

Report of the Assistant Director, Governance and ICT

Called-in Item: City of York Local Plan Publication Draft

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Cabinet 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 (SI2012/767).

This cover report sets out the powers and role of the Corporate and Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the Decision Sheet issued after the Cabinet meeting is attached as Annex A to this report. This sets out the decision taken by the Cabinet on the called-in item. The original report to the Cabinet meeting on the called-in item is attached as Annex B to this report.
3. Cabinet's decision has been called in, firstly, by Councillors Steward, Watt and Doughty for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The following are the reasons given for the call-in:
 - 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.
4. The decision has then subsequently also been called in by Councillors Aspden, Ayre and Cuthertson for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in.
- “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.”

Consultation

5. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

6. The following options are available to CSMC (Calling-In) Members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Cabinet in respect of the report. If this option is chosen, the original decision taken on the item by the Cabinet on 25 September 2014 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
 - b. To make specific recommendations to the Cabinet on the report, in light of the reasons given for the call-in. If this option

is chosen, the matter will be reconsidered by Cabinet at a meeting of Cabinet (Calling-In) to be held on 21 October 2014.

Analysis

7. Members need to consider the reasons for call-in and the report to the Cabinet and form a view on whether there is a basis to make specific recommendations to the Cabinet in respect of the report.

Council Plan

8. There are no direct implications for this call-in in relation to the delivery of the Council Plan and its priorities for 2011-15.

Implications

9. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

10. There are no risk management implications associated with the call in of this matter.

Recommendations:

11. Members are asked to consider all the reasons for calling in this decision and decide whether they wish to confirm the decisions made by the Cabinet or refer the matter back for reconsideration and make specific recommendations on the report to Cabinet.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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**Report
Approved**



Date

29 September
2014

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Extract from the Decision Sheet produced following the Cabinet meeting on the called-in item.

Annex B – Report of the Cabinet Member for Environmental Services, Planning and Sustainability, 25 September 2014.

Background Papers

None