

Meeting	Local Plan Working Group
Date	2 May 2018
Present	Councillors Ayre (Chair), Aspden, N Barnes, Brooks, D'Agorne, Derbyshire, Gates, Lisle, Orrell, Reid, Steward, Warters, Williams and Pavlovic (as a substitute for Cllr Looker)
Apologies	Councillor Looker
In Attendance	Councillor Carr

18. 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.

19. Minutes

Resolved: That the minutes of the meeting held on 23 January 2018 be approved as a correct record and then signed by the Chair.

20. Public Participation

It was reported that there had been two registrations to speak on item 4 (City of York Local Plan Submission) under the Council's Public Participation Scheme.

Cllr David Carr read out a statement on behalf of Cllr Suzie Mercer, Ward Councillor for Wheldrake Ward, who was not able to attend the meeting. In her statement she expressed her dismay at the draft local plan which she didn't believe reflected the submissions made by residents over several consultations and should therefore not be described as a local plan. She expressed concern that despite many suggestions from residents and developers, very few modifications had been

made and many questions had gone unanswered and the concerns of residents and developers had gone unheeded for many of the larger sites around York. She referred specifically to concerns around sites ST15 (known as Whinthorpe or Langwith) and site SP1 The Stables, Elvington (the showpersons site) in Wheldrake Ward.

Mr Nick Love then addressed the Committee on behalf of CAMRA (Campaign for Real Ale). He stated that given the importance of York's pubs and their profile in the local economy, he was shocked at the absence of reference to pubs in the local plan. He stated that, in the past, the Executive had passed a resolution for the formation of pub friendly planning law in the local plan and expressed dismay that this seemed to have been ignored and the draft local plan did not reflect importance of public houses to people in York. He requested that public houses be added to the list of other community facilities to be protected, listed on page 122 of the report.

21. City of York Local Plan - Submission

Members considered a report which set out the responses received to the Publication Draft Local Plan Consultation (Regulation 19) and asked them to recommend that Full Council approval of the Submission Draft (the Publication Draft) together with representations received thereon for submission for Examination.

The Forward Planning Team Manager provided an update to Members. She advised that recommendation (ii) in paragraph 2 of the report be amended to include reference to the Schedule of minor modifications as attached as Annex G so that it read:

*Recommend to Full Council that the Submission Draft Local Plan (Publication Draft) as attached at Annex A to this report, the Policies Map as attached at Annex B to this report **and the Schedule of minor modifications as attached as Annex G** to this report be approved for submission to the Secretary of State for examination.*

She also advised that paragraph 71 of the report should be amended to replace the reference to Annex D with Annex G and to remove the reference to Option 1 so that it read:

*“If it is considered that, having taken into consideration the representations made, the appropriate option is to approve the Submission Version of the Local Plan (Annex A), the Policies Map (Annex B) and the Schedule of minor modifications (**Annex G**) and allow it to be submitted for examination **as per recommendation (ii)**, this would allow the Council to meet the required published timetable for submission by 31 May 2018.”*

The Assistant Director for Planning and Public Protection advised Members that the only decision for Executive on 8 May and Full Council on 17 May was whether to submit the local plan for examination. He confirmed that officers' recommendation was that the plan was ready for submission. He warned that if a decision was made, by Executive or Council, not to submit the local plan but to revise it, then this would lead to the need for further consultation and months of delay and there was a likelihood that this would lead to government intervention. He drew Members attention to paragraphs 30-43 of the report which listed the important reasons and benefits to York of having an up to date local plan.

In response to Member questions, officers provided the following information:

- although the main report only included a short summary of consultation responses, Annex C contained more detail with a summary for each of the policy areas.
- If the plan was submitted for examination, a full copy of all representations would be included and made available online.
- Many comments made at Reg 19 stage were very similar to those made at Reg 18 stage.
- The local plan was a strategic document. Supplementary Planning Documents which looked at issues such as transport and air quality were not prepared at this stage. They would add further details to strategic policies and follow on from plan production.
- Modifications had been made to the plan throughout the representation process and officers believed that the plan was in the best possible position it could be in at this stage, and was ready for submission for examination. The public enquiry process may make amendments if

considered necessary by the Inspector in order to make the Plan 'sound'. Soundness was set out in paragraph 15 of the report.

