



Notice of a public meeting of

Local Plan Working Group

To: Councillors Ayre (Chair), K Taylor (Vice-Chair), Carr, Cuthbertson, D'Agorne, Fisher, Doughty, Hollyer, Orrell, Pearson, Perrett, Warters, Widdowson, Lomas, Myers, Smalley and Barnes

Date: Tuesday, 13 July 2021

Time: 5.30pm

Venue: Remote Meeting

AGENDA

This is not a formal meeting of this Local Plan Working Group. The Council is operating its meetings in accordance with statutory requirements relating to holding 'Covid-safe' meetings between 7 May and 19 July 2021. As a non-decision making body, Members of the Local Plan Working Group will continue to hold public informal sessions remotely during this period, if necessary, for the purpose of commenting and offering guidance on the business set out in the agenda. Members of the public may register to speak in the usual way set out below.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting of the Local Plan Working Group held on 20 April 2021.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Friday 9 July 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Huntington Neighbourhood Plan (Pages 5 - 18)

The purpose of the report is to consider the results of the Huntington Neighbourhood Plan referendum. It asks Members to recommend to Executive to formally 'make' the Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. This will allow the Neighbourhood Plan to progress in line with the relevant Neighbourhood Planning legislation and Regulations.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Louise Cook

Contact Details:

- Telephone – (01904) 551031
- E-mail – louise.cook@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City Of York Council

Committee Minutes

Meeting	Local Plan Working Group
Date	20 April 2021
Present	Councillors Ayre (Chair), K Taylor (Vice-Chair), Crawshaw, Cullwick, Cuthbertson, D'Agorne, Fisher, Douglas, Hollyer, Norman, Orrell, Pearson, Perrett, Widdowson and Rowley (Substitute for Cllr Doughty)
Apologies	Councillors Doughty, Carr and Warters

16. Declarations of Interest

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

17. Minutes

Resolved: That the minutes of the meeting held on 16 March 2021 be approved as a correct record and be signed by the Chair at a future date.

18. Public Participation

It was reported that there had been no registration to speak at the meeting under the Council's Public Participation Scheme.

19. Continuation of Temporary Amendments to the Council's Statement of Community Involvement

Members considered a report that asked them to recommend to Executive that approval be given for the continuation of temporary amendments made to the Council's Statement of Community Involvement (SCI), as shown in Annex A of the report.

The Assistant Director of Planning & Public Protection, the Development Officer, the Corporate Director of Place, the Head of Development Services and the Development Manager were

all in attendance to provide an update and answer any questions.

The Development Officer noted that a report was taken to Executive in October 2020 where Members agreed to the temporary revisions to the Council's adopted SCI, to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications. It was requested that a follow up report be brought to Members following a six month period to consider whether a further period of implementation was required.

Members noted that some of the methods could still not be implemented under the ongoing restrictions and therefore officers were proposing the continuation of the temporary suspension of some measures, where necessary, for the duration of the pandemic in order to comply with the issued guidance. Officers confirmed these changes were only temporary, until it was safe to reinstate all consultation methods, and it was also recommended that the decision on when to lift these temporary suspensions, be subject to a delegated decision to the Corporate Director of Place in consultation with the Executive Member for Economy and Strategic Planning.

Officers were thanked for their update and discussions took place regarding the recommendations noted in the report. Cllr Crawshaw then moved and Cllr Fisher seconded that the recommendations required further clarity to ensure further temporary revisions to the SCI were for a maximum of six months and that delegated authority referred only to the reinstatement of the pre-existing SCI. Following debate, a vote was taken and it was unanimously

Resolved: That Executive be recommended to:

- i) Approve, for a maximum six month period, the temporary revisions to the Council's adopted SCI (as shown in Annex A of the report) to reflect the specific requirements arising from national guidance and procedures on dealing with coronavirus implications.
- ii) Agree to delegate authority to the Corporate Director of Place in conjunction with the Executive Member for Economy and Strategic Planning to revert back

to the pre-pandemic SCI, when the current health pandemic allowed for suspended consultation methods to be lifted.

