

City of York Council

UPPER AND NETHER POPPLETON 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 Upper and Nether Poppleton Neighbourhood Plan ("the Plan") by independent Examiner Mr Andrew Ashcroft, which was submitted to the Council on 16th May 2017.

This decision statement, the independent Examiner's Report and the submission version of Upper and Nether Poppleton 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,
- Poppleton Library
- York Explore 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 Upper and Nether Poppleton Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 13th October 2014. This area is coterminous with the Upper and Nether Poppleton Parish boundaries and is entirely within the Local Planning Authority's area.

1.4 Upper and Nether Poppleton Parish Councils undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 22nd January and 15th March 2015 and again between 11th May and 1st July 2016.

1.5 Following the submission of the Upper and Nether Poppleton Neighbourhood Plan to the Council on 22nd November 2016, 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 5pm on 23rd January 2016.

2.0 INDEPENDENT EXAMINATION

2.1 The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, with the consent of Upper and Nether Parish Councils, to undertake the independent examination of the Upper and Nether Poppleton 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.

2.3 The Examiner's Report was formally submitted on 16th May 2017. 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 boundaries for Upper and Nether Poppleton parishes.

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, with the agreement of Upper and Nether Poppleton Parish Councils, 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 Upper and Nether 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 Table 2 sets out a list of some further minor modifications to the general text agreed by the Council and Upper and Nether Poppleton Parish Councils for the purpose of achieving consistency with the modified policies or to correct typographical errors. As this is not a different view to the Examiner's, it is not necessary for the Council to re-consult on those minor modifications.

3.4 As a consequence of the required modifications, the Council will modify the Upper and Nether Poppleton Neighbourhood Plan accordingly, for it then to proceed to referendum.

3.5 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 Upper and Nether Poppleton Neighbourhood Plan will therefore be based on the designated Upper and Nether Poppleton Parish Neighbourhood Area.

3.6 This decision was made at a meeting of the Council's Executive on 29th June 2017.

3.7 This decision statement is dated 30th June 2017.

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

PNP Policy/Para	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
PNP1 Green Belt	Para. 7.11-7.21	<p>Replace the policy with the following:</p> <p>The general extent of the York Green Belt within the Plan area is shown on the Policies Map</p> <p>Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in paragraph 89 of the National Planning Policy Framework.</p> <p>Proposed developments for the following uses will be supported provided that they preserve the openness of the general extent of the Green Belt and do not conflict with the purposes of including land in the Green Belt:</p> <ul style="list-style-type: none"> • Minerals extraction; • Engineering operations; • Local transport infrastructure that can demonstrate a requirement for a Green Belt location; • the re-use of buildings provided that the buildings are of permanent and substantial construction; and • Development brought forward under a Community Right to Build Order <p><i>Identify the general extent of the Green Belt on the Policies Map in an identical format to that displayed on the Proposals Map associated with the Fourth Set of</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p> <p>Map showing revised GB boundary to be included in the next version of the Plan.</p>

		<p><i>Changes Development Control Local Plan (2005)</i></p> <p><i>In 4.1.1 delete 'and it is.... land allocations plan</i></p> <p><i>Delete 4.1.2</i></p> <p><i>In 4.1.3 insert 'general extent of' between 'The' and 'Green'. At the end of the paragraph add 'There is an important area of open land between the City of York and the villages of Nether and Upper Poppleton. At its narrowest point this is in the order of 600metres in extent.</i></p> <p><i>Delete 4.1.5</i></p> <p><i>In 4.1.8 delete all the text after the first sentence</i></p> <p><i>Insert new paragraphs to read:</i></p> <p><i>Paragraphs 83-85 of the NPPF are clear that the identification and modification of green belt boundaries are matters for the local planning authority to determine. In this case that authority is York City Council. Furthermore, these paragraphs identify that these processes should be undertaken as part of the preparation or review of a local plan. In this case, this would be through the vehicle of the preparation of the emerging City of York Local Plan. 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 identify the general extent of the York Green Belt and set out its national significance. 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. 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>	
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PNP 2A and PNP 2B: Green Infrastructure	Para. 7.22 – 7.26	<p>Replace policies PNP 2A and 2B as follows:</p> <p>The green infrastructure within and surrounding Upper Poppleton and Nether Poppleton as shown on the Policies Map will be safeguarded. Proposals for their enhancement will be supported.</p> <p>Development that would harm the integrity or appearance of the green infrastructure will not be supported</p> <p><i>Reposition 'Green infrastructure...equestrian routes' to the end of paragraph 4.3.6</i></p> <p>Policy PNP 2B: Green Infrastructure</p> <p>I have recommended in Policy PNP 2A that the two green infrastructure policies are combined.</p> <p>Delete Policy</p>	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 3: Conservation	Para. 7.25 – 7.26	<p>Insert new first paragraph to read:</p> <p>All proposals for development in the Upper Poppleton and Nether Poppleton</p>	Agree with the modifications for the reasons set out

