

North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday, 6th February, 2024 commencing at 11.00 am.

Councillor Carl Les in the Chair plus Councillors Gareth Dadd, Derek Bastiman, Michael Harrison, Simon Myers, Janet Sanderson, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

In attendance: Councillors Arnold Warneken, John McCartney, George Jabbour, Subash Sharma, Melanie Davis, Yvonne Peacock, Caroline Dickinson, Paul Haslam and Steve Shaw-Wright.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Daniel Harry, Nic Harne, Anton Hodge, Trudy Forster, Will Baines and Natasha Durham.

Apologies: Richard Webb.

Copies of all documents considered are in the Minute Book

388 Apologies for Absence

Apologies for absence were received from Richard Webb

389 Minutes of the Meeting held on 23 January 2024

Resolved –

That the public Minutes of the meeting held on 23 January 2024, having been printed and circulated, be taken as read and confirmed by the Chair as a correct record.

390 Declarations of Interest

Councillor Gareth Dadd declared a personal non-prejudicial interest in regard to Agenda item 5 – Revenue Budget for 2024/25 and Medium Term Financial Strategy to 2026/27, as the owner of a small number of holiday lets. He confirmed the Standards Committee had given a dispensation for this, enabling him to participate in, and vote at the meeting.

391 Public Participation

A total of eight public questions and statements had been received.

There were two public questions and statements submitted relating to Agenda Item 6 – Selby District Local Plan – Revised Regulation 19 draft plan for public consultation, which the Chair agreed to consider as part of that agenda item.

There were five public questions and statements submitted relating to Agenda Item 7 –

Malkiln New Settlement – Submission of the New Settlement DPD, which the Chair agreed to consider as part of that agenda item.

A further public submission received from Mr Roger Tuckett was taken under this item:

'My supposition really is that the consultation process for the All-Ages Autism Strategy is faulty, because it's liable to be a process of group-think rather than true engagement. Overall, it will fail to deliver the outcome and outputs. It has been carried out with zeal and enthusiasm by officers, but my conclusion is that it is not fit for purpose. There are perhaps four main reasons for this: first of all, it needs to be preceded by a comprehensively updated needs assessment for autism, but the Council's last needs assessment for autism was dated back in 2013, some 11 years ago. Secondly, there is a need for a successful co-production to engage not only with those who are autistic but also those experts within the autistic community and unfortunately this hasn't really happened, opportunities have been missed. I've suggested the idea of focus groups to help do this. Third, there is a complete absence of third sector services for adult autism in North Yorkshire, and I believe that needs to be addressed and unlike other parts of the country where it does exist, that it be put in place. Finally, there is a cultural separation between health and social care across the country, but certainly here in North Yorkshire, and efforts need to be made to bridge that gap between the Health and Wellbeing Board and the ICB, from local authorities and the NHS and above all, leadership is required.

YaaaG the organisation is ready to engage with such leadership to find solutions.

Key messages are that:

- Health (NHS) and Social Care (Local Authority) thinking must be combined.*
- New strategies must be preceded by thorough evaluation of existing services and unmet need.*
- True co-production with lived experience is essential, combined with proactive steps to understand hard-to-reach voices through focus groups.*
- Create and incubate new Third Sector providers across North Yorkshire & York.*
- Adopt person-centred thinking. Embrace individuality*
- Consider Autism, ADHD and Neurodiversity together*
- Welcome and adopt a transformational approach to change*

Whereas, taking account of the not-fit-for-purpose process of the consultation on the Council's draft Autism Strategy, and noting the failure of the North Yorkshire & York Integrated Care Place Boards to make any progress on the issues associated with significantly oversubscribed diagnostic services with waiting lists for adults with suspected Autism and ADHD, please will elected NY Council Members through its Executive Committee establish an open and transparent Leadership Group of Elected Members, supported by Officers and in partnership with the ICB and with individual and organisational lived experience expertise, which will specifically address the prioritisation of Autism and Neurodiversity support in North Yorkshire, in liaison and cooperation with similar organisations and public bodies in York, and specifically, will it address allocation of much-needed resources from all sources including central Government, and work towards full compliance with all statutory requirements and mandatory national policy guidance?'

In response, Councillor Michael Harrison thanked Mr Tuckett for his statement and question. He disagreed with the view that the consultation is not fit for purpose, noting the high level of engagement to date, with 82 people attending the consultation events, in addition to 84 survey responses received and a further 6 public events still to be delivered.

The key messages highlighted in the public statement are welcome, indeed it will be included as a response to the consultation, as they are exactly the type of views we want to hear. The draft strategy has been developed by a multi-agency and officer steering

group, which includes carer and lived experience representation, and so he didn't feel that it is necessary to form a separate leadership group, and so didn't intend asking the Executive to establish one.

He finished by welcoming and encouraging participation in the public consultation, which is live until 15th March.

As a supplementary question, Mr Tuckett asked the portfolio holder to meet with him to discuss the points he had raised, as well as exploring the potential for an autism and neurodiverse Member Champion role to give it an appropriate focus. Councillor Michael Harrison responded that he was happy to meet with Mr Tuckett, but reiterated that he had full confidence in the consultation and the work going on in this important area.

