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Meeting	Local Plan Working Group
Date	20 September 2018
Present	Councillors Ayre (Chair), Steward (Vice-Chair), Aspden (for agenda items 5 and 6 (minute 26-27), N Barnes, Brooks, Cuthbertson, D'Agorne, Derbyshire, Lisle, Warters, K Taylor, Douglas (as a substitute for Cllr Gates), Pavlovic (as a substitute for Cllr Looker) and S Barnes (as a substitute for Cllr Williams)
Apologies	Councillors Gates, Looker, Reid and Williams

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## 22. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they might have in respect of the business on the agenda. None were declared.

## 23. Minutes

Resolved: That the minutes of the meeting held on 2 May 2018 be approved as a correct record and then signed by the Chair subject to Minute 21 (City of York Local Plan – Submission) be amended to delete the word ‘*whether*’ from the first sentence of the first bullet point on page 4 so that it read “ *In response to discussion regarding the clear instruction from Executive to include public houses in the list of community facilities, officers agreed to obtain legal advice to determine whether it was possible to add public houses to the list of other community facilities.*”

## 24. Public Participation

It was reported that there had been one registration to speak under the Council’s Public Participation Scheme on item 4 (Rufforth with Knapton Neighbourhood Plan – Examiner’s Report)

Mr Peter Rollings, Chairman of the Rufforth with Knapton Neighbourhood Planning Group, addressed the committee. He expressed his thanks to

members of the Neighbourhood Planning Group for their hard work, council officers for their help and advice throughout the process and acknowledged the support of ward councillors and their MP. He informed Members that they had gone to great effort to ensure the plan reflected the views of the community as a whole through in depth consultation with all households in the parish. He stated that he was disappointed that the Examiner had not been able to give more weight to the submitted York Local Plan on the issue of greenbelt boundaries and housing allocations although he understood the reasons for this. However there was a need to attract more families to the villages, particularly Rufforth, through the provision of houses of suitable size and they intended to review these matters as soon as the Local Plan was adopted with a view to including those housing allocations. He expressed the view that the neighbourhood plan was a balanced one which preserved the rural character and identity of the parish while setting out clear policies for sustainable development.

## **25. Rufforth with Knapton Neighbourhood Plan – Examiner's Report**

Members considered a report which updated them on the examination of the Plan and the Inspectors' suggested modifications to the submitted Plan.

Officers expressed their thanks to the Neighbourhood Planning Group for the work they had put into producing the plan. They advised that the examiners report had been received on 17 July. The examiner had concluded that, subject to the incorporation of modifications, the Rufforth with Knapton Neighbourhood Plan should proceed to referendum and that the neighbourhood area was entirely appropriate for the purpose of the referendum. Officers explained that the modifications related to the Greenbelt and in particular the setting of a greenbelt boundary in advance of the examination of the York Local Plan and the examiner had recommended that the neighbourhood plan continue to apply the approach to the identification of the greenbelt as set out in [RSS](#) and the current Development Control Local Plan on an interim basis until such time as the emerging plan was adopted.

The Examiner therefore recommended deleting the proposed sites for housing identified in the neighbourhood plan stating that it was not within the remit of the neighbourhood plan to allocate land within the general extent of the greenbelt and that this was properly a role for the Local Plan. The report also recognised the hard work that the group have put into producing a distinctive set of local criteria to under pin the sites development and that in the event that the adopted Local Plan included these sites, they could be incorporated at that time through a review of the neighbourhood plan.

Officers explained the requirements of neighbourhood planning legislation and confirmed that they had considered all of the recommendations and the examiners reasons for them and had set out the Council's response as part of the decision statement. They recommended that all of the examiners modifications be made and that, subject to those modifications, the Plan met the basic conditions and complied with the provisions that can be made by a neighbourhood plan.

They explained that subject to the Executive's agreement of the decision statement, the decision statement would be published, the Neighbourhood Plan would be amended accordingly and would proceed to local referendum. If the result of the referendum was in favour then it would be 'made' and would be brought back to the Local Plan Working Group and Executive in January 2019 as this was an Executive function.

Sympathy was expressed for the villages with regard to the sites which had to be taken out of the neighbourhood plan but Members agreed that the plan included a good level of detail and that the modifications put forward by the examiner were sensible enhancements. The Chair expressed his thanks to the Chair of the Neighbourhood Planning Group for the hard work of the group.