Areas		<p>Conservation Areas should preserve or enhance their special character or appearance.</p> <p>In the existing part of the policy remove the underlining of ‘within’, replace ‘must’ with ‘should’ and replace ‘in the ... references)’ with ‘in the conservation area character assessments for the relevant conservation area as included at Appendix C of this Plan.’</p>	in the Examiners Report.
PNP 4: Village Design Statement	Para. 7.27 – 7.32	<p>Include the following as a new paragraph at the start of the policy:</p> <p>Proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance.</p> <p>In the policy in the submitted Plan replace ‘will be considered...guidelines’ with ‘should respect the Design Guidelines’</p> <p><i>In 5.11 replace the first sentence with ‘Policy PNP 4 sets out that proposals should respect the Design Guidelines in the Village Design Statement. Proposals that do not follow this approach will not be supported’.</i></p> <p><i>Delete 5.13 and 5.14</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 5: Traffic Policy	Para 7.33-7.34	<p><i>Delete paragraph 6.9 as a free-standing paragraph. Include the following at the end of paragraph 6.8: ‘This approach accords with paragraph 35 of the NPPF. Safe and secure layouts will be required which minimise conflicts between traffic and cyclists and pedestrians’</i></p> <p><i>Replace the policy title with ‘Cycle and Pedestrian Access’</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<p>H2: Land at Long Ridge Lane Upper Poppleton</p> <p>H3: Land at Blairgowrie, Main Street Upper Poppleton</p> <p><i>Delete paragraphs 7.10 to 7.13</i></p>	
PNP 6B Housing	Para 7.46 – 7.47	<p>Replace the policy as follows:</p> <p>Policy PNP 6D</p> <p>Proposals for the redevelopment of the existing buildings on the Blairgowrie site will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • They preserve or enhance the character or appearance of the Upper Poppleton conservation area; • The replacement buildings are of a similar scale, location and mass to the existing buildings; and • The existing mature trees and landscaping elements of the site are protected and used as an integral part of the layout and design. 	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 6C Housing	Para 7.48 – 7.49	Delete Policy	Agree with the modifications for the reasons set out in the Examiners Report.
Policy PNP 6D	Para 7.50 – 7.51	<p>Replace the policy as follows:</p> <p>Policy PNP 6E</p> <p>Proposals for the residential development of the former British Sugar Site will be supported subject to the following criteria:</p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<ul style="list-style-type: none"> • They include a mix of housing types; • They provide amenities, outdoor sport and recreational facilities; and • They provide a principal access point off the Boroughbridge Road <p><i>In the second sentence of paragraph 7.6 replace '1100' with 'approximately 1140'</i> <i>Replace the third sentence of this paragraph with 'The exact number of dwellings on the wider site will be determined through the planning application process and its associated masterplan'.</i></p> <p><i>Replace the final sentence of paragraph 7.8 with 'Millfield Lane will provide a secondary access into the site'.</i></p>	
PNP 7A: Business and Employment	Para 7.52 – 7.54	<p>Replace the policy with:</p> <p>Proposals for new business development on established business parks in the Plan area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the application.</p>	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 7B: Business and Employment	Para 7.55 – 7.57	Delete Policy	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p> <p>Amend Policies map to reflect the removal of Site E2.</p>
PNP 8A: Education	Para 7.58 – 7.59	<p>Replace 'land allocations map' with 'policies map'</p> <p><i>Modify policy title to read 'Safeguarding of land at Manor Academy'</i></p>	Agree with the modifications for the reasons set out