392 Revenue Budget for 2024/25 and Medium Term Financial Strategy to 2026/27 - Revision following additional Government funding

Considered – Report of the Corporate Director – Resources following the announcement of additional funding for local government on 24 January 2024.

Councillor Gareth Dadd introduced the item, noting that this report was brought forwards following concerns that the £7.5m headroom figure originally recommended by the Executive to Full Council as part of the Budget for 2024/25 report (based on provisional local government finance settlement figures) could be breached as a result of the government announcement on 24 January 2024 of additional funding for councils for 2024/25.

Gary Fielding, Corporate Director – Resources explained that in the time between the publication of the agenda papers and the meeting taking place, the final Local Government Finance Settlement has now been received and this report is in line with the final settlement figures. Working on the basis that the funding is one-off, then if agreed by Full Council the deficit for 2024/25 reduces by £6.2m of additional government funding and the drawdown of reserves for the budget deficit over the MTFs is reduced by the same amount.

Councillor Carl Les raised the issue of Member Locality Grants and was convinced of the value of them, especially the multiplier effect that can be gained in some instances through match funding. He felt it was right to have reviewed all areas to identify potential savings, but suggested locality grants continue at the £10,000 limit for 2024/25.

In order to inform the 2025/26 budget setting process, he asked Councillor David Chance to review the Member Locality Grant guidance for match funding in order to strengthen it and try to encourage investment into environmental interests. He also asked Councillor Gareth Dadd to undertake a review of all sources of community funding (including the £50k allocated to each Area Constituency Committee), to see if they are worthwhile continuing, in order to inform the 2025/26 Budget process.

Councillor Gareth Dadd welcomed the £6.2m additional one-off funding from government, but highlighted the fundamental problem still existed in three years of a circa £47m recurring deficit. Savings and efficiencies to date, done in a way that protects the frontline services, will still need to be made. He also welcomed the pause of any reduction in the Member Locality Grants for 2024/25, but was keen that the proposed review looks at all of the financial support given to local communities in the round, rather than in isolation. He was clear that the money given out through Member Locality Grants or directly allocated to communities is taken from reserves, and it is not sustainable, hence bringing forward the amended report recommendations proposing a review in time to inform the 2025/26 Budget process.

Resolved –

- i) That the Executive revises the recommended Budget for 2024/25 and the MTFS for the period to 2026/27 to reflect the additional government funding as set out in paragraph 3.1.
- ii) In addition the savings attributed to the reduction to Member Locality Grants (CS11 of Appendix B1) is removed until such time as a review is carried out on the effectiveness of this scheme alongside other sources of community funding (including the £50k allocated to each Area Constituency Committee) with such a review being concluded in time to inform the 2025/26 Budget process. The savings reduction of £450k per annum is to be met by a corresponding use of Reserves to balance the Budget in 2024/25 and subsequent years subject to the review of the Member Locality Grants.
- iii) That the Executive gives delegated authority to the Corporate Director, Resources, in consultation with the Executive Member for Finance, to make consequential changes to the report to Council relating to the Budget for 2024/25 and the MTFS for the period to 2026/27 for Council consideration on 21 February 2024.

393 Selby District Local Plan - Revised Regulation 19 (Publication version) draft plan for public consultation

Considered – A report of the Corporate Director for Community Development setting out the options which have been considered in progressing the Selby District Local Plan and the recommendation to undertake a further consultation on a revised Regulation 19 Publication Local Plan.

Councillor Derek Bastiman introduced the report and welcomed the public participants to the meeting and their submissions, as follows:

1. Mary McCartney

'This plan massively reduces the number of affordable homes that could be provided in the Selby area for the next 17 years; that is social housing for rent and vital starter homes to enable people to get on to the home ownership ladder.

Currently the policy calls for 40% affordable homes on ALL sites.

There are 39 site allocations in the plan that have a figure for affordable housing, either 5% 10% or 20%. Under this plan a maximum of just 13% affordable homes will be delivered.

But the big builders, who are looking to develop the 20% sites, will put in a "Viability Assessment" claiming that there are special circumstances, extraordinary financial costs, that mean they will not be able to make a profit if they have to build the 20% affordable homes, and they are very very successful at doing this.

And that will further reduce the number of affordable homes provided over the next 17 years.

The plan will see around 5,400 homes built. Even if all of the targets on affordable houses were hit, and they will not be, a pathetic 716 affordable homes would be provided. Of that 716 homes, only 25% would be starter homes for first time buyers; a measly 179, about ten a year!

We have a housing crisis. That crisis is not a shortage of executive homes it is a shortage of affordable homes, to rent and to help get people onto the home ownership ladder.

This Plan should be delayed, the 40% affordable homes policy should be retained and the Council should start rigorously opposing the big builders "Viability Assessments".

Selby needs a Local Plan for the people who need affordable housing not one for big builders and their profits.'

Councillor Derek Bastiman responded that the affordable housing target set within the Local Plan has to be underpinned by evidence. He noted that changed economic circumstances meant that the level of affordable housing that can now be justifiably requested is reduced from that set out in the adopted Core Strategy back in 2013. However, it is considered that the affordable housing levels required as part of the draft plan strike the right balance between meeting the high levels of affordable housing need when tested against viability. He felt the proposals are supported by evidence and should remain within the draft plan and be the subject of further statutory consultation, noting that all comments received during the consultation period will be fully considered and addressed before deciding whether to submit the Revised Publication Local Plan to the Secretary of State for Examination in Public.