Resolved:

That the Local Plan Working Group recommend to Executive to:

- (i) agree the Examiner's modifications set out at Annex B to the Rufforth with Knapton Neighbourhood Plan and that subject to those changes the Plan meets the Basic Conditions and other legislative requirements

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

- (ii) agree that the Rufforth with Knapton Neighbourhood Plan as amended proceeds to a local referendum based on the geographic boundary of the parish of Rufforth with Knapton as recommend by the Examiner.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

- (iii) approve the Decision Statement attached at Annex B to be published on the City of York Council's website.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

## **26. Supplementary Planning Documents to support the emerging York Local Plan**

Members considered a report which provided details of supplementary planning documents (SPDs) referred to in the Local plan, and asked them to consider the SPDs to be produced and confirm which should be recommended to the Executive to be delivered as a priority.

Officers advised that the submitted Local Plan had stated an intention to produce 12 SPDs to add further detail to a number of policy areas as well as individual SPDs for each of the Strategic Sites set out in the plan and a review of 3 existing interim SPDs regarding Houses in multiple occupation, sub-division of dwellings and household extensions. They had identified those SPDs focussing on Affordable Housing and Green Infrastructure as being of the highest priority to progress. The production of these SPDs would enable a more consistent framework for planning, both for applicants and Development Management. Furthermore these topics had both previously been highlighted as key priorities in order to support the Local Plan policy position. Their recommendation for progressing two SPDs balanced their expedient production against progressing the Local Plan examination, Neighbourhood Planning and the Joint Waste and Minerals Local Plan with current resources. They advised that if Members chose a higher number of SPDs to progress, this may increase the timescale for production or require further staff resources to progress all work streams concurrently.

Officers explained that SPDs followed a statutory process set out in the Town and Country Planning Regulations in order to become adopted planning policy which included a statutory public consultation. Each SPD would be prepared in line with the regulations but until such time as the Local Plan was adopted, any prepared SPDs in accordance with the Regulations would remain as interim planning guidance. This interim guidance would be a material planning consideration, although the weight attached would be more limited than a fully adopted SPD. The intention would be to bring each draft SPD back to Local Plan Working Group and Executive prior to the consultation stage.

Discussion took place and further information was provided by officers in relation to the following issues:

- Concern regarding challenges to consideration of interim SPDs in development management decisions [Skipton Properties Ltd v Craven District Council] – Officers advised that York’s position was different to that of Craven District Council. Officers agreed to provide an update to Executive as to whether there were any subsequent cases which had cited Skipton Properties Ltd v Craven District Council
- Request that the SPD on HMOs (Houses in Multiple Occupation) be prioritised and progressed after the 2 currently put forward as priorities.
- Reasons for choosing Affordable Housing and Green Infrastructure as the 2 SPDs to prioritise – These were two of most used policy documents for planning decisions and currently interim guidance was not in line with the evidence base submitted with the Local Plan. Updating these 2 SPDs would provide clarity to the local plan policies and for applicants and Development Management. Furthermore these were areas raised by Members recently as key priorities.
- Why sustainable transport had not been considered as a priority – Officers confirmed that it was their intention to produce an SPD for sustainable transport and to update York’s Local Transport Plan at the same time so they align. It was considered that this was not considered as high a priority as the Local Transport Plan currently runs until 2030 and there are strategic transport policies within the submitted Local Plan.
- Sustainable Transport SPD in terms of the detailed design guide approved for York Central and whether this would set a precedent for the SPD and the city as a whole. Officers said that the adopted priorities in the Local Transport Plan were valid until 2030 and that the strategic transport policies in the Plan set the overall strategic framework for the provision of sustainable transport. There would always be individual applications which can come forward incrementally but that there was an overall strategic framework provided by the current LTP and submitted Local Plan.
- Process for prioritising future SPDs – officers confirmed that these would come back to the Members for agreement.
- Protection of public houses – it was previously agreed that this would be included in the list of other community facilities under Policy HW1.

Protection of public houses would therefore be included in an SPD for Health and Wellbeing

- Update on review into interim SPD for controlling the concentration of HMOs in York. Officers confirmed that a review of this interim SPD has been commenced but had halted in order to prioritise the Local Plan submission although the database continued to be updated with planning decisions. Officers had consulted with housing colleagues regarding Government changes to HMO Licensing which were due to come into force in October. Officers confirmed that they were happy for this to be considered as one of the next priorities once the impact of the changes to HMO licensing were clear.

