

## City of York Council

### RUFFORTH WITH KNAPTON 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 Rufforth with Knapton Neighbourhood Plan ("the Plan") by independent Examiner Mr Andrew Ashcroft, which was submitted to the Council on 17<sup>th</sup> July 2018.

This decision statement, the independent Examiner's Report and the submission version of Rufforth with Knapton Neighbourhood Plan and supporting documents can be viewed on the Council's website: [www.york.gov.uk/neighbourhoodplanning](http://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,
- York Explore Library,
- The Chapel, Rufforth,
- Tearooms/Shop, Rufforth,
- Rufforth Primary School,
- The Red Lion, Knapton,

#### 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 Rufforth with Knapton Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area in July 2015. This area is

coterminous with the boundary of the parish of Rufforth with Knapton and is entirely within the Local Planning Authority's area.

- 1.4 Rufforth with Knapton Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14, between 7<sup>th</sup> July to 18<sup>th</sup> August 2017.
- 1.5 Following the submission of the Rufforth with Knapton Neighbourhood Plan to the Council in February 2018, 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 on 2<sup>nd</sup> May 2018.

## **2.0 INDEPENDENT EXAMINATION**

- 2.1 The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, with the consent of Rufforth with Knapton Council, to undertake the independent examination of the Rufforth with Knapton 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 on 11<sup>th</sup>/12<sup>th</sup> June 2018.
- 2.3 The Examiner's Report was formally submitted on 17<sup>th</sup> July 2018. 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 boundary for Rufforth with Knapton parish.
- 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, 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 Rufforth with Knapton 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 As a consequence of the required modifications, the Council will modify the Rufforth with Knapton Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.4 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 Rufforth with Knapton Neighbourhood Plan will therefore be based on the designated Rufforth with Knapton Parish Neighbourhood Area.
- 3.5 This decision will be made at a meeting of the Council's Executive on 27<sup>th</sup> September 2018.
- 3.6 This decision statement will be dated 27<sup>th</sup> September 2018.

**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**

<b>RwKPolicy/ Para</b>	<b>Examiner’s Report Reference</b>	<b>Recommended Modification</b>	<b>CYC Consideration/ Justification</b>
RwK 01: Draft Green Belt	Para. 7.11-7.22	<p><b>Replace the policy with the following:</b></p> <p><b>The general extent of the York Green Belt within the Plan area is shown on the Policies Map and in Figures (b) and (c).</b></p> <p><b>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.</b></p> <p><b>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:</b></p> <ul style="list-style-type: none"> <li><b>• Minerals extraction;</b></li> <li><b>• Engineering operations;</b></li> <li><b>Local transport infrastructure that can demonstrate a requirement for a Green Belt location;</b></li> <li><b>• The re-use of buildings provided that the buildings are of permanent and substantial construction; and</b></li> <li><b>• Development brought forward under a Community Right to Build Order</b></li> </ul> <p><i>Identify the general extent of the Green Belt on the Policies Map and on Figures b</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>and c in an identical format to that displayed on the Proposals Map associated with the Fourth Set of Changes Development Control Local Plan (2005).</i></p> <p><i>Replace paragraphs 8.1.3/8.1.4 with:</i></p> <p><i>'The neighbourhood plan has been produced within the context of the preparation of the emerging City of York Local Plan (2017-2033). The Local Plan will establish detailed Green Belt boundaries. This approach follows the advice in paragraphs 83-85 of the NPPF that the identification and modification of green belt boundaries are matters for the local planning authority to determine. 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> <p><i>In these circumstances the submitted plan continues to apply the approach to the identification of the Green Belt as set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005) on an interim basis until such time as the emerging Local Plan is adopted. This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy. It will also provide the proper opportunity for developers and land owners to contribute to this debate both in general terms and to provide the agreed levels of development for the City. Once the emerging Local Plan has been adopted the neighbourhood plan will be reviewed in order to ensure that the two elements of the development plan are</i></p>	
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RwK 02 – Local Green Space	Para. 7.23 – 7.25	<p><b>Replace the policy to read:</b></p> <p><b>‘The following areas as shown on Figures d and e are designated as Local Green Spaces:</b></p> <p><b>[List the various sites as specified in Appendix VII]</b></p> <p><b>New development will not be supported on land designated as local green space except in very special circumstances.’</b></p> <p><i>In figures d and e show all the relevant sites as Local Green Spaces. In figure d remove reference to the shown Site of Local Interest.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 03 – Heritage	Para. 7.26 – 7.27	<p><b>Delete the first paragraph of the policy</b></p> <p><b>In the second paragraph of the policy:</b></p> <ul style="list-style-type: none"> <li>• <b>insert ‘as listed in paragraph 8.3.2 of the Plan’ after ‘Interest’.</b></li> <li>• <b>replace ‘would not be supported’ with ‘will be assessed on the basis of the relationship between the impact of the proposed development and the importance of the heritage asset in accordance with paragraphs 133</b></li> </ul>	Agree with the modifications for the reasons set out in the Examiners Report.

