

North Yorkshire Council

Development Plan Committee

Minutes of the meeting held on Tuesday, 16 January 2024 commencing at 3.00 pm.

Councillor Derek Bastiman in the Chair and Councillors John Cattanach, Caroline Goodrick, Robert Heseltine, David Hugill, Nathan Hull, Bob Packham, Andy Paraskos, Clive Pearson, Subash Sharma, Phil Trumper and Robert Windass.

Remote attendance: Councillors Joy Andrews, Andy Brown, Liz Colling, Felicity Cunliffe-Lister, Hannah Gostlow, Andrew Lee, Pat Marsh and Yvonne Peacock .

Officers present: Natasha Durham, Rachel Hutton, Catriona Gattrell, Barry Khan, Steve Loach, Linda Marfitt, Caroline Skelly and Trevor Watson.

Apologies: Kevin Foster and Tom Jones.

Copies of all documents considered are in the Minute Book

1 Appointment of Chair

The Assistant Chief Executive (Legal and Democratic Services) outlined the process for appointing the Chair of the Committee as set out in the Constitution and indicated that this should be a representative of the Council's Executive.

Resolved

That Councillor Derek Bastiman be appointed Chair of the Development Plan Committee.

2 Welcome, introductions and apologies

The Chairman welcomed everyone to the meeting of this Committee, and informed Members that the meeting was being recorded, therefore they would need to introduce themselves when speaking and would need to use the microphones.

3 Appointment of Vice-Chair

Resolved

That Councillor Andy Paraskos be appointed Vice-Chair of the Development Plan Committee.

4 Declarations of interest

There were no declarations of interest.

5 Terms of Reference and Remit of Committee - Verbal report of the Assistant Chief

Executive (Legal and Democratic Services)

The Assistant Chief Executive, Legal and Democratic Services outlined details of the remit for the Committee and the Terms of Reference for the Committee were circulated.

A representative of the Assistant Director Planning – Community Development Services provided details of the role, purpose and priorities of the Committee.

Resolved

That the Terms of Reference and issues raised be noted.

6 Selby District Local Plan - Revised Regulation 19 (Publication version) draft plan for public consultation - Report of the Corporate Director of Community Development

Considered - the report of the Assistant Director Planning – Community Development Services setting out the options which had been considered in progressing the Selby District Local Plan and setting out the recommendation to undertake a further consultation on a revised Regulation 19 Publication Local Plan.

The report highlighted the following:

- The four options which had been considered for progressing the Local Plan for the former Selby district area based on recent Counsel advice and making a recommendation to undertake a six-week consultation on a revised Publication Local Plan (PLP).
- The revised plan removed the proposed new settlement known as Heronby, added three further site allocations, including revisions to policies in response to comments raised as part of the previous consultation stage and any changes required following the publication of the revised National Planning Policy Framework in December 2023.
- A consultation on the Publication Local Plan took place between August and October 2022. In total 409 individual responses were received to the consultation, with 202 in relation to a new settlement proposal at Heronby.
- The majority of responses to the Heronby New Settlement proposal were objections based on adverse traffic impact on the A19 and the wider local highway network, impact on the ancient woodland, impact on climate change, the loss of agricultural land and development of greenfield land. Concerns were also raised about the lack of access to employment opportunities and assertions that new housing should be sited in the more affordable areas of the district. City of York Council (CYC) raised concerns based on the highway modelling undertaken stating that the duty to cooperate had not been fulfilled, National Highways had raised concerns in relation to the A19/A64 trip rates, internalisation rates within the site and phasing of infrastructure improvements.
- As a result, legal advice was sought from Counsel on the options available to the Council in relation to the Selby Local Plan in the light of objections which had been made to proposals for a new settlement.

The four options considered were:

- Option 1: Proceed to submission of the Plan in its current form with inclusion of Heronby
- Option 2: Proceed to submission of the Plan in its current form but on the basis that NYC would propose the removal of Heronby as a Main Modification
- Option 3: Undertake further Consultation on an amended PLP which does not include

Heronby

- Option 4 Not proceed with further work on the Selby Local Plan and instead to address the need through NYC's own Local Plan

- In order to progress the Local Plan with Heronby included as an allocation the City of York Council concerns on highways matters would need to be satisfactorily addressed.
- Further discussions had taken place and the views of both NYC and CYC highways were that they were unable to support the scheme based on the information that was currently available. This did not mean that issues could not be adequately addressed in the longer term, however it was the view of officers that in order to make good progress on the Selby Local Plan that this site should be deleted.
- The Revised Publication Selby Local Plan, therefore, would remove the proposed New Settlement at Heronby but would add the following sites in response to additional information submitted through the previous consultation which demonstrated that they were deliverable;
- Land West of White House Farm, Low Eggborough Road, Eggborough (114 dwellings)
- White House Farm and Manor Farm, Hambleton (128 dwellings)
- Land North of A163, North Duffield (40 dwellings)

The inclusion of these additional sites ensured that the Local Plan provided sufficient land to meet the housing needs of the former Selby district area up to 2040.

