

Copmanthorpe Neighbourhood Development Plan 2022-2037

**A report to City of York Council on the
Copmanthorpe Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by the City of York Council in May 2025 to carry out the independent examination of the Copmanthorpe Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 10 June 2025.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It recognises its sensitive location in the Green Belt and the allocation of sites for residential development in the adopted Local Plan.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
14 August 2025

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Copmanthorpe Neighbourhood Development Plan 2022-2037 ('the Plan').
- 1.2 The Plan was submitted to the City of York Council (CYC) by Copmanthorpe Parish Council (CPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021, 2023 and 2024. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this results from my recommended modifications to ensure that the Plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then become part of the wider development plan and be used to determine planning applications in the neighbourhood area.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CYC, with the consent of CPC, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and CPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 42 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Plan's appendices.
- the Basic Conditions Statement.
- the Consultation Statement.
- the representations made to the Plan.
- CPC's responses to the clarification note.
- the City of York Local Plan 2017 to 2033.
- the National Planning Policy Framework (December 2023 and December 2024).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 10 June 2025. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by written representations.

The update of the NPPF in 2024

3.4 The NPPF was updated on 12 December 2024. Paragraph 239 of the NPPF 2024 sets out transitional arrangements for plan-making. It comments that the policies in the Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.

3.5 The Plan was submitted for examination on 29 January 2025. On this basis, the examination of the Plan against the basic condition that it should have regard to national policies and advice contained in guidance issued by the Secretary of State is based on the 2023 version of the NPPF. Where NPPF paragraph numbers are used in this report, they refer to those in the December 2023 version.

3.6 Paragraph 6.2 of this report sets out the full extent of the basic conditions against which a neighbourhood plan is examined.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), CPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. The Statement is commendably concise and focused with the various details set out in a series of appendices.
- 4.3 Sections 3 to 6 of the Statement records the various activities that were held to engage the local community throughout the process. I am satisfied that the events and engagement were appropriate to the relevant stages of the Plan and took an iterative approach.
- 4.4 The Statement also provides specific details on the consultation processes that took place on the pre-submission versions of the Plan (in 2014 and 2017). Appendices a-c and d/e respectively summarise the comments received in each of the two exercises. The Statement also advises about the extent to which the Plan was refined as an outcome of this process. This helps to explain the way that the Plan has evolved.
- 4.5 In the round, I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. CYC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by CYC. This exercise generated representations from the following organisations:
- National Highways
 - Yorkshire Consortium Drainage Boards
 - Coal Authority
 - North Yorkshire Police
 - Yorkshire Wildlife Trust
 - National Grid
 - Natural England
 - Historic England
 - Environment Agency

- Peacock and Smith (for a client)
- Savills (for a client)
- Askham Bryan College
- City of York Council

- 4.7 Comments were also received from fourteen local people, a local councillor, the Parish Council, and the neighbourhood planning group which offered support the Plan.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Copmanthorpe. It lies approximately three miles south-west of York in the York Green Belt. The parish comprises the village of Copmanthorpe and the surrounding open lowland countryside, which is characterised by fields bounded by native hedgerows and trees and containing several dispersed farmsteads. It was designated as a neighbourhood area on 7 January 2014.
- 5.2 Copmanthorpe village is situated in the north of the parish area, broadly at the intersection of the A64 trunk road and the East Coast Main Railway Line. The Village Centre is vibrant and interesting with St Giles Church and the village green at the heart. The village enjoys a wide range of commercial and community facilities. The historic core of the village was designated a conservation area in 1978. It encompasses Main Street, St Giles' Church, and Low Green. The area has a linear street pattern created by Main Street, Church Lane, and Low Green. St. Giles' Church occupies a pivotal position in the conservation area.
- 5.3 The remainder of the parish largely provides an agricultural and open context for the village. Askham Bryan College has 50 hectares of land within the parish running between the A64 and Colton Lane.

Development Plan Context

- 5.4 The City of York Local Plan was adopted in February 2025. It covers the period from 2017 to 2033 and provides up-to-date planning policies.
- 5.5 The Local Plan includes a series of housing and employment allocations. It also identifies the role of the Green Belt (in Policy SS2) which is shown on the Key Diagram.
- 5.6 The Local Plan includes two housing allocations in the neighbourhood area. The first is land at Tadcaster Road, Copmanthorpe for approximately 158 homes (Policy SS16). The second is land at Moor Lane Copmanthorpe for 92 homes (Policy H1 – site H29).
- 5.7 The following other policies in the Local Plan have had a bearing on the preparation of the submitted Plan:
 - Policy EC5: Rural Economy
 - Policy HW1: Protecting Existing Facilities
 - Policy HW2: New Community Facilities.
 - Policy D4: Conservation Areas
 - Policy D5: Listed Buildings;
 - Policy D7: Non-Designated Heritage Assets
 - Policy GB1: Development in the Green Belt
- 5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in

Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 10 June 2025. I approached it from the A64 to the north. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.
- 5.10 I looked initially at the village centre. I saw its range of facilities and the attractive conservation area. I saw the significance of St Giles Church and The Royal Oak Public House.
- 5.11 I then looked at the two sites allocated for residential use in the Local Plan in the parish. I noted that development was taking place on both sites.
- 5.12 I then looked at the relationship between the built part of the village and the surrounding Green Belt. I gave particular attention to the land to the immediate west of the village.
- 5.13 I then looked at the Sports and Recreation Centre. I saw its vibrant range of recreational uses. This part of the visit helped me to understand the contents of Policy CNP7 more fully.
- 5.14 I then drove along Temple Lane. I noted that its predominantly linear character contrasted significantly with the compact character of the main village.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - not breach and be otherwise compatible with the assimilated obligations of the European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Copmanthorpe Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the City of York Local Plan;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It includes a series of policies on a range of development and environmental matters. It comments about the level of housing growth and has a focus improving the quality of design associated with new development. It also comments about community facilities.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. It also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy on residential development (Policy CNP1). In the social dimension, it includes policies on affordable housing (Policies CNP 3 and 4), and community facilities (Policy CNP5). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy CNP2), and the Green Belt (Policy CNP6). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the York administrative area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject

to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, CYC prepared a screening report (January 2025). It is thorough and well-constructed and reaches the following conclusions:

'This screening report has explored the potential effects of the Copmanthorpe Neighbourhood Plan with a view to determining the likely requirement for an environmental assessment under the SEA Directive. Based on the SEA Screening Assessment (set out in figure 3), it is concluded that there are unlikely to be significant environmental effects.