		<p><b>to 136 of the NPPF’.</b></p> <p><i>Replace the deleted first paragraph of the submitted policy as a community action shown in a separate box in a different colour from the land use policies.</i></p>	
RwK 04 – Biodiversity	Para. 7.28 – 7.29	<p><b>Replace ‘encouraged’ with ‘supported’</b></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 05 – Footpaths and Cycleways	Para 7.30-7.31	<p><b>Delete the first and third parts of the policy.</b></p> <p><i>Replace the deleted first and third paragraph of the submitted policy as separate community actions shown in separate boxes in a different colour from the land use policies.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 06 – Traffic Management	Para 7.32 – 7.33	<p><b>Delete the first paragraph of the policy.</b></p> <p><b>In the second part of the policy replace ‘should be able.... proposal does’ with ‘will be supported where its generated traffic movements do’</b></p> <p><i>Replace the deleted first paragraph of the submitted policy as a community action shown in a separate box in a different colour from the land use policies. In doing so insert ‘The’ at the beginning. Insert ‘as listed in paragraph 8.6.7’ between ‘movement’ and ‘especially’ and replace ‘should be implemented’ with ‘will be assessed with the relevant bodies and implemented as funding becomes available’.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

RwK 07 – Public Transport	Para 7.34 – 7.35	<p><b>Delete the first paragraph of the policy</b></p> <p><i>Replace the submitted policy as a community action shown in a separate box in a different colour from the land use policies.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 08 – Parking	Para 7.36 – 7.37	<p><b>Delete the third criterion</b></p> <p><i>Replace the third criterion of submitted policy as a community action shown in a separate box in a different colour from the land use policies</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 09 – Drainage	Para 7.38 – 7.39	<p><b>Delete the first paragraph of the policy.</b></p> <p><b>In the third paragraph of the policy insert ‘Where appropriate and necessary to the proposal concerned’ and delete ‘all’</b></p> <p><i>Replace the deleted first paragraph of the submitted policy as a community action shown in a separate box in a different colour from the land use policies.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 10 –	Para 7.40 – 7.44	<b>In the first part of the policy delete ‘(Heritage Policy RwK 03)’</b>	Agree with the modifications for



