
Meeting	Local Plan Working Group
Date	27 February 2019
Present	Councillors Ayre (Chair), Steward (Vice-Chair), Aspden, N Barnes, Brooks, Cuthbertson, Gates, Lisle, Looker, Reid, Warters, Williams, Pavlovic (Substitute for Cllr K Taylor) and D Taylor (Substitute for Cllr D'Agorne)
Apologies	Councillors D'Agorne and K Taylor

33. 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.

Councillor Cuthbertson declared a personal interest in item 4 (minute item 36) Earswick Neighbourhood Plan Examiner's Report, in that he was a resident of Earswick.

34. Minutes

Resolved: That the minutes of the meeting held on 18 December 2018 be approved as a correct record and then signed by the Chair.

35. Public Participation

It was reported that there had been three registrations to speak under the Council's Public Participation Scheme.

Tony Fisher, representing Strensall with Towthorpe Parish Council, spoke on the removal of sites in Strensall from the Local Plan. He stated that this would have serious consequences for the parish, particularly given the significance of the Barracks closing and what would happen to the sites upon their closure. He also explained that the Neighbourhood

Plan for the parish was being prepared and was based on the scenario that those sites were allocated for housing.

Councillor Doughty, Ward Member, spoke on the removal of site allocations including Strensall Barracks from the Local Plan. He stated that the common was well used by residents and that the vast majority used the area in a respectful way. He suggested that removal of the sites would not compromise the viability of the Local Plan but that there were some real and serious questions about the future of the site. He finally stated that the MOD would be challenging the findings.

Richard Clark, a resident, spoke on the lack of affordable housing in the City. He stated that the figure of 790 was a significantly lower level of provision than the previous government figure. He went on to state that the level in house price inflation in the City was the highest in Yorkshire and Humberside, and the affordability ratio was now the worst in the North of England. He expressed his concern as to the impact this would have on residents. He finally stated that the Council should record that it was knowingly reducing the amount of affordable homes within the City.

36. Earswick Neighbourhood Plan Examiner's Report

Members considered a report that highlighted the Earswick Neighbourhood Plan Examiner's Report and a Decision Statement which included the Council's proposed response to the Examiner's recommended modifications.

Officers gave an update and confirmed that the Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas and that the Council had a statutory duty to assist communities in the preparation of Neighbourhood Plans including the process of Examination and Referendum.

Members noted that the Earswick Neighbourhood Plan had been prepared by Earswick Parish Council with on-going engagement with the local community and City of York Council. It had been through various stages of preparation where the Examiners Report concluded that subject to a series of recommended modifications the Neighbourhood Plan met all the necessary legal requirements and should proceed to referendum.

In answer to Members questions officers confirmed that recommended modifications could only be refused in certain circumstances – as listed at paragraph 18 (p. 9) of the report.

Members thanked all of those involved with the neighbourhood plan.

Resolved: To recommend that Executive:

- i) Agree the Examiner's modifications set out at Annex B of the report to the Earswick 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 Earswick Neighbourhood Plan as amended proceeds to a local referendum based on the geographic boundary of the parish of Earswick as recommend by the Examiner.

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

- iii) To 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.

37. York Local Plan Update

Members considered a report that updated them on the Local Plan examination including additional technical evidence regarding the Objective Assessment of Housing Need (OAN) which was submitted to the Planning Inspectorate (PINS) on 29 January 2019 following approval by the Corporate Director of

Economy and Place in consultation with relevant Members in accordance with the delegated authority from Council.

The report also updated Members on the further work undertaken in relation to the Habitat Regulation Assessment (HRA) and the implications for the submitted Plan, including a proposed modification schedule (Annex G) with a main modification to remove site allocations ST35 and H59 in accordance with the conclusions of the HRA. The Local Plan Working Group were asked to recommend to Executive that the modifications schedule be accepted to be in compliance with the HRA and the modification be submitted to the Planning Inspectors for consideration. This specific decision was considered to be outside the scope of the existing delegation already provided to the Corporate Director of Economy and Place in consultation with the relevant Members

Members noted that the Local Plan was submitted for examination on 25 May 2018 and the two inspectors appointed by the Council had written to the Council on 24 July 2018 setting out their initial observations in relation to the Plan. Key issues raised were in relation to OAN, green belt and infrastructure delivery to which the Council responded in November 2018. The Council is currently awaiting a response from the Inspectors in relation to their latest letter of 29 January 2019.

