

Rufforth with Knapton Neighbourhood Development Plan

Independent Examiner's Clarification Note

Context

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan is very well-presented. The Plan provides a clear and distinctive vision for the neighbourhood plan area in a challenging context in terms of the relationship between existing planning policy and the emerging Local Plan. Its focus on Green Belt issues, the natural and built environments, community amenities and local green spaces is both appropriate and distinctive to the neighbourhood area.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise some initial issues for clarification. They are designed for the Parish Council. The comments that are made on these points will be used to assist in the preparation of my report. They will also inform any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

General

Several policies contain elements of non-land use community actions. I have highlighted them on a policy-by policy-basis later in this Note. I can see that they have arisen naturally from the Plan-making process. I am intending to recommend that they are repositioned into a separate part of the Plan dealing with such matters. Do you have any comments on this intended approach?

Policy Rwk 01

Does the reference to Interim Draft Green Belt refer to Maps d/e in the submitted Plan or to the City of York Draft Local Plan 2005 (incorporating the 4th set of Changes)?

If it is the former what justification has been produced to vary the boundaries from the 2005 Draft Local Plan?

Policy Rwk 02

As I read the policy it appears to present a two-staged approach. The first stage safeguards open spaces proposed in the emerging Local Plan. The second stage identifies local green spaces (LGSs) that are particular to the neighbourhood plan. Is this correct?

Thereafter the second paragraph identifies the four specific LGSs. However there appear to be additional LGSs identified in Appendix VIII. Please can you clarify your approach?

In addition, I can see in the appendix that you have assessed the sites against the criteria in paragraph 77 of the NPPF. Please can I see the details of this analysis (and which allowed you to conclude that the sites concerned were NPPF-compliant)?

What is the size of the proposed Playing Fields LGS in Rufforth?

Policy Rwk 03

The first paragraph is a community action not a policy

Are the significant parish features those listed in paragraph 8.3.2?

Policy Rwk 05

The first and third paragraphs are community actions not policy

Policy Rwk 06

The first paragraph is a community action not a policy. In any event does it refer to the schemes in paragraph 8.6.7?

Policy Bick 07

A community action not a policy

Policy Rwk 08

This is a well-constructed policy. However, the third criterion is a community action

Policy Rwk 09

The first paragraph is a community action not a policy

Policy Rwk 10

This is a very well-constructed policy

Policy Rwk 11

As Rwk 10

However, in which of the villages are the following amenities?

- The Church
- The school
- The Chapel
- The Outreach PO

Policies Rwk H1/H2/H3

I can see that H1 and H3 seek to add value to the proposed allocation of the sites for residential use in the emerging Local Plan. I can also see that H2 is proposed as an additional site in the neighbourhood plan. I can also see that the Parish Council has sought to boost significantly the supply of housing in the neighbourhood area.

Nevertheless, how does the Parish Council consider that the allocation of the sites relates to paragraphs 82 and 83 of the NPPF which comment that local planning authorities (here the City of York Council) have the role and responsibility to establish Green Belt boundaries in Local Plans?

In these circumstances I am minded to recommend the deletion of the three sites concerned from the Plan. I am also minded to suggest that the Parish Council could carry out an early review of the Plan after the emerging Local Plan has been adopted and include whichever housing sites are eventually incorporated in that Plan. Do you have any observations on this approach?

Policy Rwk 15

Is the third criterion in the first part of the policy necessary? Should its focus be on the rural characters of the envelopes?

Does the second part of the policy apply within the village envelopes or throughout the neighbourhood area? If it is the latter should the policy sit best within Policy Rwk 14?

Policy Rwk 16

I understand the thrust of the policy. However significant elements of agricultural development are permitted development. Could you explain the thinking behind this element of the policy?

Policy Rwk 17

I appreciate the sensitivity/scale of the site within the neighbourhood area. Nevertheless, as a minerals/waste site the policy addresses 'excluded development' which cannot be included in any neighbourhood plan. In any event its key components are largely community actions.

As such I intend to replace the policy with a community action. Do you have any observations on this approach?

Representations made to the Plan

Does the Parish Council wish to make observations on any of the representations made to the Plan?

Protocol for responses

I would be grateful for comments by Friday 29 June 2018. Please let me know if this timetable may be challenging to achieve. It reflects the factual basis of the questions raised.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by the City of York Council and make direct reference to the policy/issue concerned.

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14 June 2018