Reason: To ensure that consultation and engagement in the planning process remained effective at a time when restrictions had been placed on face to face social interactions to help combat the spread of coronavirus.

20. Strategic Flood Risk Assessment Update

Members considered a report that asked them to recommend to Executive the approval of the updated Strategic Flood Risk Assessment (SFRA) as evidence base to support decision-making and the emerging Local Plan policy and agree to submit the SFRA for consideration as part of the ongoing Local Plan Examination and for consultation purposes.

The Assistant Director of Planning & Public Protection, the Interim Forward Planning Manager, the Flood Risk Manager and the Corporate Director of Place were all in attendance to provide an update and answer any questions.

The Forward Planning Manager confirmed that the updated SFRA, as shown in Annex 1 to the report, included a flood mapping update from the Environment Agency. The updated document, following Members decision, would be submitted to the Local Plan Inspectors for consideration and would proactively refresh the Local Plan evidence base in advance of the examination hearing sessions on detailed policies.

The Flood Risk Manager highlighted the background to the report, including the technical evidence and confirmed that the document updated the policy and procedures required to effectively manage flood risk and drainage in planning applications.

In answer to questions raised, it was confirmed that the new upstream storage area on the River Foss could be included in the SFRA and the surface water hotspots listed in the SFRA were not conclusive and any new sites would be reviewed and investigated after any flooding.

The Chair thanked officers for their update and following discussion, a vote was taken and it was unanimously

Resolved: That Executive be recommended to:

- i) Accept the updated SFRA as evidence base to support decision-making and the emerging Local Plan policy.
- ii) Agree to submit the SFRA for consideration as part of the ongoing Local Plan Examination and for consultation purpose.

Reason: To ensure there was up-to-date evidence base to support flood risk policy and decision-making in relation to flood risk.

Cllr N Ayre, Chair

[The meeting started at 5.30pm and finished at 5.50pm].



Local Plan Working Group**13 July 2021**

Report of the Corporate Director of Place

Huntington Neighbourhood Plan**Summary**

1. The purpose of the report is to consider the results of the Huntington Neighbourhood Plan referendum. It asks Members to recommend to Executive to formally 'make' the Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. This will allow the Neighbourhood Plan to progress in line with the relevant Neighbourhood Planning legislation and Regulations. This paper will be considered by Members of Executive on 20 July 2021.

Recommendations

2. Members are asked to recommend that Executive:
 - i) Consider the results of the referendum and formally 'make' the Huntington Neighbourhood Plan.

Reason: To allow the Neighbourhood Plan to progress in line with the Neighbourhood Planning Regulations.
 - ii) To approve the Decision Statement attached at Annex B to be published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

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

Background

3. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a

statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended in 2015 and 2016 (“the Regulations”) and within new government guidance in relation to the Covid-19 pandemic.

4. The Huntington Neighbourhood Plan has been prepared by Huntington Parish Council with on-going engagement with the local community and City of York Council. The Plan has been through the following stages of preparation:
 - Designation as a Neighbourhood Area (28 September 2015)
 - Consultation on Pre-Submission Version (29 January to 23 March 2018)
 - Submission to City of York Council (31 July 2019)
 - Submission Consultation (7 October to 18 November 2019)
 - Regulation 17A (2) Consultation (3 December 2020 – 28 January 2021)
 - Examiner Report considered at LPWG and Executive (16 March and 18 March 2021 respectively)
 - Referendum (10 June 2021)
5. The Examiner’s Report concluded that subject to a series of recommended modifications, the Huntington Neighbourhood Plan met the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made it should proceed to referendum.
6. At Local Plan Working Group on 16 March 2021 and Executive on 18 March 2021, Members accepted the Examiner’s recommendations (excluding the ones in relation to Green Belt) and the additional modifications recommended by officers in relation to the Green Belt Policy and associated supporting text (in line with the Neighbourhood Plan Regulation 17A(2) Consultation) and agreed that the Huntington Neighbourhood Plan as so modified should proceed to referendum.
7. A referendum was held on Thursday 10 June 2021.

