



General information about the planning system, neighbourhood plans and referendums

The planning system

Most new buildings, major changes to existing buildings or major changes to the local environment (including building work, engineering work and mining work) need consent - known as planning permission. Without a planning system everyone could construct buildings or use land in any way they wanted, no matter what effect this would have on other people who live and work in their area.

City of York Council is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre - should go ahead within the city.

Planning involves making decisions about the future of our cities, towns and countryside and considering the sustainable needs of future communities. Decisions on planning applications are based on national planning policy guidance, the Local Plan and any relevant neighbourhood plan.

Local Plans

City of York Council must prepare a local plan which sets planning policies within the local authority area. Local plans must be prepared with the objective of contributing to the achievement of sustainable development. They must be positively prepared, justified, effective and consistent with national policy in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.

The City of York Local Plan Publication Draft (February 2018) (Regulation 19 Consultation) was submitted to Government on 25th May 2018. Examination hearings are expected in due course after which the plan will be adopted.

National Planning Policy Framework

A revised National Planning Policy Framework was published on 19th February 2019. The framework gives guidance to local councils in drawing up local plans and on making decisions on planning applications. It includes a presumption in favour of sustainable development.

Neighbourhood planning

Neighbourhood planning was introduced under the Localism Act 2011 to give members of the community a more hands on role in the planning of their neighbourhoods. It introduced new rights and powers to allow local communities to shape new development in their local area by coming together to prepare neighbourhood development plans (usually referred to as neighbourhood plans). It enables communities to develop a shared vision for their neighbourhood and deliver the sustainable development they need through planning policies relating to the development and use of land.

Neighbourhood plans can be prepared by Parish Councils or neighbourhood forums (in areas not covered by a Parish).

The local community can decide to include in a neighbourhood plan, but it must meet the following 'Basic Conditions':

- Must have regard to national planning policy and advice contained in guidance issued by the Secretary of State
- Must contribute to the achievement of sustainable development
- Must be in general conformity with strategic policies in the development plan for the local area (i.e. the Local Plan)
- Must be compatible with EU obligations and the European Convention on Human Rights.

Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

There is a statutory process that must be followed for the making of a neighbourhood plan. The neighbourhood area (area to which the plan relates) must be designated and there can only be one neighbourhood plan for each neighbourhood area. The neighbourhood plan must also specify a period for which it is to have effect.

The draft plan must be prepared through a process of consultation with local residents and businesses and the final draft plan must be subject to a set 'publicity period', where people are given an opportunity to submit comments. An independent examiner reviews these comments and checks whether the neighbourhood plan meets the basic conditions and other requirements set out in the regulations. This is to make sure that referendums only take place when proposals are workable and of a decent quality. The examiner then reports whether any modifications should be made to the plan and whether it should proceed to referendum stage.

The Council then decide, having regard to the statutory criteria, whether to accept the recommendations and proceed through referendum. If the neighbourhood plan proceeds to referendum, the Council are responsible for organising the referendum. The referendum will consider whether the local planning authority should use the neighbourhood plan for the area concerned to help it decide planning applications. The Neighbourhood Plan for the Earswick Parish is the referendum version of the plan that contains the modifications recommended by the independent examiner.

All those registered to vote within the neighbourhood area are entitled to vote in the referendum. See below for more details.

The local planning authority must make a neighbourhood plan which is the subject of a Referendum if more than half of those voting have voted in favour of the plan. The local planning authority must make or adopt the plan within 8 weeks of the day after the Referendum is held if the vote is in favour of the plan.

Once made and adopted the neighbourhood plan will be part of the statutory development plan and will be used in determining decisions on planning applications.

Information about Neighbourhood Plan Referendums

A referendum relating to the adoption of the Earswick Neighbourhood Plan will be held on **Thursday 2nd May 2019 from 7.00am-10.00pm.**

The question that will be asked in the referendum is:

Do you want the City of York Council to use the neighbourhood plan for Earswick to help it decide planning applications in the neighbourhood area?

You vote by putting a cross (X) in the 'Yes' or 'No' box on the ballot paper.

If more people vote 'yes' than 'no' in the Referendum, then City of York Council will use the Earswick Neighbourhood Plan to help it to decide planning applications within the Earswick Parish.

The Neighbourhood Plan once adopted will then become part of the Development Plan used by the Local Planning Authority (City of York Council).

If more people vote 'no' than 'yes', in this Referendum or there is a tied vote, then planning applications will continue to be decided without reference to the Neighbourhood Plan as part of the Development Plan for the local area.

The Referendum will be conducted in accordance with procedures similar to those used at local government elections.

Who can vote?

A person is entitled to vote if at the time of the Referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the Referendum area.

The eligibility criteria are:

- You are registered to vote in local government elections; and
- You are 18 years of age or over on Thursday 2nd May 2019.

If you are not registered, you won't be able to vote. You can check if you are registered by calling our Helpline on 01904 551007.

Applications to be included on the register of electors for this election must be received no later than Friday 12th April 2019. If you are not registered to vote, you can go online to www.gov.uk/register-to-vote with your national insurance number. If you do not have access to the internet please call our helpline on 01904 551007.

How to vote

There are three ways of voting:

In person

- On Thursday 2nd May 2019 at your local polling station.
- You will receive a poll card confirming your polling station for this Referendum.
- Polling stations are open from 7am to 10pm.

By post

- If you have a postal vote already, you will receive a poll card confirming this.
- If you want to vote by post, you will need to complete an application form and send it to the Electoral Registration Officer to arrive by 5pm on Monday 15th April 2019 at the address below.
- Postal votes can be sent overseas but you need to think about whether you will have time to receive and return your completed postal vote by Thursday 2nd May 2019
- You should receive your postal vote approximately 10 days before polling day. If it doesn't arrive in time, you can ask for a replacement up to 5.00pm on 2nd May 2019 by contacting our helpline 01904 551007.

By proxy

- If you have a proxy vote already, you will receive a poll card confirming this.
- If you can't get to the polling station and don't wish to vote by post, you may be able to vote by proxy. This means allowing somebody that you trust to vote on your behalf.
- If you want to vote by proxy, you will need to complete an application form and send it to the address below to arrive by 5.00pm on Wednesday 24th April 2019 at the address below.
- Postal and proxy vote application forms are available from City of York Council's website at: https://www.york.gov.uk/info/20035/elections/841/elections_in_york or you can call our helpline on 01904 551007 or email electoral.services@york.gov.uk to request an application form.

How to find out more

- Further general information on neighbourhood planning is available at www.york.gov.uk/neighbourhoodplanning
- For queries about planning issues and neighbourhood planning in general, please contact neighbourhoodplanning@york.gov.uk
- You can find specific documents on Earswick Neighbourhood Plan at www.york.gov.uk/neighbourhoodplanning
- For more information about voting and the arrangements for this Referendum, please contact our Helpline on 01904 551007 or email: electoral.services@york.gov.uk

Additional information in relation to neighbourhood planning is available on the following website:

<https://www.gov.uk/government/publications/neighbourhood-planning>