
Meeting	Local Plan Working Group
Date	19 October 2015
Present	Councillors Ayre (Chair), N Barnes, S Barnes (Substitute), Carr (Substitute), Cullwick (Substitute), D'Agorne, Levene, Lisle, Mercer, Orrell, Steward (Vice-Chair), Warters and Williams
Apologies	Councillors Rawlings, Reid and Shepherd

6. **Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or any disclosable pecuniary interests they may have in the business on the agenda.

Councillor Warters declared a personal and prejudicial interest in agenda item 5 as he held shares in the North Yorkshire Moors Potash Mine (Sirius Minerals) and having taken advice from the Monitoring Officer, felt he should withdraw from that item.

Councillors Steward and Mercer declared a personal interest in Agenda Item 5 as they also held shares in Sirius Minerals.

Councillor Cullwick also declared a personal interest in Agenda Item 5 as his wife held shares in Sirius Minerals.

Councillor D'Agorne declared a personal interest in Agenda Item 5 as he had attended Frack Free meetings in his capacity as a Councillor with local residents.

7. **Minutes**

Resolved: That the minutes of the last meeting held on 29th September 2015 be approved and signed by the Chair as a correct record.

8. Public Participation

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

There had been one registration to speak on Agenda Item 5, Minerals and Waste Joint Plan – Preferred Options.

Colin Valentine spoke on behalf of Rufforth Parish Council to register an objection to the proposal to "safeguard" Harewood Whin in the Mineral & Waste Joint Plan. He referred to the recent Planning Application by Yorwaste for an integrated facility for a Landfill, Waste Transfer Station & 3 Recycling Buildings at Harewood Whin. This had subsequently been withdrawn but Yorwaste were still hoping to open a waste transfer site at Harewood Whin. He suggested that a suitable site for this would be on the direct route to new Allerton Park facility i.e. somewhere along the A59 which would produce a saving of around 20% on Carbon Footprint, due to a reduction in travel for the Trucks, staff, and fuel on every journey for the next 20 plus years. He also raised concerns about the possibility of ash from incinerators being processed at Harewood Whin and the impact of extra heavy vehicles on the B1224. He also reminded Members of the conditions attached to the original planning application requiring the site to be restored to agriculture once the landfill ceased.

9. Protecting Public Houses

Members considered a report which provided a response to the motion passed by Full Council on 11th December 2014 in relation to protecting public houses. The purpose of the report was to provide Members with background information in relation to the options available to the council to potentially afford greater protection to public houses including Article 4 Directions and the Assets of Community Value register.

Officers presented the report and advised that it outlined the technical approaches for affording greater protection to public houses against the resource implications. Members' attention was drawn to the recommendation which suggested that Members chose Option 3 and no further work be undertaken. Officers had made this recommendation because based on the information available to them, it was considered that there was

not an immediate threat to the loss of public houses from change of use. A case by case approach through either the Assets of Community Value register or immediate Article 4 Directions was felt to be the best approach.

Members queried whether there had been any change of use applications from pub to residential refused. Officers advised that to their knowledge none had been refused, but confirmed that officers are able to protect pubs in these cases through national and local policy. It was questioned when planning permission is required for change of use, Officers advised that only for change of use from pub to residential, and that changes of use to restaurant/cafe, a shop or supermarket and officers for financial and professional services such as estate agents and building society permission was not required as this falls under permitted development rights.

Members queried whether last minute Article 4 Directions are less robust than having a city wide Article 4 Direction. Officers confirmed that a city wide direction had been explored fully and could not be limited to traditional, community pubs as a result of the way public houses are classified by the use class order. As such, a city wide direction would have to cover all drinking establishments, including modern bars. Officers advised that the evidence suggested the removal of permitted development rights for all drinking establishments at a city wide level this wouldn't be practical or necessary in York.

It was queried whether being nominated as an asset of community value gave pubs protection from demolition as well as change of use. Officers confirmed that pubs are protected from demolition when recognised as an asset of community value.

Members made the following comments:

- In respect of The Fossway Public House in Table One, whilst change of use from residential had been granted through planning permission this has not been implemented. The building is in use as a charity food bank so remains a community asset.
- Whilst the report was very detailed, the point of view of communities is an issue and the recommendation to not progress any work is not the right approach.
- The Council should be at the very least, undertaking initiatives to publicise the process for how to list pubs as

assets of community value. This was considered to be a relatively small cost as set out in the report and option 1 would allow the funding required to be looked at through the budgetary process.