Councillor Warters proposed, and Cllr Pavlovic seconded, a motion to prioritise the affordable housing SPD but not take forward the green infrastructure SPD in favour of progressing the review of the interim SPD for HMOs. On being put to the vote this motion fell and it was:

Resolved: That the Local Plan Working Group recommends to Executive to approve option 1, to progress interim SPDs to inform development management decisions in advance of the adoption of the York Local Plan prioritising two SPDs regarding Affordable Housing and Green Infrastructure.

Reason: So that work on interim draft Supplementary Planning Documents can be progressed prior to adoption of the York Local Plan

## **27. York Local Plan Update**

Members considered a report which provided a brief update on the progress of the Local Plan since its submission to the Planning Inspectorate in May and provided advice in relation to the housing issue raised within the letter received by the Council from the two Planning Inspectors on 24 July regarding York's objectively assessed housing need (OAHN). The report also updated them in relation to the release of new relevant population statistics.

Officers advised that the inspectors' letter was available on the Local Plan examination webpage and that a holding response had been sent in August. The letter from the Inspectors raised a number of technical clarifications and initial observations on issues relating to housing,

greenbelt and infrastructure but one of the key issues was around the calculation of housing need.

Officers briefed Members on methods used to calculate household need, using sub national household projections as a starting point estimate of housing need for local plans. Wherever possible, needs assessments should be informed by the latest information and Plans should be kept up to date.

Officers provided a verbal update to Members in relation to both the new national population projections release in May which showed a marked downward trend, both nationally and in York (detailed in the report), and the new national household projections (2016 based) released the day of the meeting by ONS which confirmed a corresponding downward trend. Officers advised the needed to undertake detailed analysis of these figures but stated that they showed that the projected number of households at 2032 was 93,200 which compared to the previous projections which projected 101,400 households. This continued the downward trend forecast in the earlier population release. It was clear, therefore, that irrespective of the issues of clarification raised by the Inspector, new evidence had been released which appeared to show a substantive change in the demographic starting point or baseline for the Plan period and that officers considered that this new evidence must be analysed and the potential implications for the submitted Plan understood.

It was noted that the Government had stated that post the release of the household projections they would consider adjusting the standard methodology in order that the aim of the Housing White Paper to boost housing delivery was met.

Given the release of new evidence and the complex position in relation to transitional arrangements and the potential changes to the standard methodology, officers believed it was important that the Inspectors consider allowing early hearing sessions on the issue of housing need so that the Council and other interested parties could engage in early discussions on these matters.

Discussion took place and further information was provided by officers in relation to the following issues:

- Objectively assessed need (OAN) – there was conflicting advice from inspectors in the East Cambridgeshire District Council and Peterborough local plan examinations on how to apply the standard

methodology to local plans currently in examination. Officers advised that they would seek advice on this matter and further dialogue with Ministry of Housing, Communities and Local Government (MHCLG) to establish how to move forward considering current examination decisions, the new datasets, including a lower demographic starting point and the government's statement re changing the methodology.

- Affordable housing need and whether this would be impacted upon by the lower household figure – officers advised that the Strategic Housing Market Assessment (SHMA) included a calculation of affordable housing need and that this was a separate calculation to that of OAN. However this would need to be reviewed in light of the new evidence released as part of the update to the objectively assessed need (OAN) to assess any potential impacts for the submitted Local Plan.
- Response to Inspectors - A large part of the response to the inspectors had already been prepared but the impact of the new figures needed to be considered before the response was finalised. Local Plan Working Group Members would be advised by email when the response had been sent.
- Concern that release of new figures would cause ongoing delays with local plan process and whether purdah period will impact on this further. Officers advised that they hoped to get to the hearings stage on housing matters prior to the purdah period.
- Although this report focused on household projections as this was the new information which had been released by Government, officers would produce a substantive technical response to the Inspectors on the other issues raised including infrastructure and greenbelt.

Resolved: That the update report be noted.

Reason: To allow officers to progress York's Local Plan through to hearing sessions to determine the OAHN.

Councillor N Ayre, Chair

[The meeting started at 5.30 pm and finished at 7.00 pm].