2. Councillor Jeff Bramley – Chair of Hambleton Parish Council

'Hambleton Parish Council wishes to raise significant concerns regarding the housing growth proposals contained within the revised publication local plan that is before you today for approval for consultation. Hambleton is a rural village with limited services – only a primary school, convenience store and two pubs. It has extremely limited public transport links to areas which provide a greater range of services and employment.

At the beginning of 2018 Hambleton had 845 houses, 221 more have been built, permission for another 20 has been given. A 28% increase. This Revised Plan suggests a further 287 can be accommodated in Hambleton. That's a 62% increase in 6 years. All these proposed sites already have planning applications in on them, they will be used for housing immediately.

The proposals within the revised local plan would add a further housing site.

Hambleton Parish Council raises further serious concerns about this proposal. Having already raised concerns throughout the various consultation processes about the excessive allocation in Hambleton village, it is outraged to find that 'Development Limits' are proposed to be moved for a THIRD time to support yet more development without justification. The first being for 115 homes in 2018 (that do not even appear on your current plan documents), the second at the original Publication Plan consultation where HAMB-F, originally rejected, suddenly appeared for 103 homes and HAMB-N grew in size to include originally rejected land and accommodate 56 homes, and the third being at this Revised Draft where HAMB-A has been tagged on to allow for another 128 dwellings.

The Planning Authority itself refused planning permission on Site HAMB-A in 2017 for the following reasons:

- 01. ...the scale and location significantly outside of settlement development limits would result in a pattern of growth that is not appropriate to the size and role of Hambleton as a Designated Service Village where Core Strategy Policies define the Spatial Development Strategy. This scale of expansion of Hambleton beyond settlement development limits would undermine the spatial integrity of the development plan and the ability of the Council to deliver a plan-led approach where there are already a scale of extant approvals where further expansion would not result in sustainable patterns of development and would be contrary to Selby District Core Strategy Local Plan Policies SP1, SP2 and SP5 and the sustainable principles of the NPPF.*

02. The scale and location of development outside of defined settlement development limits would be detrimental to the amenities of residents in the vicinity of the site and thus contrary to Selby District Local Plan Policy ENV1...

The Decision Notice also recognizes the harm the development would cause to the Grade II listed building in the vicinity and goes on to state:

The proposal would not improve the economic, social and environmental conditions of the area

There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable.

At the Selby and Ainsty Area Committee meeting on 19th January, the members were told that the four new site allocations in the Revised Publication Plan had not been previously included for reasons that had now been 'addressed and overcome'. Hambleton Parish Council want to know how the above reasons for refusal of development given previously, have now been 'addressed and overcome' enough for this site to be included in the Revised Plan; and can the Executive, and the Planning Authority understand how proposing to change Development Limits yet again undermines the whole concept of having Development Limits to protect our rural villages? Can the Executive and the Planning Authority also see how continuing to allow developments of this size, as would happen in Hambleton on approval of this Revised Plan, means our community will have grown by 62% without any infrastructure or amenities upgrades? This is not sustainable growth, it is reckless.

The Parish Council urges the Executive to direct officers to remove the proposed housing allocations in Hambleton and not to approve the current plan for consultation.'

In response, Councillor Derek Bastiman noted that the level and distribution of new development across the Plan Area is set out in the spatial strategy of the emerging Local Plan and is underpinned by a Settlement Hierarchy. Furthermore, the hierarchy and the allocations to deliver the planned level of growth is underpinned by detailed evidence, set out in the supporting background papers.

He also believed that the housing allocations for Hambleton are supported by evidence, should remain within the draft plan and be the subject of further statutory consultation. All comments received during the consultation period will be fully considered and addressed before deciding whether to submit the plan to examination.

In a supplementary statement, Councillor Bramley noted that Hambleton is a small village and would like to remain so.

Councillor John McCartney then addressed the Executive, feeling that the Council was being dictated to by housing developers on the viability of the prescribed affordability rate. He emphasised that the Local Plan was so important as it would be referred to for the next 16 years to help shape the growth of the former Selby district area.

He felt young people living in Selby aspiring to get on the housing ladder were unable to do so in the district. He raised the case of a young resident who was struggling to buy a first home in Selby where they were born and brought up, because of the lack of affordable starter homes in the area. Instead, they have now bought a home in Tingley, West Yorkshire and are commuting back to work in the Selby district. He felt that the comparison in the draft plan of the affordable housing rates in Selby to the rest of North Yorkshire was grotesque given its unique characteristics. He suggested in Selby Town, a huge number of houses would be delivered, of which only 5% would be required to be affordable home and only 25% of those affordable dwellings must be First Homes. He also gave an example of a piece of land identified in the current Local Plan for housing, that was the subject of a planning application in November 2023 for just 11 affordable houses.

As a new Unitary Council, he had hoped that we could take on the viability assessments from the big builders, but felt sadly it isn't.

In response, Councillor Derek Bastiman felt that the comments raised could be fed into the Local Development Plan Working Group and determined by the Inspector at the point of the examination in public.