			in the Examiners Report.
PNP 8B: Education	Para 7.60 – 7.62	<p>Replace ‘and any.... might occur’ with ‘and development to the south which may arise following the adoption of the City of York Local Plan.</p> <p><i>Modify title to read ‘Safeguarding of land for buffer strip to south of Manor Academy’</i></p> <p><i>Replace paragraph 9.4 with the following:</i></p> <p><i>There has been a dialogue between the Academy and the owners of the land to the south. In the event that this land comes forward for development as part of the adoption of the City of York Local Plan general agreement has been reached to safeguard a strip of land along the boundary as a buffer zone. This will be in the common interest of both parties. Policy PNP 8B safeguards the land concerned for this purpose. The need or otherwise for the policy can be reviewed once the Local Plan has been adopted.</i></p> <p><i>Delete the map and italic text at the top of page 45</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 9A: Community Facilities	Para 7.63 – 7.65	<p>Replace the policy with the following:</p> <p>Land to the north of the Poppleton Tigers Junior Football Ground, Millfield Lane, as shown as R1 on the Policies Map, will be reserved for development as a recreational open space.</p> <p><i>Replace the title of the policy with ‘Land to the north of the Poppleton Tigers Junior Football Ground, Millfield Lane’</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 9B: Community Facilities	Para 7.66 – 7.67	<p>Insert ‘as shown as R2 on the Policies Map’ after ‘Centre’.</p> <p>Replace ‘should...developed’ with ‘is reserved for development’ and delete ‘for children...ages’.</p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<i>Replace the title of the policy with 'Land adjacent to the Community Centre'</i>	
PNP 10A: Environmental Policy	Para 7.68 – 7.69	<p>Replace policies PNP 10 A and 10 B with:</p> <p>Woodland areas and hedgerows within the Plan area will be safeguarded. Development proposal should take account of existing wooded areas and hedgerows. The hedges within the areas shown on the Policies Map are particular important and their removal will not be supported</p> <p><i>Change policy title to 'Protection of Wooded areas and hedgerows'</i></p> <p><i>Reposition policies PNP 10A and 10B into the supporting text as paragraph 11.15. Add at the end of this new paragraph 'Policy PNP 10 provides a context for the delivery of these important objectives. The Policies Map identifies key areas to the east of the residential properties in Station Road.'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 10B: Environmental Policy	Para 7.70	Delete	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 11: Climate Change and Renewable Energy	Para 7.71 – 7.73	<p><i>Identify the policy as a non-land use proposal by use of a different colour or other identification</i></p> <p><i>Replace 'Any new.... with or' with 'New developments that'</i></p> <p><i>Insert 'will be particularly supported' after 'energy technology'</i></p> <p><i>Replace 'and should...following: - 'with 'Developers may also wish to consider'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
PNP 12: Minerals Extraction and	Para 7.74 – 7.76	<p>Replace the policy with the following:</p> <p>Proposals for the restoration and reinstatement of land at Dutton Farm as</p>	Agree with the modifications for the reasons set out

Waste		<p>shown on the Policies Map should respect its location within the general extent of the York Green Belt. Proposals should include details of indigenous tree planting and landscaping and details of initiatives to re-establish wildlife habitats</p> <p><i>Modify title to read 'Tree planting and landscaping at land to the north-east of Dutton Farm'</i></p>	in the Examiners Report.
General Comments	Para 7.77	<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.

