommodation and its effect on housing.
- The fixed requirement for new development to contain a substantial number of affordable homes (in the current draft up to 35% for developments on greenfield sites of more than 11 houses unless offsite provision or an equivalent value financial contribution can be "robustly justified" has been shown in York to be commercially non-viable and to actually depress building starts.
- The plan has disregarded the likely effects of in and outbound commuting.

- The plan has too little detail on transport, including in particular to the north of the city which lessen the viability of Clifton Gate and Earswick land.
- The plan fails to take account of the importance of the Greenbelt as a vital buffer against coalescence, in particular regarding the sites at Clifton Gate, Earswick and around Boroughbridge Road.
- There has not been sufficient consideration of brownfield sites as well as the likely path of available brownfield sites in the years ahead – in particular if the York Central and sites near the university go forward as envisaged in the plan.
- The plan fails to reflect the national trend for incoming international migration falling”.

Councillor Steward addressed the meeting on behalf of the Calling In Members. He drew attention to the twenty-five reasons given for the call-in. He urged Members to refer the matter back to Cabinet to enable work to take place on a plan which had cross-party support.

Subsequently the decision had been called in by Councillors Aspden, Ayre and Cuthbertson for the following reasons:

“Whilst the Liberal Democrat Group recognise the need for a Local Plan and additional housing; however, we do not support the current proposals and the following are the reasons given:

- The views of thousands of local residents who responded to previous consultations and signed petitions have been ignored.
- The current proposals recommend huge expansion and population growth in areas such as Heworth Without, Huntington and Heslington (Whinthorpe), but fail to provide a detailed and deliverable plan for the infrastructure improvements that would be needed to cope with this growth and fail to take into account the recommendations of the council’s own Sustainability and Heritage Appraisals.

- The plan proposes that approximately 80% of development would take place on Green Belt land and actively encourages this land to be developed early. This is in no way a “brownfield first” policy.
- A windfall allowance should be included in the Local Plan, as permissible under paragraph 48 of the National Planning Policy Framework.
- We do not believe that housing targets accurately reflect the evidence base. The trajectory has been artificially inflated to suit the ideological approach of the ruling group.
- We do not believe that the plan meets the NPPF ‘Tests of Soundness’ criteria in terms of being ‘positively prepared’, ‘justified’ or ‘effective’.
- By shortening the plan period the Cabinet has committed a sleight of hand to make the housing numbers appear to be less than they actually are.
- Elements of the proposals remain unclear e.g. three different housing figures are proposed for the new Whinthorpe development. This makes it a confusing picture for local residents.”

Councillor Cuthbertson spoke on behalf of the second group of calling in Members. He stated that the views of local residents had to be addressed to ensure that the plan had credibility. He reiterated the issues raised in paragraph 4 of the report, including concerns that account had not been taken of the infrastructure improvements that would be required, the proposed development of Green Belt land, concerns that housing targets did not accurately reflect the evidence base, and that a windfall allowance had not been included in the plan.

Councillor Merrett, as Cabinet Member for Environmental Services, Planning and Sustainability, stated that there had been cross-party involvement in the plan through the Local Plan Working Group. He drew attention to the consultation and debate that had taken place and stated that the aim was to put in place a sound plan. Councillor Merrett stated that officers had prepared a written response to the technical questions raised in the calling-in reasons. This paper was circulated for consideration and is attached to the online agenda papers for the meeting.

Members were then asked to decide whether to confirm the decision made by the Cabinet (Option A) or to refer it back to the Cabinet for re-consideration (Option B).

After a full debate, it was

Resolved: That Option A be approved and that the decision of Cabinet be confirmed.

Reason: In accordance with the requirements of the Council's Constitution.

Cllr J Galvin, Chair

[The meeting started at 5.30 pm and finished at 6.50 pm].