Councillor Melanie Davis began her remarks by declaring a non-pecuniary interest as Chair of a charity that has a piece of land located in the Selby urban area settlement (SELB-BZ) and as the owner of a second home that is let on the open market, with council tax paid by the tenant. She supported the comments made by the public speakers and Councillor John McCartney, as well as noting the meeting of the Area Constituency Committee concerning this item. On particular concern was the lack of key infrastructure and facilities included as part of new housing developments. She also conceded that the 40% affordable housing target set out in the 2013 Core Strategy was always an aspiration, but hoped during the consultation period that there would be time to reconsider what the affordable housing target should be in the draft Local Plan. She also understood the rationale for not delaying the implementation of the Selby Local Plan, and the importance of having one in place

On Heronby, she felt that a new settlement was a better deliverable solution, where it is much easier to build new infrastructure with a new settlement, rather than bolting on to existing developments, but understood the reasons for removing it from the draft Plan.

In response, Councillor Derek Bastiman took onboard the comments made and urged Councillor Melanie Davis and all members of the Selby & Ainsty Area Constituency Committee to feed into the consultation. He looked forward to receiving all comments on the document during the consultation period.

Councillor Simon Myers assured those present that he would study the targets for affordable housing as the relevant Executive member and consult and comment accordingly.

Resolved -

- i) To recommend to Full Council that the Draft Revised Publication Local Plan document at Appendix 1 of this report is approved for consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended); and
- ii) Delegate to officers the arrangements for the consultation to take place for six weeks between 8 March and 19 April 2024; and
- iii) Delegate to the Head of Policy and Place and Assistant Director of Planning in consultation with the Executive Member for Open to Business, any minor amendments required to the documentation for typographical, grammatical and factual or Plain English purposes and any amendments required to address issues raised in the final HRA and SA reports to the documents prior to publishing for consultation.

394 Maltkiln New Settlement - Submission of the New Settlement (Maltkiln) Development Plan Document

Considered – Report of the Corporate Director of Community Development seeking renewed agreement for submission of the New Settlement (Maltkiln) Development Plan Document (DPD) to the Secretary of State for public examination and to agree the process of decision making during the examination in respect of agreeing modifications to the Plan

and responding to questions from the Inspector (including the provision of supporting statements and documentation).

Councillor Derek Bastiman introduced the report, emphasising that Maltkiln presents an opportunity to begin a new settlement from scratch, with a local centre, facilities and infrastructure on site. It will deliver a minimum of 3,000 homes which are much needed in North Yorkshire. A DPD has been prepared to guide delivery and there has been extensive consultation throughout its preparation. The recommendation proposes to Full Council to submit the DPD for examination in public. This process is rigorous and will offer further opportunities for parties to discuss any concerns as well as further consultation on any proposed modifications. Progressing the DPD allows the Council to lead the process, setting the policies and principles to get the high quality development that meets the needs of future residents. The decision was taken by the former Harrogate Borough Council to publish the draft DPD for consultation and to submit the plan. This still has a legal standing, but given the time elapsed, it is felt prudent to reaffirm that decision. The main point to empathise is the decision to submit for examination, not to adopt, and therefore there is rigorous scrutiny ahead in relation to any concerns raised.

The public participants were then invited to address the meeting, as follows:

1. Clare Beckett

'I should like to relate to you my own experience of the development plan process. I have been a member of Whixley Parish council for twenty years and have taken part in many meetings with Harrogate Planners from the outset of the Development Plan process.

At the first workshop I attended I was alarmed to see on the map showing land for possible development that land making up most of our family farm had been included without our knowledge.

No one had notified us of this inclusion and had I not attended the workshop I would not have known. We did own one smaller field which had always been earmarked for development and has subsequently been built on. I asked the planning officers to remove our land from showing as being available for development and this was done, but in the meantime CEG Developers had made public their plan for Great Hammerton in 2018 and many people made totally unfounded and unpleasant accusations that we had sold all our land to them.

Having had this experience, I would like to be reassured that Harrogate Planners had, when designating the area outlined for the proposed Maltkiln settlement, obtained written confirmation from the owners of land shown as available for development. As I know from my own experience developers can make plans for land they don't own. I am concerned that landowners who had never offered their land for development in the initial development plan could now face the threat of Compulsory Purchase Orders because Harrogate Planners asserted that some areas of land were available for development when in fact this was not the case.

I hope that you are now able to show me and reassure the executive that the relevant correspondence from landowners confirming availability is all in place and put my mind at rest that the Maltkiln development has not been based on false information and that a great many people's time has not been wasted. If this information is not available, then surely NYC cannot present a plan which may contain inaccuracies and therefore be fallible when scrutinised by a planning inspector at a costly enquiry.'

In response, Councillor Derek Bastiman responded that the Council is satisfied that the necessary tests for delivery of the Development Plan can be met. This will be explored in detail at the examination in public.

As part of a supplementary question, Ms Beckett asked to see the written documentation

regarding this. Natasha Durham responded, noting that in developing the DPD, the boundary was drawn on the basis of the known available land and officers are satisfied that the agreements are in place to deliver the majority of the settlement.

As a further supplementary question, the public speaker stated that North Yorkshire Council recently agreed to the principle of using Compulsory Purchase orders and asked given the current world situation and the growing need for the UK to become self-sufficient in terms of food production, do members believe, and should they not debate, that agricultural land be protected and retained to feed the nation, with development better placed on brownfield sites, and can the Executive give reassurance to the many North Yorkshire farmers who wish to continue to work hard to do this. In response, Councillor Derek Bastiman noted the comments made but explained that the land is already allocated.

