



Earswick Neighbourhood Plan

Final Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

1. Summary

Following a positive referendum result on the 2nd May 2019, City of York Council is publicising its decision made on 27th June 2019 by the Executive to 'make' the Earswick Neighbourhood Plan part of the City of York Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

Earswick Parish Council, as the qualifying body, successfully applied for the parish of Earswick to be designated as the Earswick Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012). Following the submission of the Earswick Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 15th November 2018.

3. Decision and Reasoning

City of York Council appointed an independent Examiner; Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in the report and which are set out in the Earswick Neighbourhood Plan Decision Statement (discussed at LPWG and Executive on 27th February 2019 and 7th March 2019 respectively), the plan should proceed to a Referendum.

A referendum was held on Thursday 2nd May 2019 and 94.2% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. City of York Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The referendum held on 2nd May 2019 met the requirements of the Localism Act 2011; it was held in the Earswick Neighbourhood Area and posed the question:

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

The count took place on the 3rd May 2019 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

The results of the referendum were:

Response	Votes recorded (percentage)
Yes	94.2%
No	5.8%
Turnout	50.4%

The Council considers that the Earswick Neighbourhood Plan meets the basic conditions (set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as amended), its promotion process was compliant with legal and procedural requirements and it does not breach the legislation (set out in Section 38A(6) of the Planning and Compulsory Purchase Act 2004).

4. Inspection of Decision Statement and made Neighbourhood Plan

This decision statement can be viewed on the City of York Council website and the Earswick Neighbourhood Plan website:

www.york.gov.uk/neighbourhoodplanning
<https://www.earswick.org/neighbourhood-plan/>

In accordance with Regulation 20 of the Regulations, the Earswick Neighbourhood Plan can be viewed on the Council's website and the Earswick Neighbourhood Plan website:

www.york.gov.uk/neighbourhoodplanning
<https://www.earswick.org/neighbourhood-plan/>

A copy of this decision statement is being sent to:-

- The qualifying body, namely Earswick Parish Council; and
- To any person who asked to be notified of the decision.

Paper copies of this statement and the made Neighbourhood Plan can also be viewed at:

- **City of York Council, West Offices, Station Rise, York, YO1 6GA** (Mon-Fri 8.30am-5.00pm excluding UK Bank Holidays)
- **York Explore Library, Library Square, York, YO1 7DS**
(Wednesday 9am-8pm, Thursday 9am-8pm, Friday 10am-6pm, Saturday 9am-5pm, Sunday 11am-4pm, Monday 9am-8pm, Tuesday 9am-8pm)
- **Strensall Library, 19 The Village, Strensall, York YO32 5XS**
Monday: 2pm – 5pm, Tuesday: 10.30am – 12.30pm and 2pm – 5pm, Wednesday: Closed, Thursday: 9.30am – 12.30pm and 2pm– 4pm, Friday: 2pm – 5pm, Saturday: 10am – 12.30pm.
- **Huntington Library, Garth Road, Huntington, York YO32 9QJ**
Monday: 9.30am – 12 noon and 2pm – 5pm, Tuesday: 9.30am – 12 noon and 2pm – 5pm, Wednesday: Closed, Thursday: 9.30am – 12 noon and 2pm – 5pm, Friday: 9.30am – 12 noon and 2pm – 5pm, Saturday: 9.30am – 12.30pm.

For further information please contact the Neighbourhood Planning team on neighbourhoodplanning@york.gov.uk or 01904 552255.

Signed



Mike Slater
Chief Planning Officer

27th June 2019