Referendum

8. A referendum on the Huntington Neighbourhood Plan was held on Thursday 10 June 2021 and was organised by the City of York Council. As per the Examiner's recommendations, the referendum area was the same as the Neighbourhood Area designated by the Council, which is the parish of Huntington.
9. Two polling stations were open from 7am until 10pm on Thursday 10 June 2021. One at Orchard Park Community Centre, off Kestrel Wood Way and the other at Huntington Community Centre at 26 Strensall Road in Huntington.
10. The Declaration of Results of Poll contained at Annex A to this report confirms that 1318 residents casted a valid vote in the referendum, out of a potential 7733 on the electoral roll (17.1% turnout). The results on whether to accept the Huntington Neighbourhood Plan were:-
 - YES = 1144 (86.8%)
 - NO = 174 (13.2%)
11. The Neighbourhood Planning Regulations (2012 as amended) requires that where over 50% of those voting in the Neighbourhood Plan referendum, vote in favour of the Neighbourhood Plan, then the Council is legally obliged to 'make' the plan (i.e. bring it into force as part of the Development Plan). The Council is not subject to this legal requirement if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) or there are unresolved legal challenges.
12. The Planning and Compulsory Purchase Act 2004 also provides that a Neighbourhood Plan for an area becomes part of the development plan for that area after it is approved by an applicable referendum, prior to the plan being 'made' by the Council. In the very limited circumstances where the local planning authority might decide not to 'make' the neighbourhood plan, it will cease to be part of the development plan for the area. Given that the referendum result was 86.8% in favour of the Neighbourhood Plan; the Huntington Neighbourhood Plan and the policies within it are now part of the statutory development plan for City of York.

13. The Neighbourhood Plan must be made by the Council within 8 weeks beginning with the day immediately following that on which the referendum is held (unless the Plan is incompatible with EU/HR legislation or there is an unresolved legal challenge). This date is 6 August 2021.

Consultation

14. As mentioned earlier in the report, the Huntington Neighbourhood Plan has been through several stages of consultation. These are: consultation on designation as a Neighbourhood Area (28 September 2015), consultation on Pre-Submission version (29 January to 23 March 2018), consultation on a Submission version (7 October to 18 November 2019), Regulation 17A (2) Consultation (3 December 2020 – 28 January 2021) and the Referendum (10 June 2021).
15. A Consultation Statement accompanied the submission version of the Neighbourhood Plan and sets out the consultation undertaken. All the consultation undertaken by City of York Council has been carried out in accordance with the Council's Statement of Community Involvement.

Options

16. Members are asked to advise Executive to formally 'make' the Huntington Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. The Council is legally obliged to make the plan because it meets the legal requirements for making a plan.

Analysis

17. This report presents to Members the outcome of the Huntington Neighbourhood Plan referendum. At 86.8% in favour of using the Neighbourhood Plan to help determine planning applications in the defined neighbourhood area, this endorsement is demonstrably higher than the required threshold of more than half of those voting. A positive majority at the referendum means that the Council is now obliged to "make" the plan and bring it into full legal force as part of the Development Plan for York.
18. The Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements and this is supported in the Examiner's Report. It is advised that the plan be made by the Council given the positive vote in support of the neighbourhood plan and

nothing has changed since the earlier consideration of the Examiner's report and modifications which would suggest that the Plan would breach, or be incompatible with any EU obligation or any of the Convention of Rights. Nor is there any unresolved legal challenge in respect of the Plan. There are no reasons why the Council should not proceed to 'make' the Neighbourhood Plan in accordance with the outcome of the referendum.

