

Feedback from
Development Plans Committee (16 January 2024)
and
Selby and Ainsty Area Constituency Committee (19 January 2024)
Malkiln New Settlement

Development Plans Committee – 16 January 2024

Members highlighted the following in relation to the report:-

- This provides an opportunity for a new settlement, to deliver new housing in a planned and sustainable way.
- A Member asked that the Community Liaison Group be provided with an opportunity to comment on the Plan. He also asked, should the Plan not be approved as stated, or be delayed, whether the area could then be open to speculative applications for development. In response it was stated that the Council had a duty to determine applications in line with the adopted Local Plan. The weight to which the Council could attach to the DPD would depend on a number of factors, including how far advanced it was and the extent to which there were outstanding issues. Without the DPD, there would not be a detailed policy framework to guide development. It was therefore noted that not progressing the DPD would be a risk.
- It was stated that an area of previously available land within the proposed boundary had been withdrawn and that Executive had resolved to use Compulsory Purchase Powers if necessary. Concern was raised that the Compulsory Purchase Order (CPO) process could delay the Plan or could leave the development without the necessary infrastructure. In response, it was emphasised that DPD seeks to ensure a holistic approach would be undertaken to deliver the Plan and the required infrastructure.
- A Member stated that he was opposed to this development as he considered that the Flaxby Golf Course was a more preferential site, which would not have required the costly process of CPOs for delivery. It was stated, in response, that there had been extensive consideration of the broad location during the Local Plan process. In relation to the costs of CPO, the report to Executive outlined a number of options to take this forward if necessary, including some at minimal risk and cost to the Council.
- The Chair emphasised that the potential use of CPO was not being used as threat to force the landowner to agree to the use of the land, but would only be utilised if absolutely necessary.
- A Member asked about the potential length of time for the CPO process. In response it was noted that the process was governed by regulations and was likely to take between 1 year and 18 months.
- In response to a Member it was noted that Counsel advice indicated a resolution in line with the report's recommendation was sufficient to satisfy the Inspector that the scheme was deliverable and it is envisaged that the DPD would need to be adopted before any CPO proceedings. It was stated that timescales for an examination in public are difficult to predict, but on average the process from adoption to submission takes around 1 year.

- Members emphasised the need to see the Plan through to its fruition as there had been far too much work and consultation undertaken to start the process from the beginning and the Plan provided an opportunity to guide development of the new settlement.
- The proximity to rail links was a major positive for Maltkiln and Members emphasised the need for these to be achieved successfully. It was stated that there was still available land near to the railway station and rail links are very much at the heart of the proposal and there are policies proposed to ensure this
- A Member asked whether the process and procedure for development would be commenced before any action on CPOs would be undertaken. In response it was noted that this was a long-term development – indeed the adopted Harrogate Local Plan envisaged the 1000 dwellings by 2035 – and a development of this scale would always be developed in phases.
- A Member stated that the site had been chosen for its sustainability as it provided an opportunity to link into other forms of transport to serve the area rather than relying on the private car. It was also chosen to ensure that there was not a reliance on having to add development on to existing settlements in an attempt to avoid these becoming overpopulated and strain being put on local services and infrastructure.
- Concern was expressed that costs of both CPO of the land and infrastructure for the development may not be fully compensated by the developer resulting in costs for the Council. It was emphasised that infrastructure costs on major schemes are ordinarily met by the developer and that there were a variety of options available to the Council should it need to pursue a CPO.
- It was suggested that clearer and stronger emphasis should be placed on the work being undertaken towards 'net zero', within the Plan as this may be difficult to quantify at the public examination stage.
- A Member raised concerns regarding the withdrawal of the land resulting in the need for CPO and the affect this would have on the proposals, especially should the CPO process be delayed. It was stated that a phased approach was a normal for large scale developments such as new settlements and that various options would be considered as to how to progress the new settlement once the DPD had been submitted for examination. It was reiterated that the CPO process would only be utilised if absolutely necessary and that further work would need to be undertaken to determine how this would be achieved.
- Details of the education provision were requested and whether sufficient space had been set aside for playing fields. In response it was stated that officers had been working with colleagues in education throughout preparation of the DPD and that the proposed framework included 2 primary schools. It was explained that education officers did not expect that a Secondary School would be required, given the size of the settlement, therefore, facilities at Boroughbridge High School would be extended and a bus would operate to and from that school to accommodate pupils from the new settlement. The DPD includes safeguarded land for a secondary school should the need emerge in the future.
- A Member asked, should the development not take place, where the required housing would be provided as the difficulty of adding development to existing towns and villages had been explained earlier in the meeting. In response it was stated that the issue would require further investigation to identify appropriate sites, should this

be the case. Picking up on this issue, a Member stated that, despite having some reservations around the potential CPO of land to deliver the scheme, it was necessary that the new settlement was agreed to allow the process of delivery to be undertaken, to address housing issues in the area.

Resolved:-

That the report be noted and the recommendation outlined within the report be submitted to the Executive, alongside the comments of the Committee, with a recommendation for approval.

(All Members voted in favour other than 1 abstention)

Selby and Ainsty Area Constituency Committee – 19 January 2024

Members highlighted the following in relation to the report:-

- It was clarified that the new settlement was located within the Constituency Area, which was why it was being considered by the ACC, before ultimately being considered by Full Council. It was expected that the Plan would be submitted for Public Examination in March 2024, with hearings anticipated to take place in the Autumn of 2024.
- A Community Liaison Group has been established to feed into the planning of Maltkiln and the dialogue through this has been useful.
- A Member asked whether Counsel's Advice was available to be shared with Members, in a similar position as for the Selby Local Plan, in respect of the amount of affordable housing to be included in the settlement and the potential CPO process required. In response it was noted that the overall legal advice for both Maltkiln and the Selby Local Plan was contained in one document, and the most appropriate method of sharing that information would be discussed with legal officers.
- In terms of the provision of affordable housing the remit of the Local Plan set an expected delivery target of 40% however it was emphasised that this could be challenging in the earlier phases of delivery.
- A Member asked about the potential cost of undertaking CPOs to acquire the necessary land. He stated that he would like all such issues to be addressed through the sharing of the legal advice and through disclosure by officers, before the Plan was progressed. He raised concerns regarding the potential costs having to met by the Council unless the position was clarified beforehand.
- A Member stated that, whilst understanding the concerns of the Member, there would always be issues to resolve in terms of providing new settlements. He considered that this proposal had come too far to drop at this stage due to the concerns outlined, and asked that this be moved forward appropriately as it was a good example of a new settlement which provided the much needed experience for the Council of such a development, going forward.

Resolved:-

That the report be noted and the recommendation outlined within the report be submitted to the Executive, alongside the comments of the Committee, with a recommendation for approval.

Voting was as follows:-

10 for

2 against

2 abstain