

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?

We understand the point made and accept this approach in principle. However we would suggest leaving them in the Plan in their current position, so as not to interrupt the flow of the script, and entitle them Community Actions as proposed.

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)?

It refers to the boundaries as set out in Maps d/e in the submitted Neighbourhood Plan

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

We understand that it is the role of the City of York Local Plan to define the Green Belt and indeed make this point in 8:1:1. The Green Belt as defined in the 2005 Draft Local Plan is technically a draft and the currently emerging Local Plan will be establishing a Green Belt for York. This emerging Local Plan is at an advanced stage and has been submitted for examination in May 2018. We have worked hard to achieve broad conformity between the Interim Draft green Belt as defined in our Neighbourhood Plan and that in the emerging Local Plan (differences being housing allocation RK H2 and some detail around peoples' gardens). We believed that given the advanced stage of The City of York Local Plan sufficient weight would be given to the Green Belt boundaries contained therein and hence

those set out in the submitted Neighbourhood Plan. For the purposes of clarification we enclose maps detailing the boundaries of the Green Belt in the emerging Local Plan and accept that where there are differences in detail it is these which will carry weight.

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?

This is 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?

The allotments in Rufforth and Knapton and the Churchyard in Rufforth are proposed as green spaces in the emerging Local Plan. In addition we are proposing as Local Green Spaces the Burial Grounds in Rufforth (both Formal and Natural) ,the playing fields in Rufforth, and the recreational field in Knapton.

Subsequent to the Neighborhood Plan being submitted the private landowner of the allotments in Rufforth has given City of York Council notice to quit within the intention of reverting the land to agricultural use. City of York Council are committed to finding an alternative site for allotments for the village. Presumably green space designation will transfer to the new site once it is established ?

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)?

Our analysis is attached to this response.

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

Approx 6.23 hectares

Policy Rwk 03

The first paragraph is a community action not a policy

Accepted

Are the significant parish features those listed in paragraph 8.3.2?

Yes

Policy Rwk 05

The first and third paragraphs are community actions not policy

Accepted

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?

Accepted and yes it does refer to the points in 8:6:7

Policy Bick 07

A community action not a policy

Accepted

Policy Rwk 08

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

Accepted

Policy Rwk 09

The first paragraph is a community action not a policy

Accepted

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 - [Rufforth](#)
- The school [Rufforth](#)
- The Chapel [Rufforth](#)
- The Outreach PO [Rufforth](#)

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?

[We acknowledge the timing difficulties arising from the fact that York does not currently have an adopted Local Plan and understand that it is the role and responsibility of City Of York Council to establish the Green Belt boundaries. However the emerging Local Plan is now at a very advanced stage and was submitted to examination in May 2018. Housing allocations H1 and H3 are allocations in the emerging Local Plan. The Parish Council timed submission of the Neighbourhood Plan to coincide with the advanced stage of the emerging Local Plan](#)

in the belief and hope that the green belt boundaries and housing allocations in the Local Plan would carry sufficient weight. Furthermore it seems inconceivable that given the need for housing and the general drift of national planning policy that the examiner would tighten the boundaries of the Green Belt in the York Local Plan and thus remove these housing allocations.

Rufforth with Knapton is a small rural Parish and these housing allocations are central to the Neighbourhood Plan. The Neighbourhood Plan has been produced under the powers of the 2011 Localism Act and it is our understanding that the intention of this Act is for communities to have a greater say in the planning system by shaping future development in their area. Throughout the development of this Neighbourhood Plan we have worked incredibly hard to consult with residents at all times, from the original questionnaire delivered to all 427 households in the Parish, and achieving a 73% response, to a “drop in” meeting to discuss the proposed housing allocations in detail. We have encountered no little cynicism from residents suspecting that at the end of the day the Neighbourhood Plan would carry little weight and that decisions would all be made by City Of York Council. We would respectfully suggest that removing the housing allocations from the Plan would serve to justify that cynicism in the minds of residents.

