

City of York Council

EARSWICK NEIGHBOURHOOD PLAN: POST- EXAMINATION DECISION STATEMENT

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to City of York Council of the independent examination of the Earswick Neighbourhood Plan ("the Plan") by independent Examiner Mr Andrew Ashcroft, which was submitted to the Council on 7th January 2019.

This decision statement, the independent Examiner's Report and the submission version of Earswick Neighbourhood Plan and supporting documents can be viewed on the Council's website: www.york.gov.uk/neighbourhoodplanning

Paper copies of this decision statement and the Independent Examiner's Report can be viewed during normal opening times at the following locations:

- City of York Council's West Offices,
- York Explore Library,
- Strensall Library and
- Huntington Library

1.0 BACKGROUND

- 1.1 Under the Town and Country Planning Act 1990 (as amended), City of York Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's Report have been considered and accepted and that subject to making the recommended modifications (and other minor modifications) the Plan may now be submitted to referendum.
- 1.3 The Earswick Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 9th December 2015. This area is coterminous with the boundary of the parish of Earswick and is entirely within the Local Planning Authority's area.

- 1.4 Earswick Parish Council undertook two pre-submission consultations on the draft Plan in accordance with Regulation 14. Consultation on 1st Pre-Submission Version took place between 20th November 2016 and 7th January 2017. Consultation on 2nd Pre-Submission Version took place between 4th December 2017 and 5th February 2018.
- 1.5 Following the submission of the Earswick Neighbourhood Plan to the Council in February 2018, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended at on 15th November 2018.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, with the consent of Earswick Council, to undertake the independent examination of the Earswick Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2 The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area on 29th November 2018.
- 2.3 The Examiner's Report was formally submitted on 7th January 2019. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum. The Examiner also recommends that the referendum area should be the same as the designated Neighbourhood Area, which is the same as the administrative boundary for Earswick parish.
- 2.4 Following receipt of the Examiner's Report, legislation requires that the Council consider each of the modifications recommended, the reasons for them, and decide what action to take. The Council is also required to consider whether to extend the area to which the referendum is to take place.

3.0 DECISION AND REASONS

- 3.1 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, the Council, has decided to accept all of the Examiner's recommended modifications to the draft Plan. These are set out in Table 1 below.
- 3.2 The Council considers that, subject to the modifications being made to the Plan as set out in Table 1 below, the Earswick Neighbourhood Plan meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) is compatible with the Convention rights and meets

the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

- 3.3 As a consequence of the required modifications, the Council will modify the Earswick Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.4 The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum area for the final Earswick Neighbourhood Plan will therefore be based on the designated Earswick Parish Neighbourhood Area.
- 3.5 This decision will be made at a meeting of the Council's Executive on 7th March 2019.
- 3.6 This decision statement will be dated 7th March 2019.

Other information:

The Neighbourhood Plan document will be updated to incorporate all the modifications required and re-titled Referendum Version. The date for the referendum and further details will be publicised shortly once a date is set by the Council.

Table 1: Examiner’s Recommended Modifications

Earswick NP Policy	Examiner’s Report Reference	Recommended Modification	CYC Consideration/ Justification
ENP 1: Windfall Housing Development	Para. 7.13 - 7.14	<p>Delete the first sentence.</p> <p>At the end of criteria a) to f) replace the full stop with a semi-colon. At the end of criterion g) replace the full stop with ‘; and’.</p> <p>In criterion h) replace ‘Green Belt’ with ‘national Green Belt policy’.</p>	Agree with the modifications for the reasons set out in the Examiners Report.
ENP2: Housing Mix	Para. 7.15 - 7.16	<p><i>At the end of paragraph 114 add: ‘This information is also underpinned by evidence in the Strategic Housing Market Assessment produced by the City of York Council’.</i></p> <p><i>At the end of paragraph 116 add: ‘This requirement is captured in Policy ENP 2. Its reference to ‘an up to date assessment of housing need’ relates both to parish-based evidence and to wider evidence in the City of York Strategic Housing Market Assessment’</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

<p>ENP3: Flood Risk and Climate Change</p>	<p>Para. 7.17 – 7.19</p>	<p>In the first part of the policy:</p> <ul style="list-style-type: none"> • insert '(as shown as Flood Zone 3 on Map 2) between 'areas' and 'should' • replace 'City Council' with 'the City of York Council's Strategic Flood Risk Assessment' • delete 'and Environmental.... assessments.' • replace 'consider' with 'address'. • replace 'PPG25' with 'paragraph 103 of the NPPF (2012)'. <p>In the second part of the policy:</p> <ul style="list-style-type: none"> • delete the first sentence; • replace the remaining part of the opening section of this part of the policy with 'Developers should address the relationship between climate change and potential flood risk in any proposals which have the ability to impact on the flood capacity of Flood Zone 3 in the neighbourhood area. The following types of development and/or mitigation will be supported: <p><i>At the end of the supporting text in paragraph 117 add:</i></p> <p><i>'The second part of the policy recognises that climate change has the ability to increase flood risk. It sets out a range of initiatives that the Plan supports to reduce the potential impacts of climate change.'</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p>
<p>ENP 4: Green Belt</p>	<p>Para. 7.20 – 7.32</p>	<p>Delete the fifth paragraph of the policy.</p> <p><i>Insert the deleted element of the policy as a further element of supporting text at the end of paragraph 139.</i></p> <p><i>In Map 3 sub title (Existing Draft Green Belt) add 'as defined in the City of York fourth set of changes Development Control purpose Local Plan (April 2005)'.</i></p> <p><i>Replace paragraphs 135-138 with the following:</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p>

