

Meeting	Executive
Date	26 January 2023
Present	Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Kilbane (in place of Cllr Douglas, Opposition Leader)
Officers in Attendance	Ian Floyd – Chief Operating Officer Bryn Roberts – Director of Governance and Monitoring Officer Debbie Mitchell – Chief Finance Officer Neil Ferris – Corporate Director of Place Sharon Stoltz – Director of Public Health Jamaila Hussain – Corporate Director of Adult Social Care & Integration Alison Cooke – Head of Strategic Planning Policy Alison Stockdale – Principal Strategic Planning Policy Officer Anita Dobson – Nurse Consultant in Public Health Matthew Orme – Public Health Specialist Practitioner Advanced

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#### **71. Declarations of Interest (17:33)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests

Cllr Mason declared an interest in Agenda Item 5 (City of York Local Plan) as an employee of St Peter's School. Cllr Waller declared an interest in the same item as a governor of Westfield Primary School and of York High School. In both cases, the interests declared were already on the Register.

**72. Minutes (17:34)**

Resolved: That the minutes of the Executive meeting held on 15 December 2022 be approved, and signed by the Chair as a correct record.

**73. Public Participation (17:35)**

It was reported that there had been six registrations to speak at the meeting under the Council's Public Participation Scheme, all in relation to Agenda Item 5 (City of York Local Plan).

Abbie North spoke in objection to the proposed changes to provision for Gypsies and Travellers, stating that this should be delivered via the affordable housing policy and that her conversations with developers and Housing officers had confirmed the proposals would not work.

Ruth Buckley spoke in objection to the proposed amendment of the boundary at St Peter's School, expressing concerns that the land to be removed from the green belt was in Flood Zone 3 and included a site that was subject to a planning application.

Peter Hanson also spoke in objection to the boundary amendment at St Peter's, stating this it could lead to the destruction of open views of York that had existed for 2,000 years and that the officer recommendation was not in line with the Inspector's report.

Andrew Dickinson also spoke in objection to the boundary amendment at St Peter's, highlighting the timing of the proposal in relation to the planning application and stating that the same rules should apply to St Peter's as to everyone else.

Andrew Mortimer spoke regarding the petition from residents of Badger Hill on HMOs, as referred to in paragraphs 44-46 of the report, seeking clarification on the action to be taken in response to the petition and asking officers to engage with residents.

Cllr Myers spoke as a Ward Member for Clifton. He asked that the proposal to amend the boundary at St Peter's School be removed, in line with the arguments made by Counsel during the examination process, and highlighted the inclusion of

publicly owned land and a public footpath within the 'education' allocation shown on the map.

**74. Forward Plan (17:56)**

Members received and noted details of the items that were on the Forward Plan for the Executive meetings in February and March 2023 at the time the agenda was published.

**75. City of York Local Plan (17:57)**

The Corporate Director of Place and the Head of Strategic Planning Policy presented a report which set out the proposed Local Plan modifications and associated evidence base, and sought approval to commence consultation on the proposals in order to move forward with the Local Plan adoption process.

During the examination process, the Planning Inspectors had identified a number of modifications required to make the Draft Plan 'sound.' A 6-week consultation on the Main Modifications and evidence base (as set out in the schedules annexed to the report and summarised in paragraphs 10-26) was proposed from early February 2023. In addition, a revised set of Supplementary Planning Documents (SPDs) was proposed to replace those agreed by Executive in September 2018, as set out in paragraphs 28-50. These included the SPD on Houses in Multiple Occupation (HMOs). The report also outlined proposals to undertake further research regarding an Article 4 Direction and short term holiday lets (paragraphs 51-56). The Local Plan Working Group had raised a number of issues when considering the report at their meeting on 16 January 2023 but had not sought any changes to the recommendations.

In relation to matters raised under Public Participation and questions from Members, officers confirmed that:

- The Local Plan would establish a Green Belt for York for the first time.
- The proposed Green Belt boundary at St Peter's (p. 284-285) had been moved to the flood bund on the advice of the Inspectors as it provided a clear boundary in accordance with policy.
- Officers would clarify with St Peter's school the accuracy of the map in terms of the footpath being protected.

- Open spaces must be taken into account in proposals to develop sites that they abutted, as at Imphal Barracks / Walmgate Stray.
- Developers recognised they must comply with the provision for Gypsies and Travellers (Annex 9, p.271) in order to obtain planning permission.
- The Housing team were clear that the Osbaldwick Traveller site could accommodate provision with the necessary investment.

The Chair welcomed the report and the progress made on the Local Plan and thanked officers, the Planning Inspectors and the many residents who had engaged with the process.

Resolved: (i) That the schedules of modifications and evidence provided in Annexes 1 to 8 to the report and in Table 1 be approved, and that approval be given to commence consultation on the Proposed Main Modifications and the associated evidence base.

(ii) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Finance and Major Projects, to agree any minor (non-material) amendments and to sign off the publication version of the Local Plan Proposed Modifications prior to public consultation.