Next Steps

19. Once the plan is 'made', it will achieve its full legal status. It forms part of the statutory development plan for the area and will sit alongside the Local Plan (once adopted). The Neighbourhood Plan contains a series of policies that will be used when determining planning applications that are located within the defined Neighbourhood Area. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Council Plan

20. The Council Plan for 2019-2023 identifies eight priorities, seven of which are relevant to this work and include:
 - good health and wellbeing;
 - a well-paid and an inclusive economy;
 - getting around sustainably;
 - a greener and cleaner city;
 - creating homes and world-class infrastructure;
 - safe communities and culture for all; and
 - an open and effective council.

Implications

21. The following implications have been assessed:
 - **Financial** – The examination and referendum has been funded by City of York Council. However the Council has applied for and received a government grant of £20,000 towards the costs of the Councils involvement in preparing the Plan (including the costs of the Examination and referendum).
 - **Human Resources (HR)** – There are no HR implications
 - **One Planet Council / Equalities** – There are no equality implications

- **Legal** - The legal implications are set out within the body of this report.
- **Crime and Disorder**– There are no crime and disorder implications
- **Information Technology (IT)** – There are no financial implications
- **Property** – There are no property implications
- **Other** – None

Risk Management

22. In compliance with the Council's risk management strategy, the main risks associated with the Huntington Neighbourhood Plan are as follows:

- The decision whether or not to 'make' the Neighbourhood Plan is, like all decisions of a public authority, open to challenge by judicial review. The risk of any such legal challenge being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.

Contact Details

Author:

Anna Pawson
Development Officer
Strategic Planning

(01904) 553312

Alison Cooke
Head of Strategic
Planning Policy

Chief Officer Responsible for the report:

Mike Slater
Interim Assistant Director – Place Directorate
Tel: (01904) 551300

Report Approved **Date:** 1.07.2021

Specialist Implications Officer(s):

Patrick Looker, Finance Manager
Sandra Branigan, Senior Solicitor, Planning

Wards Affected: Huntington & New Earswick

For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A: Declaration of Result of Poll
Annex B: Regulation 19 Decision Statement

List of Abbreviations Used in this Report:

EU	European Union
HR	Human Rights
SEA	Strategic Environmental Assessment
HRA	Habitat Regulation Assessment
NP	Neighbourhood Plan

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DECLARATION OF RESULT OF POLL

Referendum on the Huntington Neighbourhood Plan Area

On 10 June 2021

I, Rachel Antonelli, being the Deputy Counting Officer at the Huntington Neighbourhood Plan Area referendum, do hereby give notice of the number of votes recorded for each answer to the question:

Question:		
Do you want the City of York Council to use the Neighbourhood Plan for Huntington to help it decide planning applications in the neighbourhood area?		
	Votes Recorded	Percentage
Number cast in favour of a YES	1144	86.8%
Number cast in favour of a NO	174	13.2%

The number of ballot papers rejected as follows:	Number of ballot papers
A Want of an Official Mark	0
B Voting for more answers than required	1
C Writing or mark by which voter could be identified	0
D Being unmarked or wholly void for uncertainty	3
TOTAL	4

Electorate: 7733

Ballot Papers Issued: 1322

Turnout : 17.1%

Dated: 10 June 2021

Rachel Antonelli
Deputy Counting Officer

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Huntington Neighbourhood Plan

Final Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Summary

Following a positive referendum result on the 10th June 2021, City of York Council is publicising its decision made on 20th July 2021 by the Executive to 'make' the Huntington Neighbourhood Plan part of the City of York Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

Huntington Parish Council, as the qualifying body, successfully applied for the Parish of Huntington to be designated as the Huntington Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012). Following the submission of the Huntington Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 18th November 2019.

3. Decision and Reasoning

City of York Council appointed an independent Examiner; Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

The Examiner's Report concluded that subject to a series of recommended modifications, the Huntington Neighbourhood Plan met the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made it should proceed to referendum.

At Local Plan Working Group on 16th March 2021 and Executive on 18th March 2021, Members accepted the Examiner's recommendations (excluding the ones in relation to Green Belt) and the additional modifications recommended by officers in relation to the Green Belt Policy and associated supporting text (in line with the Neighbourhood Plan Regulation 17A(2) Consultation) and agreed that the Huntington Neighbourhood Plan as so modified should proceed to referendum.

