

Earswick 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 facilities 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.

Policy ENP3

The second part of the policy 'encourages' developers to reduce emissions and improve air quality. In policy terms 'encourage' has little effect. I am proposing to recommend that this policy is modified to adopt a format which 'supports' such initiatives.

Do you have any comments on this approach?

Paragraph 141

I can see how the Parish Council has approached the Green Belt issue. Nevertheless paragraph 141 appears to go beyond the remit of a neighbourhood plan and make a case for the local boundary of the Green Belt in the emerging Local Plan. Plainly the City of York Council will come to its own judgement on this matter. In these circumstances I am proposing to recommend a modification to the text so that it adopts a more neutral tone.

Do you have any comments on this approach?

Policy ENP5

I can see the justification for the various LGSs in the Basic Conditions Statement. However please can you advise me on the size of LGS 2 and LGS7.

Policy ENP6

I saw the biodiversity importance of the three sites as part of my visit. However:

- Please can you advise on progress of the designation of the three sites as Sites of Local Interest in the emerging Local Plan?
- Is there a specific purpose why there is an overlap between the three sites and the proposed LGSs?
- Is any value added by having two policies whose effect is largely identical?

- Would any harm be caused to your plan-making intentions if Policy ENP6 became a more general policy (reflecting its first sentence) within which the three sites would be identified as having particular importance?

Policies ENP9/10

These policies read as though they would be safeguarding separate schedules of buildings and structures. However, in both cases the policies only identify one building.

Had other buildings/facilities been considered and discounted?

Policy ENP11

The policy has different components. Items a-c are of a non-land use nature. Items d-f are land use in nature. Planning Practice Guidance comments that non-land use issues should be addressed in a separate part of the Plan. As such I am proposing to recommend a modification to this effect. Do you have any comments on this approach?

Policy ENP13

This policy reads more as a statement of intent rather than as a policy. In these circumstances I am proposing to modify its structure so that it would support proposals that 'create attractive and safe public and private places'. 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 14 December 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.

Andrew Ashcroft

Independent Examiner

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30 November 2018