2. Martin Simpson, Chair of Green Hammerton PC

'We as a Parish Council and our residents have significant concerns regarding the Maltkiln development. We are concerned overall that officers are acting in the interests of the developer's commercial gain rather than the public interest, the location has been pushed by developers profit margins rather than where houses are actually needed in the Harrogate and Selby area.'

At the Executive meeting of North Yorkshire Council held on 12 December 2023, Cllr. Simon Myers was reported as saying that "financing this scheme with taxpayers' money is in the great tradition of slum clearance and social-housing programmes". We were shocked by the description of slum clearance, we would not call the destruction of grade A agricultural land, the best food producing land available, a slum.*

Councillors are expecting the new settlement to reduce the 8,500 people on the housing waiting list. Given that the initial DPD New Settlement affordable housing figure of 40% was revised down to 20% due to being unviable, and now the modified New Settlement DPD removes any policy stipulation on affordable housing altogether,

My question is what is the actual overall number of social-rent and other types of affordable housing that can be guaranteed by this scheme?'

In response Councillor Derek Bastiman was clear that the suggestion that officers are acting in the interests of the developers' commercial gain rather than public interest is entirely without foundation. The Council must ensure that sites are deliverable, and this includes ensuring that schemes are commercially viable. As shown in the extensive work before members today, the site was chosen due to its location on the active railway line and opportunity to deliver a new community with facilities and services on site.

In relation to the affordable housing target, the proposed DPD policy states: "The Council will require a percentage of affordable housing, in line with the policies in the Local Plan, to be provided on each phase of development or each housing development, including mixed use schemes, subject to viability and the demonstration of need for affordable housing". It has not lowered the requirement to 20%. The current Local Plan requires 40% unless it can be shown not to be viable.

The Council has always been open with the fact that viability on new settlements is challenging and that is likely that 40% affordable housing will not be achieved on all phases of development. But it should be remembered that this is a very long-term scheme and later phases will be expected to contribute more affordable homes. Additionally, there are significant benefits to delivering new settlements and providing facilities and infrastructure in a holistic and well-planned way. At this stage it is difficult to put a precise figure on the number of affordable homes, but these will form part of a wider mix of housing, including self-build and specialist housing (for older people and/or people with support needs).

Councillor Derek Bastiman concluded by reaffirming that the suggestion that officers are acting in the interests of the developers' commercial gain rather than public interest is entirely without foundation.

As a supplementary question, Mr Simpson asked if despite his own personal view that the DPD was in breach of council policies, was it the intention of the Executive to recommend the DPD to Full Council?

Councillor Derek Bastiman responded that the examination in public process would consider the viability aspects raised.

* As a point of clarification, Councillor Simon Myers raised that he was incorrectly quoted by Mr Simpson in his public statement and that he had made an assertion that is completely groundless.

3. Cokie van der Velde, Whixley Parish Council

'No doubt, like the members of Whixley Parish Council, all councillors present today will have spent time reading the submission draft documents for the new settlement dated February 2024.

Whixley Parish Council is concerned that this seems to have been rushed through and would like to point out still contains errors – on page 1 of the Infrastructure Delivery Plan says, "the council will submit the DPD for examination in 2023". Throughout the table at the end of this document NYCC is referred to rather than our new authority NYC and HBC is mentioned.

We are particularly concerned that the viability of the development has not been fully thought through. There are lots of costs associated with linking the development to existing communities and mitigating local impacts that don't appear in the new Infrastructure Delivery Plan.

Most significantly from our residents' point of view the Infrastructure Delivery Plan still does not include a scheme to increase the capacity of the A59 between Maltkiln and the A1(M) even though the Transport Assessment submitted by the developer with the planning application concludes that this section of road would need to be made into a dual carriageway. We cannot be left with a constant traffic jam on the most important road serving our communities.

Infrastructure as significant as this will affect the viability of Maltkiln and members must question whether the viability of the development has been properly tested.

Also, on the A59 the new settlement promises a roundabout at the end of the spine road which will replace part of the Whixley crossroads.

"Policy NS36 of the DPD identifies that further works will be required to support the Maltkiln development, for which a financial contribution will be required, secured through a S106 agreement. Despite this woolliness a very precise figure of £1,099,379 is allocated for this scheme. Can there be any confidence in figures presented in this way.

Some items in the Infrastructure Delivery Plan don't have a cost associated with them or say this is to be confirmed. How can the viability have been properly considered if there are gaps in this information?

Maybe not so strategic but of great importance to our village, regarding the provision of cricket the document says in Section 5 there will be: "Contributions to improve capacity of play at Kirk Hammerton, Little Ribston and Marton cum Grafton Cricket Clubs." But

Whixley's cricket club which is only a mile from the proposed new settlement site will receive nothing.

We are very disappointed that councillors have been presented with documents that have clearly not been properly proofread before being presented to you. In light of this, do councillors have confidence that all the documents due to be approved by them before submission to the Planning Inspector have been sufficiently proofread, fact checked, particularly with regard to the infrastructure costings?