		<p><i>'135. The neighbourhood plan has been produced within the context of the preparation of the emerging City of York Local Plan (2017-2033). The Local Plan will establish detailed Green Belt boundaries.</i></p> <p><i>136. This approach follows the advice in paragraphs 83-85 of the NPPF that the identification and modification of Green Belt boundaries are matters for the local planning authority to determine. At the same time the neighbourhood plan needs to be in general conformity with the strategic policies of the development plan. In this case these are policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy. These policies identify the general extent of the York Green Belt and set out its national significance.</i></p> <p><i>137. Whilst not forming part of the development plan the City of York Draft Local Plan incorporating the fourth set of changes Development Control Local Plan (April 2005) was approved for development control purposes.</i></p> <p><i>138. The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.'</i></p> <p><i>In paragraph 141:</i></p> <ul style="list-style-type: none"> <i>• replace 'which underpins its identification' with 'carried out as part of the preparation of this neighbourhood plan'.</i> <i>• replace the second sentence with 'The retention of the Green Belt in the neighbourhood area is a top priority for local people'.</i> 	
ENP5: Local Green Spaces	Para. 7.33 – 7.34	No modifications proposed.	N/A
ENP6: Ecology and Biodiversity	Para. 7.35 – 7.37	Replace the second sentence of the policy with: 'In particular development proposals that would affect the three sites listed below and shown on Map 5 should conserve and enhance their ecological networks and features (including their waterways, hedgerows and trees)'.	Agree with the modifications for the reasons set out in the Examiners Report.

		<i>Replace paragraph 153 (second sentence) with ‘Discussions have taken place with the City of York Council about the extent to which they are capable of specific ecological designation as part of the emerging Local Plan. Plainly this issue will be resolved as part of that process. On this basis the approach adopted in Policy ENP6 is one of a general nature towards ecology and biodiversity and within which the three sites concerned are identified as having a particular significance’.</i>	
ENP7: Distinctive Views	Para. 7.38 – 7.39	Replace ‘distinctive views’ with ‘open character and rural setting as experienced in views eastwards from Strensall Road’	Agree with the modifications for the reasons set out in the Examiners Report.
ENP8: Trees and Hedgerows	Para. 7.40 – 7.41	Replace ‘Opportunities to’ with ‘Proposals that would’.	Agree with the modifications for the reasons set out in the Examiners Report.
ENP9: Buildings and Structures of Local Heritage Interest	Para. 7.42 – 7.43	In the first part of the policy replace ‘the buildings and structures listed below’ with ‘the Earswick Parish Signs’ In the third part of the policy delete ‘including important views towards and from them. Development.... detail.’ At the end of the policy delete the bullet point.	Agree with the modifications for the reasons set out in the Examiners Report.
ENP10: Protecting Important Community Facilities	Para. 7.44 – 7.45	Replace: ‘an existing community facility’ with ‘the Earswick Village Hall’ and ‘allowed’ with ‘supported’. Delete the final sentence of the policy. <i>In paragraph 173 replace ‘These buildings’ with ‘The Village Hall’.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
ENP11:	Para. 7.46	Replace the policy with the following:	Agree with the

Enhancements to Transport and Highways	– 7.47	<p>(Title) Traffic Capacity and sustainable transport</p> <p>‘Development proposals will be supported where they provide appropriate capacity and/or mitigation for the additional traffic which they generate. Development proposal should also identify how they will incorporate measures to ensure the safe movement of pedestrians and cyclists to the various services and community facilities in the neighbourhood area.</p> <p>Proposals for the provision of a dedicated cycle route to Huntington will be supported’.</p> <p><i>Reposition the submitted policy (introductory section) and items a), b) and c) to a separate, non-land use part of the Plan and with a revised Policy number to read ‘Community Action 1’</i></p> <p><i>At the end of paragraph 182 add:</i></p> <p><i>‘Policy ENP11 addresses a series of traffic capacity and sustainable transport issues. These will have a direct bearing on the determination of planning applications. Community Action 1 later in the Plan sets out how the Parish Council will work with the City of York Council and other bodies to improve the transport and highway network in the neighbourhood area in a more general sense’.</i></p>	modifications for the reasons set out in the Examiners Report.
ENP12: Protecting Footpaths/Bridle ways and Cycleways	Para. 7.48 – 7.49	No modifications proposed.	N/A
ENP 13: Safe and Secure Parish	Para. 7.50 – 7.51	<p>Replace the policy with:</p> <p>‘Proposals that create attractive and safe public and private places as part of their design, layout and configuration will be supported’.</p>	Agree with the modifications for the reasons set out in the Examiners Report.

ENP 14: Developer Contributions	Para. 7.52 – 7.53	Delete ‘seek to’ from the policy wording.	Agree with the modifications for the reasons set out in the Examiners Report.
Other Matters		<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Agree with the modifications for the reasons set out in the Examiners Report.