- In response to discussion *regarding the clear instruction from Executive to include public houses*¹ in a 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. If this was classed as a material change, it would not be possible at this stage but could be looked at during the examination process.
- With regard to recommendation (v) which delegated authorisation to officers to agree further or revised responses or proposed changes during the examination process, it was noted that decisions on any material changes would be taken back by officers to the body which delegated authority to them, i.e. Executive. Although the Local Plan Working Group was not a statutory body, it was envisaged that some changes would come back to the Group for consideration. Any decisions taken by officers on changes to be made would be published online and were subject to call in by scrutiny. Members asked that clarity on this process be provided.

It was moved and seconded that the recommendations in the report be approved subject to recommendation (ii) being amended to include reference to the Schedule of minor modifications as attached as Annex G and that officers be asked to provide clarification to the Executive on whether it was possible to add public houses to the list of other community facilities in policy HW1 and the process around publication of decisions made by officers in relation to recommendation (v).

During debate, the following concerns were raised in relation to the local plan being submitted for examination:

- The plan was not in the interests of the people of York – it ignored whole sections of the consultation responses and failed to tackle York's housing crisis and was not a sound plan on that basis.

- The previous plan included new community infrastructure however this plan has scaled back development and the community infrastructure has been lost
- Employment opportunities in York Central had been scaled back in order to fit in additional housing which was of the wrong sort
- The Plan did not meet the needs of most vulnerable residents of city.
- The inner boundary of the Green Belt would stifle growth of city. Viable sustainable green sites could have been exploited to ensure city growth.
- There were some areas which could be compromised on without going back to the drawing board.
- Members should not be distracted by threat of government intervention.

The following comments were made in support of the recommendations set out in the report to submit the plan for examination.

- It was a sound plan in its current form which would see York move forward to provide housing, employment and recreation opportunities for its residents. Officers had advised that they believed the plan was as sound as possible at this stage in the process and ready for submission for examination.
- Brownfield First would be delivered. It provided the opportunity for the city to have an uplift of housing and also to protect its greenbelt.
- The plan delivered a high percentage of affordable housing
- No significant changes could be made to the plan at this stage as this could lead to a minimum of 2-3 months delay, and likely government intervention.
- It was unfair to say that the plan was developer lead – it had been made as easy as possible for the public to engage in the process. It was a local plan supported by local residents
- Huge compromises had been made on all sides to get to this point in the process. Officers should be praised for the

time they had put into preparing the plan and thanks should be given to all those people whose passion had got the plan to this stage.

After a full and thorough debate it was,

Resolved:

- (a) That officers be asked to investigate and provide clarification to the Executive with regard to:
 - (i) whether it was possible to add public houses to the list of other community facilities at this stage in the local plan process.
 - (ii) the process for publishing decisions made by officers in relation to agreeing any further or revised responses or proposed changes during the examination process, as per recommendation (b) (v) below.

(b) That the Local Plan Working Group recommends to Executive to:

- (i) Consider the representations received on the Publication Draft Local Plan (Regulation 19)

Reason: to consider whether to recommend to Full Council to progress to submission of the Plan for examination.

- (ii) Recommend to Full Council that the Submission Draft Local Plan (Publication Draft) as attached at Annex A to this report, the Policies Map as attached at Annex B to this report *and the Schedule of minor modifications as attached as Annex G to this report* be approved for submission to the Secretary of State for examination.

Reason: So that an NPPF compliant Local Plan can be progressed in accordance with the Council's Local Development Scheme.

- (iii) Following decisions on the matters referred to in (i) and (ii) above, authority be delegated to the Corporate Director of Economy and Place in consultation with the Leader and Executive Member for Economic Development and Community Engagement to make non-substantive editorial changes to the Submission Draft and other supporting documents proposed to be submitted alongside the plan.

Reason: So that an NPPF compliant Local Plan can be progressed

- (iv) The Corporate Director of Economy and Place be authorised to ask the examining Inspector to recommend modifications where necessary under Section 20(7C)¹ of the Planning and Compulsory Purchase Act 2004.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (v) The Corporate Director of Economy and Place in consultation with the Leader and the Executive Member for Economic Development and Community Engagement be authorised to agree any further or revised responses or proposed changes during the examination process, prior to consultation and a final decision on adoption.

Reason: So that an NPPF compliant Local Plan can be progressed.

¹ *Amended at meeting on 20 September 2018*

¹ (7C)If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—
(a) satisfies the requirements mentioned in subsection (5)(a), and
(b) is sound.”

Councillor N Ayre, Chair

[The meeting started at 6.00 pm and finished at 7.50 pm].