Design		<p><b>Alter the structure of the first part of the policy so that the two matters which appear as criteria together sit as a freestanding paragraph in the policy.</b></p> <p><b>In the seventh criterion of the second part of the policy insert ‘Insofar as planning permission is required’ before ‘satellite dishes’.</b></p> <p><b>Delete the final criterion of the second part of the policy</b></p> <p><i>At the end of paragraph 8.10.5 add ‘Policy RwK 10 overlaps with other policies in the Plan and with Policies RwK 03 (Heritage) and RwK 09 (Drainage) in particular’.</i></p>	the reasons set out in the Examiners Report.
RwK 11 – Community Amenities	Para 7.45 – 7.47	<p><b>Delete ‘to the satisfaction.....Parish Council’</b></p> <p><b>In the schedule of community amenities add (in brackets):</b></p> <p><b>The primary school (Rufforth)</b></p> <p><b>The Church (Rufforth)</b></p> <p><b>The Chapel (Rufforth)</b></p> <p><b>The Outreach Post Office (Rufforth)</b></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 12 – Housing Mix	Para 7.48 – 7.49	<b>Delete ‘who are downsizing’.</b>	Agree with the modifications for the reasons set out in the Examiners Report.
RK H1 – Middlewood	Para 7.50 – 7.54	<b>Delete policy</b>	Agree with the modifications for the reasons set out

Close Rufforth		<i>Delete the supporting text (8.13.12)</i>	in the Examiners Report.
RK H2 – Milestone Avenue Rufforth	Para 7.55 – 7.56	<b>Delete policy</b> <i>Delete supporting text (8.13.13)</i>	Agree with the modifications for the reasons set out in the Examiners Report.
RK H3 – Back Lane/Main Street, Knapton	Para 7.57 – 7.61	<b>Delete policy</b> <i>Delete supporting text (8.13.14)</i>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 14 – Reuse of buildings	Para 7.62 – 7.63	<b>Insert the second part of policy RwK15 as a second component to this policy with the following modifications:</b>  <b>Replace ‘considered.... such as’ with ‘will be supported subject to the following criteria</b>  <ul style="list-style-type: none"> <li>• <b>in the second criterion insert ‘substantive’ and delete ‘for a considerable period of time’</b></li> <li>• <b>[Replace the third criteria with those below]</b></li> <li>• <b>The proposal does not unacceptably reduce the amenity of residential properties within the immediate locality; and</b></li> <li>• <b>The traffic generated by the proposal can be satisfactorily accommodated within the local highways network</b></li> </ul>	Agree with the modifications for the reasons set out in the Examiners Report.

RwK 15 – Infill	Para 7.64-7.66	<p><b>In the first part of the policy:</b></p> <ul style="list-style-type: none"> <li>• <b>delete the first criterion</b></li> <li>• <b>replace the third criterion with ‘is appropriate to the rural character of the village concerned’</b></li> </ul> <p><b>Delete the second part of the policy</b></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 16 – Small Scale Commercial Enterprises	Para 7.67 – 7.70	<p><b>Replace the opening part of the policy with: ‘Insofar as planning permission is required proposals for agricultural development and the change of use of existing buildings for employment-generating development (Classes B1/B2/B8) will be supported subject to the following criteria:</b></p> <p><b>In the sixth criterion replace ‘Generally, respects’ with ‘They respect’</b></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 17 – Harewood Whin	Para 7.71 – 7.73	<p><b>Delete policy</b></p> <p><i>Replace the deleted submitted policy as a community action shown in a separate box in a different colour from the land use policies.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
Monitoring and Review	Para 7.74	<p><i>Include an additional Section of the Plan to read as follows:</i></p> <p><i>‘9. Monitoring and Review of the Plan</i></p> <p><i>The Plan has been prepared within the context of the emerging City of York Local Plan 2017-2033. 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</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<p><i>determine. In this case that authority is the City of York 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.</i></p> <p><i>It is on this basis that the neighbourhood plan does not seek to amend the working Green Belt boundaries from the interim Local Plan 2005. On the same basis it does not propose housing allocations. Nevertheless, the Parish Council and the local community has already carried out significant work on these matters. In particular there is local support for the Green Belt boundaries and the two housing allocations in the submitted Local Plan within the neighbourhood area.</i></p> <p><i>These matters would form the basis for an immediate review of the neighbourhood plan once the Local Plan has been adopted. In particular the review process would provide the opportunity to include locally-distinctive criteria for the allocated housing sites in the Local Plan that sit within the neighbourhood area’.</i></p>	
Other Matters		<p><i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p>