We have been acutely aware of the local and national need for more housing and in our submitted Plan we have tried very hard to balance those needs with retaining the rural character of the Parish. We truly believe that we have ownership of these proposals supported by the vast majority of residents. They are OUR plans and this ownership will be lost if the allocations are removed from the Neighbourhood Plan.

A clear objective of the Neighbourhood Plan is to sustain the highly valued community spirit and amenities in the villages. It is our belief that this can only be achieved by encouraging an environment for families and people of all ages to live and work and to do this by encouraging a mix of housing. In particular the primary school in Rufforth is highly valued, but currently 50% of pupils are from outside the Parish, and its long term sustainability will be dependent on a mix of families with young children within the population. We have laid down strict criteria for the housing allocations within the Plan which we have negotiated and agreed with the landowners and are concerned that by removing them from the Plan the weight of these criteria will be severely weakened, given that, in that event, they would be first allocated in the York Local Plan which does not contain said criteria.

Allocations H1 and H3 are supported in the Neighbourhood Plan and in the submitted City of York Local Plan and this support is confirmed in City of York Council’s response to our consultation. Whilst we understand the technical difficulties we would plead that sufficient weight be given to the emerging Local Plan to enable the allocations to remain in our Neighbourhood Plan.

With regard to allocation H2, this is not in the emerging Local Plan as the landowner did not submit the site to City Of York Council in time. Officers did propose the inclusion of the site at a late stage but this was rejected by members, along with other sites at this stage, on the grounds that as they had not been subject to consultation their inclusion would present a risk to the Plan. A planning application has subsequently been submitted and withdrawn. During this process some technical difficulties with the plans as proposed emerged. Accordingly we accept the removal of this allocation as proposed.

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?

On reflection we agree that this should read “ is appropriate to the rural character of the villages “

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?

Agree that this section should more appropriately sit within Policy RwK14

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?

We were attempting to remind residents that agricultural development is regarded as appropriate within the Green Belt. The Plan aims to encourage a thriving rural economy by supporting agriculture and this may require development which needs to go through the planning system. In these cases the Plan supports such development subject to the criteria set out in Policy RwK16

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?

Harewood Whin, due to its scale and proximity to Rufforth, has a huge impact on the lives of people within the Parish. It commenced life as a landfill site in the mid 1980’s despite the protestations of villagers and only after a public inquiry. At the time the expected duration was 20 years and when plans were submitted to use the site as a waste transfer station and recycling centre huge resistance from residents resulted. This indeed was one of the driving forces which encouraged the Parish Council to embark on the process of producing a Neighbourhood Plan. Eventually, following long negotiations between the neighbourhood planning group and Yorwaste, revised plans which minimised the effects on the community were submitted and approved. Policy RwK17 largely attempts to enshrine the agreements made as a clear policy to be understood by officers in the future.

Taking in to account the “ excluded Development “ we accept that this may better be classified as a community action. However it is important that as Harewood Whin is in the Green Belt any future development must be within in the current operational site footprint as defined in Map m. This is we understand covered in the Mineral and Waste Joint Plan but should be given additional weight by its inclusion in the Neighbourhood Plan

Representations made to the Plan

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

No

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.