We have been warned in a recent North Yorkshire newsletter that the council is already facing a predicted shortfall of more than £32 million in its budget for the second year of its operation if savings are not made. North Yorkshire residents will feel the brunt of the necessary cuts and this Examination in Public will be a further cost in an already stretched budget.'

In response, Councillor Derek Bastiman noted that the strategic traffic modelling to support the Local Plan did not indicate an immediate need to dual the A59. The trigger points for the delivery of mitigation measures will be based on a trip budget approach and vehicular trip rates. Monitoring will be operational from the construction of the first phase of development and continue until the development is fully occupied. The results of this monitoring will inform whether mitigation measures are needed to commence and whether the land safeguarded for the dualling is required.

Full scrutiny of the viability and infrastructure demands will be undertaken as part of the examination in public.

With regard to off-site cricket contributions, the Infrastructure Delivery Plan (IDP) reflects the recommendations of the Playing Pitch Strategy which looks to direct contributions to those clubs where pitch capacity can be increased through the improvement of standard or poor quality pitches. At the time of updating the IDP, this did not apply to Whixley, which has been assessed as having a good quality pitch. The final off-site contribution requirement will form part of the Section 106 process attached to the application and will look to reassess the existing provision. It will also be based on an assessment of the detailed sport provision on site.

As a supplementary question, it was asked if site visits have been undertaken. Councillor Derek Bastiman confirmed that he had visited the Maltkiln site.

4. Kevin Bramley, Hunsingore, Great Ribston with Walshford & Cattal Parish Council

'It is regretful to have to make this statement. BUT we feel the Council have disadvantaged the local community in not fully engaging with them in the consultation stages of this emerging plan.

The Council have not presented nor defended their DPD plan in a public building in any of the nearby affected villages, at the regulation 18 stage nor at the regulation 19 stage. It is acknowledged that Covid did impact on the regulation 18 stage. This fact should have strengthened the need and willingness to undertake such consultation at the regulation 19 stage. BUT this did not take place!

The developer/promotor of application 19/00017/EIAMAJ (Maltkiln) chose to consult on their planning application during the regulation 19 consultation process which caused confusion leaving some locals thinking this was a local authority promotion.

The Council rebuttals to representations made at the regulation 19 stage have only recently been published. Although some areas of concern raised by locals have been addressed distance still remains between the Council, locals and others in many areas. Some of these distances may have been narrowed had face to face consultation taken

place

We are now faced with having to continue representations before an Inspector at public inquiry.

This leaves the Council and the Community at the behest of a third party determination and recommendation.

The Council over a year ago estimated their costs for an inquiry at £126,500. How much will they be now. AND how much will the additional cost to other publicly funded bodies BE and the public who will participate in such an inquiry? At and around publication of the rebuttals the Council resolved they may use CPO powers.

It remains unclear which lands are to be included within such a CPO. This has added to unrest and confusion

There is now doubt that substantial areas of land within the boundary of the DPD were ever offered up as being available. Locals feel let down bullied and threatened by lack of face to face consultation and the threat of CPO. A further round of consultation and engagement should be carried out seeking to narrow areas of difference.

Engagement with the Community Liaison group has shown this can be achieved if time is allowed. Much is made about how the New Settlement will be developed over many decades. So why not take time to seek to close differences that may ensure the New Settlement fulfils the vision for "exemplar development" rather than as seems more likely than it becomes a camel.

It is hard to see how such action will prejudice progression of the North Yorkshire Local Plan. Such action should help minimise costs of an Inquiry to the public and private purse serving purpose rather than process.'

Councillor Derek Bastiman thanked Mr Bramley for his questions and stated that consultation has been carried out in line with the requirements set out in the relevant Statement of Community Involvement and was well publicised. Whilst there was not a face-to-face session held, he was unclear how it could be perceived as a threat or bullying and was disappointed that such emotive language is being used in this context. It should also be noted that 800 responses from some 131 individuals and organisations were received at Regulation 19 alone, showing high levels of engagement. It is not normal practice to undertake further consultation following Regulation 19 unless significant changes are required and it is not believed to be the case for the Maltkiln DPD.

The examination in public allows all objections to be considered and affords full public scrutiny of proposals. An inspector will determine whether a Plan is sound using established tests set out in national planning legislation and policy and further consultation will occur if modifications are proposed. The modifications proposed alongside the submission draft Plan are for consideration at examination and an Inspector will invite all parties to comment on matters, issues and questions that arise from their initial assessment. Officers have already committed to helping community groups navigate the process of participation.

It should also be noted that the DPD requires more detailed master-planning to be undertaken and states that this must be produced in conjunction with the local community and other stakeholders, so if the DPD is adopted as proposed, then there will be further opportunities for community involvement. Submitting the Plan for examination allows the Council to be leading the process and ensure that a framework is in place to guide development.

In concluding his response, Councillor Derek Bastiman noted that costs set aside are

detailed in section 8 of the report and whilst it is difficult to predict precise costings, it is envisaged that the amount held in reserves (£126,500) will cover this.

As a supplementary statement, Mr Bramley expressed his regret that there had not been more engagement with the local community through face to face meetings in the development of the DPD.