A referendum on the modified plan was held on Thursday 10th June 2021 and 86.8% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. City of York Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The referendum held on 10th June 2021 met the requirements of the Localism Act 2011; it was held in the Huntington Neighbourhood Area and posed the question:

Do you want City of York Council to use the Neighbourhood Plan for Huntington to help it decide planning applications in the neighbourhood area?

The count took place on the 10th June 2021 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

The results of the referendum were:

Response	Votes recorded (percentage)
Yes	86.8%
No	13.2%
Turnout	17.1%

The Council considers that the Huntington Neighbourhood Plan meets the basic conditions (set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as amended), its promotion process was compliant with legal and procedural requirements and it does not breach the legislation (set out in Section 38A(6) of the Planning and Compulsory Purchase Act 2004).

4. Inspection of Decision Statement and made Neighbourhood Plan

This decision statement can be viewed on the City of York Council website [Huntington Neighbourhood Plan – City of York Council](#)

The decision statement can also be viewed on the Huntington Parish Council Neighbourhood Plan website [Huntington Parish Council \(North Yorkshire\) - Neighbourhood Plan](#)

In accordance with Regulation 20 of the Regulations, the made Huntington Neighbourhood Plan can be viewed on the Council's website [Huntington Neighbourhood Plan – City of York Council](#)

The Neighbourhood Plan can also be viewed on the Huntington Neighbourhood Plan website: [Huntington Parish Council \(North Yorkshire\) - Neighbourhood Plan](#)

A copy of this decision statement is being sent to:-

- The qualifying body, namely Huntington Parish Council; and
- To any person who asked to be notified of the decision.

Paper copies of this statement and the made Neighbourhood Plan can also be viewed at:

York Libraries

If open at the time of the Neighbourhood Plan Adoption (post 20th July 2021) five hard copies are available in both York Explore Library and Huntington Library. These copies will be subject to a 72 hour quarantine period after use to be in line with covid protocols.

The Neighbourhood Plan Adopted Version and this Decision Statement will also be available to view online via computer access at Explore Libraries, if open at Adoption (post 20th July 2021). Computer access will be in line with the library opening hours and the protocols in place for Covid 19, such as booking computer access by appointment only. For further information on computer access, please see: <https://www.exploreyork.org.uk/libraries/>

Current opening times are as follows:

York Explore Library, Library Square, York, YO1 7DS

(Monday 9am-8pm, Tuesday 9am-8pm, Wednesday 9am-8pm, Thursday 9am-8pm, Friday 10am-6pm, Saturday 9am-5pm, Sunday 11am-4pm)

Huntington Library, Garth Road, Huntington, York, YO32 9QJ

(Monday: 9.30am – 12 noon and 2pm – 5pm, Tuesday: 9.30am – 12 noon and 2pm – 5pm, Wednesday: Closed, Thursday: 9.30am – 12 noon and 2pm – 5pm, Friday: 9.30am – 12 noon and 2pm – 5pm, Saturday: 9.30am – 12.30pm)

City of York Council Offices, West Office's Station Rise, York, YO1 6GA

Hard copies of the Neighbourhood Plan Adopted Version and this Decision Statement will be made available, after adoption (post 20th July), at West Offices, if open and will be available to view by appointment only. Should you wish to arrange an appointment, you should contact the Forward Planning team directly on (01904 552255). Access to the documents will be in line the protocols in place for Covid 19, such as quarantine of documents after use.

If public buildings are not open after adoption (post 20th July 2021) or you do not have internet access, you should telephone 01904 552255 to discuss and/or arrange a viewing, including where appropriate access to hard copies subject to prevailing Covid 19 measures and public health advice. Officers will only seek to provide hard copies on request for those who have no other means of access.

For further information please contact the Neighbourhood Planning team on neighbourhoodplanning@york.gov.uk or 01904 552255.

Neil Ferris
Corporate Director Place

20th July 2021