Members highlighted the following in relation to the report:

- There was disappointment from some Members that the Heronby proposal was to be removed from the Plan as new settlements provide an appropriate strategy to ensure new development is planned along with infrastructure. A question was raised as to whether requirements could be met if the site is removed. It was explained that there some sites had been added as technical issues had been addressed however a significant buffer built into the target, which also excluded windfalls. It was noted that ongoing objections from City of York Council, and concerns raised by Highways, had led to Heronby being removed from the Plan, enabling the wider Selby Local Plan to progress as soon as possible. The forthcoming North Yorkshire Local Plan, which would replace the various Development Plans, would give further consideration to the Heronby Proposals.
- A Member raised concerns that an objection by City of York Council could have such a major influence on a Local Plan in North Yorkshire and suggested that the Heronby proposal be returned to the proposed Plan as this provided a holistic approach to development in the Selby area. In response it was stated that legal advice, from Counsel, emphasised that it would be difficult for the Heronby proposal to be re-instated while the objection remained, which would result in a further delay in the progression of the Plan, which would lead to difficulties in maintain control of speculative development in the Selby area.
- It was noted that work had commenced on the North Yorkshire Plan, with a Call for Sites taking place shortly, therefore the work on Heronby would continue in relation to this. The removal at this time was being proposed so as not to unduly delay the progression of the Selby Local Plan.
- Members emphasised the urgent need for housing development to ensure that local people could remain in their local areas and considered that the removal of Heronby did not support that.
- The timescales for the North Yorkshire Plan were outlined with an expected adoption date of 2028. Members noted that further consultation on the Heronby proposal would further delay the Selby Local Plan but considered that it was unlikely

that anything would change in terms of including the scheme in the North Yorkshire Plan, and that it would be better to negotiate and reconsult at this stage rather than push it back into the consultation stage for the North Yorkshire Plan.

- During the discussion it was noted that the details held for other Districts would be taken account of during the development of the overarching North Yorkshire Plan, but it would require the resubmission of those details.
- A Member highlighted the details outlined in the Selby Local Plan in relation to additional residential development at Hambleton, North Duffield and Eggborough. He suggested that infrastructure and facilities were required to assist these new developments, in those locations, as those currently in those areas were in danger of being overwhelmed. He stated that careful thought was required of these locations being sustainable as the fall-out from removing Heronby and extending the local villages to provide the housing development could create problems for those areas. Other Members highlighted their concerns regarding the extended development of existing villages and the impact of the existing residents and resources within those locations. It was suggested that new settlements were more able to develop the necessary infrastructure and facilities as part of their development, rather than tagging new development onto existing areas. It was also more appropriate for issues around Climate Change to be addressed through the development of a new settlement, as these could be built in, rather than try and retrofit existing properties.
- It was requested that greater clarity be provided in what was required from the Plan and how this was to be achieved in relation to Climate Change.
- A Member stated that he was totally opposed to the inclusion of Heronby as a development within any Local Plan, citing the current difficulties on the A19 which would only be exacerbated by the development of Heronby. He considered that the development of Heronby would only lead to further calls for a by-pass in that area. A Member suggested that input from National Highways was required in respect of the potential impact the development of Heronby would have on the A19 before this was further pursued.

Resolved

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

(This was voted against by one Member of the Committee due to the continued pursual of the Heronby development).

7 Maltkiln new settlement – Submission of the New Settlement (Maltkiln) Development Plan Document - Report of the Corporate Director of Community Development.

Considered – the report of the Assistant Director Planning – Community Development Services requesting Members:

- a) Consider the content of the Regulation 19 Draft New Settlement (Maltkiln) Development Plan Document (DPD) and accompanying submission documents and seek renewed agreement for submission to the Secretary of State for public
- b) examination; and
- c) 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).

The report highlighted the following:

- The development of a new settlement known as Maltkiln was a key part of the Harrogate District Local Plan's growth strategy, providing much needed homes and jobs in a sustainable location along the York-Harrogate-Leeds rail line.
- The broad location of the new settlement was established in the Harrogate District Local Plan (adopted 2020), but the Plan states that the boundary, form and nature of the new settlement would be set through a development plan document (DPD).
- A draft DPD had now been prepared setting a thirty-year vision for Maltkiln and a policy framework to guide how it is developed, underpinned by evidence base work, community involvement and public consultation.
- The next and final stage of the DPD process was submission to the secretary of state for an examination in public, allowing independent scrutiny of the DPD and allow a further chance for communities and stakeholders to influence the process and the final DPD.
- If adopted, the DPD would provide a robust framework for the Council to guide and manage the long-term development of Maltkiln.
- The former Harrogate Borough Council in September 2022 published a Regulation 19 consultation and submitted the DPD for examination following that. The decision still has legal standing, but given the time that has elapsed for the reasons set out in the report it was felt prudent to seek re-confirmation of that decision. This report also provided an opportunity to present and agree the final submission documents.
- The draft DPD set a clear and ambitious vision for Maltkiln and a policy framework to guide how it is developed creating a mixed-use settlement, where people have access to homes, a range of employment types, local services and facilities, public transport and open spaces, focussed around the Cattal rail station and the new local centre enabling the residents to benefit from key walking, cycling and public transport corridors.
- Preparation of Development Plan Documents is governed by planning legislation and progression of the DPD through the final stages of the process would allow the Council to give increased weight to the Plan in the determination of planning applications. If adopted, full weight can be given to DPDs allowing the Council to drive development of the new settlement in a comprehensive manner.
- Upon submission, the Secretary of State appoints an Inspector to carry out an independent examination of the DPD, dealt with by the Planning Inspectorate. The process was detailed in the report.
- Resultant modifications would be for Full Council (with prior consideration at Development Plans Committee) to agree before the Plan is adopted.

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, with the comments of the Committee and a recommendation for approval.

(All Members voted in favour other than 1 abstention)

8 Other business which the Chairman agrees should be considered as a matter of urgency because of special circumstances

There were no items of urgent business.

The meeting concluded at 4.25 pm.