5. Paul Townsend, Kirk Hammerton Parish Council

1. *'All public consultation to date about the Maltkiln project has been underpinned by assertions by the Planning Authority that all of the land shown as forming part of the development area was controlled by the developer. KHPC's responses to each stage of the consultation process have been made in reliance on that basic premise. What steps did the Planning Authority take to satisfy itself that the developer's assertions that it controlled the land were correct? Can the Executive please confirm that, prior to the publication of each consultation document, the Senior Responsible Officer for the project received written professional advice confirming that the validity of those assertions had been verified (please note – the question relates to control of land as at the date of publication of consultation documents – we appreciate that the situation changed when option agreements to acquire land subsequently expired).*
2. *It has already been made public that the developer does not, as of today, control a substantial part of the development land in the south and west of the site. Can the Executive please confirm that it has satisfied itself, prior to publishing its latest draft consultation document, that the developer does retain control of the remainder of the site and that this control is not scheduled to expire within the expected duration of the planning process. Does the same apply to other land which will be required to deliver the project, for example the land over which the proposed link road to the A168 will run?*
3. *Please identify (preferably by publishing a map) the land which is the subject of the Compulsory Purchase Order which the Executive approved, in principle, at its meeting on 12 December 2023. What does the Executive anticipate to be the cost of acquiring this land, should a CPO be required? What provision has the Council made in its capital budget for this cost? If none, what unallocated reserves does the Council hold which could be used for this purpose and how much would then be left in the reserves if money has to be spent on the CPO?*
4. *Please would you provide an update on what steps have been taken to resolve the situation with landowners since 12 December, with a view to avoiding the need for a CPO.'*

In response, Councillor Derek Bastiman stated that the Council is satisfied that the necessary tests for delivery of the Development Plan can be met. If submitted as proposed, this will be explored in detail at examination in public. As detailed in the report to Executive in December 2023, it is hoped that a Compulsory Purchase Order (CPO) will not be necessary. If it is, then further detailed work will be needed. Dialogue with landowners is ongoing with officers.

As a supplementary question, Mr Townsend asked about the location of the land that could be subject to a Compulsory Purchase Order and the associated costs. Councillor Bastiman stated that no costs have been identified at this stage and the exact area of land is unknown at the moment due to the ongoing dialogue with landowners.

Councillor Arnold Warneken then asked a series of questions:

1. Given the issues raised by the parishes and the landowners it would be prudent and

in the public interest to delay the submission of the DPD to address all the points / concerns raised?

As a Council we quite rightly have made a big statement about the "Biggest Local Council" working with the communities and Parish Councils is at the forefront of the New Local Plan, so we have a chance to make this more than just words by agreeing to a short delay, allowing time for further consultations with the parishes and to prepare their observations to the new Draft DPD for NYC to incorporate them in the submission to the inspector.

2. If we have to use CPO how many Landowners will be affected and how many homes and businesses?
3. If we have to use CPO will the land be purchased at agricultural value per hectare and what value will it be sold to the developer? At agriculture or development value per hectare?

He requested that for the reasons stated by the public speakers affected by the Maltkiln development and that as suggested by Cattal and Hunsingore PC, the DPD submission is delayed for 2 months.

In response, Councillor Derek Bastiman noted that the consultation statement in Appendix 3 shows that extensive consultation has taken place throughout the development of the DPD and as detailed in an earlier public question, the DPD requires more detailed master planning to be undertaken and states that this must be produced in conjunction with the local community and other stakeholders. Consultation will also take place on any proposed modifications that arise during the examination in public.

On the landowners affected, it is understood that the land we believe to be unavailable falls into several ownerships and we will be having further conversations with those who may be affected. It is difficult to put a number on the landowners affected at this stage, but Councillor Warneken would be informed at the earliest opportunity.

On the land value question, it was explained that this is a specialist area and there are many variables. Further work on this would need to be undertaken if, and only if the Council does indeed proceed with CPO.

Councillor Derek Bastiman concluded by stating that there would be no delay in the submission of the DPD as requested.

As a supplementary question, Councillor Arnold Warneken noted the reference in the report that delivery of Maltkiln would make a significant contribution to council priorities to 'provide good quality, affordable and sustainable housing' and 'creating a well-connected and planned place with good transport links and digital connectivity' and whether the DPD could be submitted given the uncertainty over both of these.

In response, Councillor Derek Bastiman felt it was important that the Council pursued a plan-led approach to the new settlement to bring other organisations onboard and deliver much needed housing within the area. He reaffirmed his offer to attend a future Community Liaison Group meeting.

Councillor Gareth Dadd spoke in favour of the recommendations, noting the much needed housing that Maltkiln would deliver, with a minimum of 3,000 homes planned. He sympathised with the calls for a greater number of affordable homes, but felt it was important to move to the next stage.

There being no other comments, it was

Resolved -

To recommend to Full Council:

- i) That the Council submit the Submission Draft DPD and accompanying submission documents to the Secretary of State for examination.
- ii) That the Corporate Director Community Development in consultation with the Executive Member for Open to Business, be authorised to make minor amendments and graphical improvements to the Submission Draft DPD and submission documents prior to submission.
- iii) That for the period of the examination in public, delegated authority be given to the Head of Infrastructure and Delivery, in consultation with the Executive Member for Open to Business, to:
 - a. provide formal responses to questions from the Inspector alongside other supporting statements and documentation as requested by the Inspector.
 - b. agree modifications to the plan through the examination period in order to make the plan sound.
 - c. To undertake all other necessary steps required as part of the examination

395 Community Infrastructure Levy Spending Protocol and Infrastructure Funding Statement 2022/23

Considered – Report of the Corporate Director of Community Development seeking approval of the Community Infrastructure Levy (CIL) Spending Protocol and the 2022/23 North Yorkshire Annual Infrastructure Funding Statement.