- Some Members supported the making of a city wide Article 4 Direction and asked officers what level of evidence would be required to support this. Officers reiterated that a city wide direction had been explored to its fullest but was not considered practical or necessary.
- Members felt that by not proceeding with any further work on the issue, the motion passed at Council in December 2014 was not being progressed as required by Members at that time and despite a change in administration, Members still wished to see further exploration.

Councillor Steward spoke to advise that the Executive would be willing to look at the matter further, exploring further options and would be having talks with interested stakeholders prior to the Executive Meeting on the 29th October. This would include a financial commitment for further work.

Following further discussion, it was agreed:

Resolved: That Local Plan Working Group Members advised the Executive that:

The Working Group does not support Option 3 but supports Options 1 and 2 as a minimum and is happy to refer the matter to Executive for further exploration, subject to the comments made above.

Reason: To enable Executive to further consider the options open to the Council in relation to affording greater protection to public houses.

10. Minerals and Waste Joint Plan - Preferred Options

Members considered a report which updated them on the progress of the Minerals and Waste Joint Plan that City of York Council is producing with North Yorkshire County Council and the North York Moors National Park Authority and to ask Members to approve the attached Preferred Options documents for public consultation.

Officers provided a number of updates to the committee report as follows:

- The Council's Corporate Management Team had commented on the report and amended paragraph 18 to clarify the context of National Planning Policy in relation to 'fracking' and to set out the further stages of consultation that will take place during the production of the Minerals and Waste Joint Plan.
- Fracking remained the most controversial aspect of the plan
- The Shale Community Engagement Charter 2013 states that the Industry had committed to a financial package for communities who host shale gas development which had been welcomed by the Government.
- A Government Guidance Note on fracking issued in December 2012 announced support to encourage investment in the onshore gas industry including tax incentives.
- In response to the comments made by Mr Valentine on Harewood Whin, as the plan is being consulted upon there will be an opportunity for people to put forward their points fully and they will be incorporated into next draft document.

Officers outlined the key aspects of the report and advised that the document was the result of 2 years work and 3 previous rounds of consultation. The current stage attached at Annex A is the preferred options stage which Members are being asked to approve for public consultation.

Members made a number of points as follows:

- A number of points were made about fracking, in particular that local policy is restrained by national policy. Members also referred to the motion passed by Full Council in

December 2014, the spirit of which was to limit fracking in the York area.

- In relation to policies M16, M17, M18 and D9 – it would be preferable to have some reference to the safe decommissioning and sealing of wells after they have stopped being used in order to help prevent water supply contamination.
- A member queried whether it was feasible (not contrary to Government policy) to make reference to nature conservation sites (Sites of Special Scientific Interest and Special Protection Areas) in policy M16 (shale gas) or at least make stronger linkages with other biodiversity policies in the Plan (DO7). Officers stated that they would discuss this with NYCC and NYMP and would report any amendments to Executive.
- In reference to the public speaker from Rufforth Parish Council a Member queried whether if further alternative sites were put forward through the preferred options consultation would it require a further sites consultation. Officers confirmed that to date no suitable alternative sites had been submitted for the potential Waste Transfer Station at Harewood Whin. However if further sites were put forward through consultation then these would need to be explored and that this could impact on the overall timetable.
- A member raised a concern regarding the adequacy of building aggregates in the Joint Plan in relation to the quantum of development emerging from the Local Plan. Officers confirmed that the aggregates industry had been involved by providing figures for the evidence base which supports the Joint Plan but given the current position of the Local Plan, it is difficult to include exact development figures.
- A member also asked that there be reference to potential hazardous waste water as a result of shale gas production.

Resolved: That Members recommended Option ii) that Executive approve the Preferred Options document (Annexes A-D) subject to the following amendments:

- The addition of a clear reference to ensure that decommissioned wells are made safe to ensure long term safety.

- Make reference to nature conservation sites in policy M16, if feasible.
- Explore additional wording and/or linkage between policy M16 and waste water within the document.

Reason: So that the Minerals and Waste Joint plan can be progressed.

Cllr N Ayre Chair
[The Meeting Started At 5.30 pm And Finished At 6.45 pm].