The Corporate Director of Economy and Place and Forward Planning Team Manager attended the meeting to present the report, along with Paul McColgan from GL Hearn, who was present to answer technical questions on the revised Housing Needs Assessment and Bernie Fleming from Waterman Infrastructure and Environment Ltd to answer technical questions on HRA.

In answer to Members questions Officers confirmed:

- The mitigation put forward in relation to Strensall Common in the submitted Local Plan were not considered adequate following the outcomes of the Visitor Survey at Strensall Common (SAC). Removing the suggested sites would ensure the plan remained compliant with the Habitat Regulations;
- The proposed modification could be subject to a consultation period, but this is subject to confirmation by the Planning Inspectors on whether they consider a

consultation necessary based upon the additional information submitted;

- Removal of the sites (ST35: Queen Elizabeth Barracks and H59: Howard Road, Strensall) at this point would not preclude future use of the sites and applications via the normal planning route. Applications would still need to demonstrate that there would be no adverse effects on the integrity of Strensall Common;
- Delay to the plan to consider MOD sites had been around 12 months. However, if they had not been given full consideration, it was unlikely the Plan would have considered sound as the process requires demonstration that all reasonable alternatives have been considered;
- Natural England was a statutory consultee and has advised on the HRA process and outcomes of the Visitor Surveys.
- The HRA was a legal part of the process in preparing the Local Plan. As the Competent Authority the Council had to remove the sites from the plan in order for it to remain sound and legally compliant;
- In relation to HRA, it was not for the Council to show there would be harm to the SAC, it was for developers to show that any harm could be effectively mitigated. The outcome of the HRA is determined on the contents of the plan and if adverse impacts could not be ruled out using the precautionary principle, the plan could not be legally compliant and would be open to challenge;
- If a developer could prove there was no adverse effects on the integrity of Strensall Common and got planning consent in future, this would be considered a windfall site; and
- The OAN was only for noting, full Council had approved submission of the Local Plan and delegated authority to the Director of Economy and Place in consultation with the Leader and Executive Member for Economy and Community Engagement for further or revised responses or proposed changes during the examination process, prior to consultation and a final decision on adoption;
- GL Hearn were given a brief to consider the household projections from September 2018, applying the 2012 NPPF and transitional methodology and to update the OAN accordingly;
- The 15% market signals uplift previously recommended by GL Hearn was largely redundant due to the 44%

economic growth figure included in the revised Housing Needs Assessment;

- While they had not looked into causation, GL Hearne did acknowledge that there were significant affordability issues in York that needed addressing;
- Dates of hearing sessions were a matter for the Planning Inspector to determine.
- That any proposals to withdraw and reconsider the current submitted plan would as of the 24th January 2019 mean that any alternative / revised proposals would not be considered under the transitional methodology.

The Chair thanked officers for their update.

Members then debated the recommendations in front of them. Several Members highlighted what they felt were ongoing concerns over a lack of affordable housing and the impact this plan would have on the housing crisis in York. They felt there was no way that the housing allocations within the plan could address the issues that many residents in the City were facing in relation to affordable housing. Conversely, some Members stated that they were confident the numbers in the plan were sound and highlighted the view that consideration had to be given to the special character of the City. They also stated that the Council had restrictions placed on it by national policy and that removing the suggested sites was the only way to ensure this was a sound, and legally compliant, plan. It was important to get to Public Enquiry as soon as possible in order to move forward with housing delivery.

It was then

Resolved: That Executive be recommended to:

- i) Note the additional OAN evidence already submitted to PINS following approval by the Corporate Director of Economy and Place in consultation with the relevant Members under delegated powers.

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

- ii) Approve the modification schedule attached at Annex G to the report for submission to PINS for examination.

Reason: So that York's Local Plan can progress through examination.

Cllr Ayre, Chair

[The meeting started at 5.30 pm and finished at 7.30 pm].

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