Table 2: Further minor modifications arising from the Examiner’s modifications or to correct typographical errors

Page/Para.	Change	Reason
Front cover	Amend to read ‘Referendum Version’	To reflect current stage of Plan
All	Add/amend paragraph numbers	For clarity
Page 2 / Contents	Add ‘Appendix B’ for Terms of Reference for Neighbourhood Plan Committee and Change ‘Appendix B’ to Appendix C’ for Detail descriptions of Conservation Areas and listed buildings	Correction
Page 3	Amend title to read ‘Upper and Nether Poppleton Neighbourhood Plan’	For consistency
Page 3/para. 5	Delete first sentence	For clarity.
Page 4/para 3	Change ‘Nether’ and ‘Upper’ around	For consistency
Page 4 / para 3	First sentence. Add ‘together’ after ‘worked’	Omitted word.
Page 5 / 4 th bullet	Remove word ‘be’	Typo
Page 6 / 2 nd bullet/3 rd bullet	Add ‘ing’ to ‘retain’. Add ‘ing’ to ‘stratify’. Add ‘ing’ to ‘build’.	Correct tense
Page 7 / para 1.3	Move comma from after ‘based’ to before.	Typo

Page 8 / para after 2.1	Change 'managed' to 'manage'	Typo
Page 9 / 3 rd para	Change 'purposes' to 'purpose'	Typo
Page 9 / 7 th para	Change 'identify' to 'identifying'	Typo
Page 9/ last para	Change 'COYC' to 'CYC'	For consistency
Page 11	Remove 'to be brought....later in 2016'	To reflect latest position.
Pages 12-14	Amend policy wording to reflect the modifications to policies in main chapters as recommended by Examiner.	For consistency
Page 15	Amend title to 'Policies Map'. Amend Policies Map and key to reflect the modifications to policies as recommended by Examiner i.e. delete H4 and E2 and draw green belt to reflect City of York Local Plan 4 th Set of Changes boundary.	For consistency
Page 17 / para 4.1.4	Remove sentence which refers to H4: 'Limited green field...agricultural land)'	For consistency
Page 19 / para 4.2.3	1 st bullet – Change 'Saxon' to 'Medieval' 5 th bullet – Delete apostrophe from 'Sports'	Factual change Typo
Page 20 / para 4.3	Add 's' to 'Corridor'	Typo
Page 21 / para 4.3.3	Refer to Upper and Nether Poppleton rather than 'the Poppletons'	Typo

Page 23 / para 5.8	Change position of word 'eventually'	For clarity
Page 26 / title	Amend 'Historic' to 'Heritage'	For consistency
Page 26 / History of Nether Poppleton	Amend 'Osbern de arches' to 'Osbern d'Arches'	Typo
Page 31 / para 6.8	Add punctuation to final sentence beginning 'Safe and secure...'	Typo
Page 31 / para 6.13	Add 'way' after 'cycle' on first line.	For clarity
Page 33 / para 7.1.1	Remove 'Other' from start of second sentence.	Typo
Page 33 / para 7.1.5	Add 6E to list of policies	For consistency
Page 35 / para 7.5	Amend to read 'The Former British Sugar Site (H1)'	For consistency
Page 36 / para 7.9	Amend 'have' to 'has' in second sentence	Typo
Page 38 / para 7.14	Add 's' to 'represent'	Typo
Page 38 / para 7.15	Amend 'Proposals' to 'Proposed' and add 's' to dwellings.	Typo
Page 39 / para 7.16	Add 's' to development	Typo
Page 39 / after para 7.16	Add line space after 'considered' to separate text related to aerial photo. Add 'of these are' after 'To the right'	Typo

Page 42 / para 8.12 – 8.16	Remove references to E2 and replace with 'Poppleton Garden Centre'.	For consistency
Page 44 / para 9.1	Amend 'Land Allocations Plan' to 'Policies Map'	For consistency
Page 44 / para 9.3	Amend 'ST1' to 'H1'	For consistency
Page 44 / para 9.3	Add 'in' before 'proximity' in 2 nd sentence	Typo
Page 44 / para 9.5	Delete text 'as illustrated in Appendix B'	For consistency
Page 46 / para 10.1	Amend 'Land Allocations Plan' to 'Policies Map'	For consistency