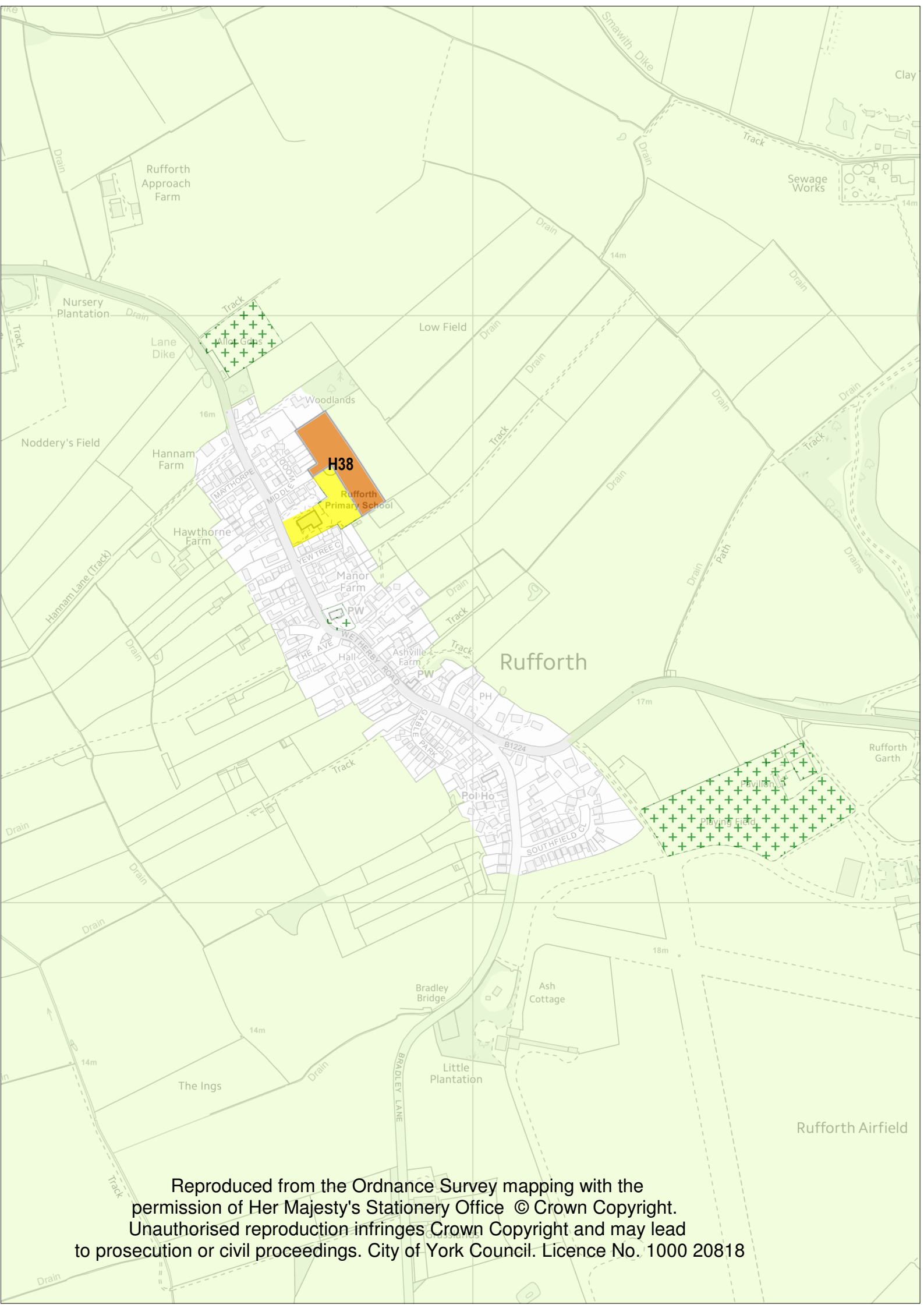
Andrew Ashcroft

Independent Examiner

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14 June 2018

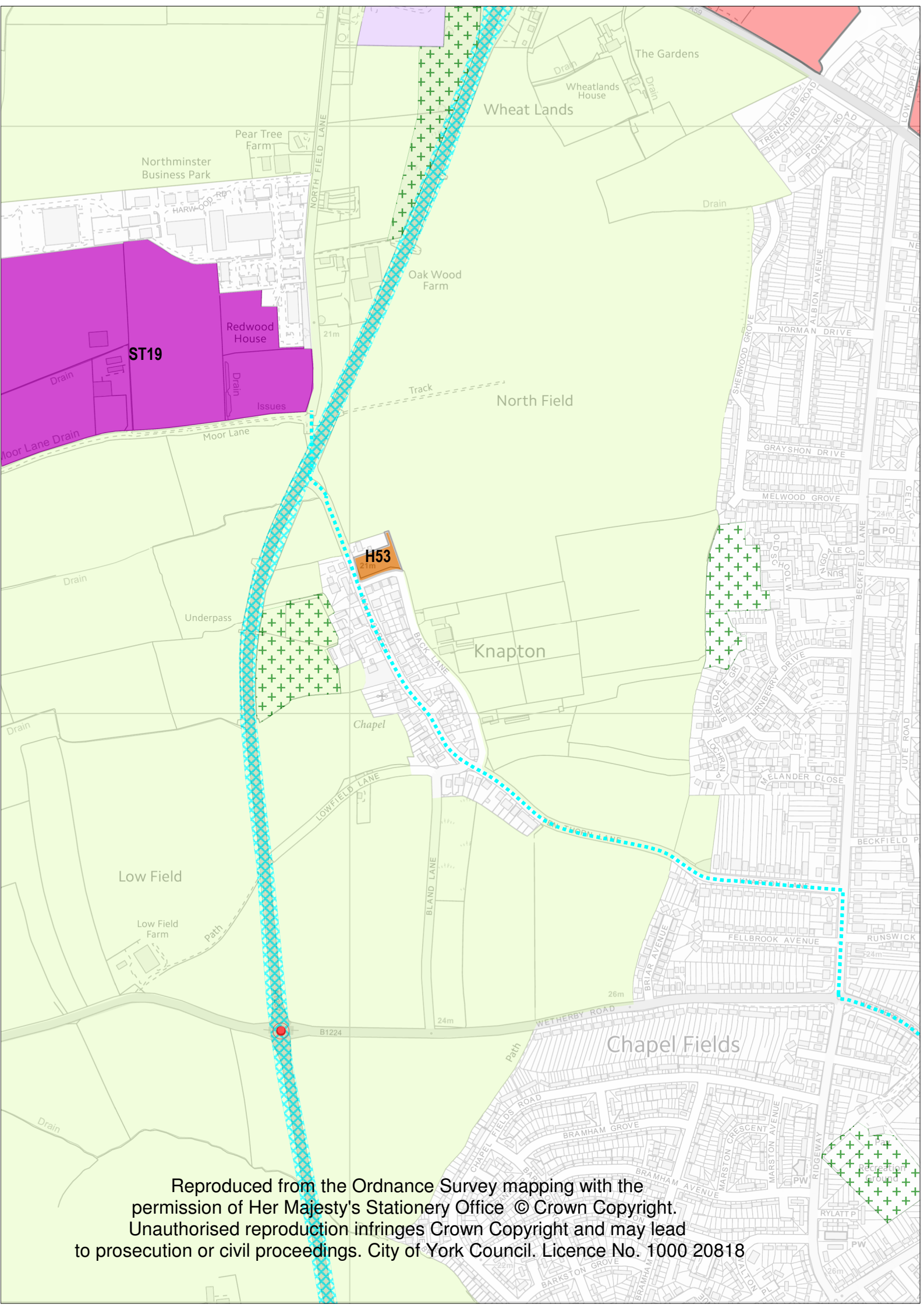
Green Space Criteria	Local Sites						
	The Church graveyard	Burial Ground	Natural Burial	Allotments in Rufforth	Allotments in Knapton	Knapton recreational field	Rufforth playing fields
Criteria 1 – easy public access	●	●	●	●	●	●	●
Criteria 2 – Close to the community (within 400m)	●	●	●	●	●	●	●
Criteria 3 – demonstrably special	●	●	●	●	●	●	●
Criteria 3a - beauty	●	●	●	●	●	●	●
Criteria 3b – historic significance	●	●	●	●	●	●	●
Criteria 3c – the recreational value	N/A	N/A	N/A	●	●	●	●
Criteria 3d - tranquillity	●	●	●	●	●	●	●
Criteria 3e – richness of wildlife	●	●	●	●	●	●	●
Criteria 4 – local in character, not an extensive tract of land i.e. fairly self-contained with clearly defined edges	●	●	●	●	●	●	●



H38

Rufforth

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