Reason: For the Local Plan found to be 'sound' the proposed modifications must be formally consulted on as set out in the Town and Country Planning (Local Planning (England) Regulations 2012 (Regulations 23,24,25 relating to Examination period).

(iii) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Finance & Major projects, to collate the results of the consultation on the Proposed Main Modifications and the associated evidence base, and submit them to the Inspectors for them to draft their report; and

(iv) in the event that there are no material changes following the conclusion of the consultation exercise on the Proposed Main Modifications and the

associated evidence base and following receipt of the Inspectors' report, the Local Plan (as modified in accordance with the Proposed Main Modifications and the associated evidence base) and the Inspectors' report be submitted to Full Council by the Leader, in consultation with the Corporate Director of Place, to recommend adoption.

Reason: To support progress towards adoption of the Local Plan, which will ensure the Council meets its statutory and national planning policy requirements.

(v) That the proposed list of Supplementary Planning Documents (SPDs) to be produced to support the implementation of the Local Plan be approved.

Reason: To support the implementation of the Local Plan.

(vi) That approval be given to prepare an evidence base to support the possible introduction of an Article 4 direction to remove permitted development rights to allow changes of use from office to residential.

Reason: To support the implementation of the Local Plan.

(vii) That the evidence-gathering in relation to short term lets and HMOs be noted.

Reason: To establish how best to monitor and control these uses and support the implementation of the Local Plan.

(viii) That officers specifically address the issue of the Badger Hill petition on HMOs in respect of the appropriateness of an Article 4 direction to prevent the expansion of HMOs in the next Local Plan report to Executive.

Reason: To ensure that the issues raised in the petition are properly considered.

## 76. Introduction of Community Infrastructure Levy (19:00)

The Corporate Director of Place presented a report which outlined a draft Community Infrastructure Levy (CIL) Charging Schedule setting out proposed changes to support delivery and mitigate impacts of development arising from the emerging Local Plan, and sought approval to consult on the draft.

On 26 June 2022, Executive had agreed to move forward with the preparation of a CIL for York and to receive the draft Charging Schedule prior to consultation (Minute 9 of that meeting refers). Since then further viability testing had taken place, and a specialist consultancy had recently been appointed to assess the viability of development in York and identify an appropriate CIL. The results of this work were explained in the report, with the draft Charging Schedule set out in Table 4 at paragraph 19. Officers confirmed that the CIL could operate alongside Section 106 agreements.

Resolved: (i) That approval be given to formally consult on the draft CIL Charging Schedule and associated Instalment Plan.

Reason: Before the CIL can be published and charged, a Draft Charging Schedule must be formally consulted on in line with the CIL Regulations 2010 (as amended 2019).

(ii) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Finance and Major Projects, to agree any minor (non-material) amendments, and to sign off the publication version of the Draft CIL Charging Schedule prior to public consultation.

Reason: To agree the presentation of the publication version of the Draft CIL Charging Schedule.

(iii) That authority be delegated to the Corporate Director of Place, in consultation with the Executive Member for Finance and Major Projects, to consider the representations made to the consultation, to make any relevant modifications, and then submit the draft CIL Charging Schedule (and supporting

documents) for examination by an independent Examiner.

Reason: To agree the presentation of the publication version of the Draft CIL Charging Schedule.

## **77. Recommissioning of Domestic Abuse Services (19:15)**

The Nurse Consultant in Public Health presented a report which sought approval to approach the market for the recommissioning of Domestic Abuse Services in York, with the procurement to be led by the North Yorkshire Police, Fire and Crime Commissioner on behalf of City of York Council (CYC) and North Yorkshire County Council.

Joint commissioning arrangements to deliver the requirements of the Domestic Abuse Act had been agreed by Executive on 9 December 2021 (Minute 72 of that meeting refers). Domestic abuse services and the associated budget had transferred to public health. CYC's overall annual contribution amounted to £261,993. Consultation had taken place with stakeholders, and a pre-procurement event would take place to ensure that future commissioning was informed by victims and survivors. New services would start on 1 April 2024 to align with the expiry date of existing contracts.

In supporting the proposals, the Executive Member for Adult Social Care & Public Health thanked officers for their work, highlighting the services' holistic approach to problems that were often hidden, and the focus on prevention and support.

Resolved: (i) That officers within City of York Council (CYC) be authorised to work in partnership with North Yorkshire County Council and NYPFCC to tender a new contract for the provision of domestic abuse services.

(ii) That it be noted that CYC will have representation on the tender panels and be involved in developing the service specification through membership of the joint York and North Yorkshire Joint Commissioning Group.

(ii) That the Director of Public Health, in consultation with the relevant CYC officers and the

Executive Member for Adult Social Care & Public Health, be authorised to accept the bid for this contract that scores highest on the evaluation criteria, and to award and sign a contract on behalf of CYC.

Reason: To enable domestic abuse services that are value for money and responsive to local need to be available to York residents.

Cllr K Aspden, Chair

[The meeting started at 5.33 pm and finished at 7.29 pm].