Councillor Derek Bastiman introduced the report, noting that CIL is presently only charged in the legacy district areas of Harrogate, Hambleton, Ryedale and Selby. As part of the report recommendations, it is proposed that the existing CIL charging regime will continue in these areas until either there is a change in government policy or CIL is reviewed as part of the implementation of the new North Yorkshire Local Plan. Whatever option is taken, the existing CIL charging regime is likely to be in place for a further five years.

Now as one unitary authority, there is a need to require a protocol for the spending of the CIL. The report presents two recommendations, with regard to the geographical scope and process for the prioritisation of projects. It is recommended that CIL should be spent within the same legacy area it has been and will be levied in, with the exception of any projects where money would be needed to fund infrastructure projects in adjoining areas if they are identified as being needed to support local plan growth within the legacy CIL area. (e.g. strategic highway improvement)

CIL has to be spent on infrastructure that supports growth, and so the proposed process for prioritising projects looks to ensure that they are aligned with the allocations and objectives of the respective local plans and considers whether they can attract match funding or not. The establishment of the list of prioritised infrastructure projects will be undertaken by a cross service officer working group and presented to Management Board and Executive for approval. The list will be reviewed annually and the first list will be included within the Annual Infrastructure Funding Statement.

The 2022/23 Annual Infrastructure Funding Statement report which is recommended for approval and publication, relates to the legacy district and borough council areas and is split accordingly.

Councillor Yvonne Peacock declared an interest prior to contributing as a Trustee of the Upper Dales Community Land Trust, who have received Section 106 funding. She asked about the future of CIL spend in five years with the development of a new Local Plan and whether CIL funding could come into an area like the Yorkshire Dales National Park.

In response, Councillor Derek Bastiman thanked Councillor Yvonne Peacock for her comments, which would be considered as part of any future review.

Councillor Simon Myers noted that the proceeds of the recently agreed second homes council tax premium to be applied from 1 April 2024 would help communities to deliver affordable housing across all of North Yorkshire and meet the need where it is greatest. He also noted the lack of responses received from parish councils to enquiries as to the spend or anticipated spend of CIL.

Councillor Gareth Dadd welcomed the new protocol.

Resolved -

The Executive resolves:

- 1) To spend CIL monies within the same geographical area (previous local authority boundary) from which they were levied, pre and post 1/4/2023
- 2) To agree the process for prioritisation of CIL funded infrastructure as set out in paragraphs 3.8 – 3.15 of this report
- 3) To approve the 2022/23 Annual Infrastructure Statement (Appendix C) and publish it on the Council website

396 North Yorkshire Council Local Development Scheme

Considered – Report of the Corporate Director of Community Development seeking the approval and publication of the council's Local Development Scheme.

Councillor Derek Bastiman introduced the report, noting the introduction of a Local Development Scheme (LDS) is a requirement of national planning legislation. It is a high level project plan with key milestones for the preparation of a new Local Plan for North Yorkshire, the Selby Local Plan and the Maltkiln New Settlement DPD. There is no timescale included for the Minerals and Waste Joint Plan, with a review scheduled to take place in 2 years, at which point the LDS will be updated.

It was explained that the Council committed to the development of a new Local Plan for North Yorkshire in February 2023, with work underway to engage with key stakeholders, members and preparation of evidence base. There will be a Call for Sites starting in March, with the first major public consultation taking place at the end of 2024 as an Issues and Options for the Local Plan. The current timetable is to submit the Local Plan to the Secretary of State in quarter 2 of 2027, thereafter the timetable will be in the hands of the inspector appointed by the Secretary of State. However, it is estimated that a new North Yorkshire Local Plan will be adopted by the end of 2028.

There being no questions, it was:

Resolved –

- i. That the Executive approve that the Local Development Scheme (attached at Appendix 1) shall take effect on 7 February 2024 and be published on the Council's website.

- ii. That the Corporate Director Community Development in consultation with the Executive Member for Open to Business, be authorised to make minor amendments and graphical improvements to the Local Development Scheme prior to publication on the council's website.

397 NYC Pay Policy for Senior Managers

Considered – Report of the Assistant Chief Executive (HR and Business Support) setting out the North Yorkshire Council Pay Policy.

Trudy Forster, Assistant Chief Executive - HR and Business Support introduced the report, including the Pay Policy statement covering the period 1 April 2024 to 31 March 2025. It sets out the pay details of senior managers, in line with openness and transparency code requirements under the Localism Act. There are no proposed changes to the pay structure as part of the report.

Councillor Simon Myers welcomed the reduction of the pay multiple ratio.

Resolved –

That the Executive consider the 2024-2025 Pay Policy and recommend to Full Council, at their meeting on 21 February 2024, the approval of the Pay Policy for publication.

398 Forward Plan

Considered –

The Forward Plan for the period 22 January 2024 to 31 January 2025 was presented.

Resolved - That the Forward Plan be noted.

The meeting concluded at 1.00 pm.