Having taken all the policies in the Plan into account, in accordance with the topics cited in Annex 1(f) of the SEA directive, this screening opinion has concluded that a full SEA is not required.'

Habitats Regulations Assessment

- 6.15 CYC also prepared a screening report on habitats regulations assessment in January 2025. It assesses the impact of the Plan on five protected sites as identified in paragraph 2.3 of that report.
- 6.16 The assessment in section 3 of the report advises that none of the policies in the submitted Plan are identified to have likely effects on the integrity of the protected sites. The report also identifies that no cumulative effects because of the Plan are identified. In conclusion, the report comments that it is not necessary to continue to an Appropriate Assessment as part of the preparation of the Plan.
- 6.17 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about the way in which these matters have most recently been addressed. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the

Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with, the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and CPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all the Plan's policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan

- 7.8 The Plan makes an appropriate distinction between the policies and their supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The summary sets out the broader structure of the Plan. It also describes the Plan period.
- 7.10 The Next Steps section comments about the way in which the Plan has been prepared and the remaining steps. It overlaps with the details in the Consultation Statement. I recommend that its title is modified so that it more fully describes its contents.

Replace 'The Next Steps' with 'The Preparation of the Plan and the Next Steps'

- 7.11 The Introduction comments about the parish, the links between the Plan and the Local Plan, and the various residents' surveys. The section on the parish includes a map of the neighbourhood area. For clarity, I recommend that the map is replaced with one of a similar scale to that of the neighbourhood area in the Basic Conditions Statement.

Replace map of the neighbourhood area in the Introduction with one of a similar scale to that of the neighbourhood area in the Basic Conditions Statement.

- 7.12 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General Comments

- 7.13 An important element of the examination has been that the City of York Local Plan has been adopted since the Plan was prepared and then submitted. On the one hand, CPC has carefully prepared the neighbourhood plan to ensure that it was consistent with what was then the emerging Local Plan. However, on the other hand, the City of York Local Plan is now part of the development plan against which the submitted Plan falls to be assessed against the basic conditions. In this context the adopted Local Plan clarifies the overall level of housing growth throughout the City, identifies related housing allocations, and defines the Green Belt.
- 7.14 This sequence of events underpins several of the recommended modifications to policies (in the neighbourhood plan) in this section of the report. The modifications acknowledge national guidance that a neighbourhood plan does not need to restate or repeat policies in an adopted Local Plan.

CNP1 Housing Quantity

- 7.15 This policy sets the scene for the development of new homes in the parish. It advises that up to 250 dwellings will be permitted within the parish within the Plan period and development of these will only be permitted on the two allocated sites set out in the City of York Local Plan sites ST31 and H29 (158 houses on the Tadcaster Road site and 92 houses on the Moor Lane site). In addition, the policy comments that small-scale development of eight units or less which can be satisfactorily integrated into the existing built-up area of the village will be supported subject to compliance with the other policies in the Plan and the Village Design Statement.
- 7.16 The policy also includes a separate element which comments that any future development should exclude the land to the west of the built-up area of the Village.
- 7.17 During the visit, I noted that both housing sites included in the policy are now being developed. In these circumstances, and given that the Local Plan has now been adopted, I sought advice from CPC about the extent to which the policy continue to serve a specific purpose. In its response to the clarification note CPC advised that:

‘CNP1 limits large scale development to the (two) sites which should continue to apply throughout the plan period. It also supports small scale developments of up to eight units integrated into the existing built-up area of the village. As with all the policies they reflect the community view how the village should look by defining how it should grow or change during the life of the Local Plan. As an historic record any policy already adopted should be retained for such purpose.’

- 7.18 I have considered this matter very carefully. As with other policies, the approach taken in the submitted Plan has been overtaken by the adoption of the Local Plan. In these circumstances I recommend that the policy is recast so that it reflects this outcome and highlights that new development will be focused within the two allocations in the Local Plan. I also recommend modifications to the element of the policy which addresses

smaller sites so that it refers to the wider development plan rather than just to the submitted Plan.

- 7.19 I recommend the deletion of the second section of the policy which comments about land to the west of the village as it is within the defined Green Belt. This matter is explained in further detail in my assessment of Policy CNP6.
- 7.20 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Residential development in the parish will be focused on the two allocated sites set out in the City of York Local Plan (sites ST31 and H29).

In addition, small-scale development of eight units or less which can be satisfactorily integrated into the existing built-up area of the village will be supported where they comply with other development plan policies and the Village Design Statement.’

CNP2 Design principles

- 7.21 The Plan advises that the intention of the policy is that development should have regard to the Copmanthorpe Village Design Statement and should be designed to make a positive contribution to the local character and distinctiveness of the area. The policy also includes five design principles.
- 7.22 This is an excellent policy which is underpinned by the Village Design Statement. In the round it is a very good local interpretation of Section 12 of the NPPF. Within this context, I recommend the following package of modifications to bring the clarity required by the NPPF and to allow CYC to apply the policy through the development management process:
- modifications to the wording used in the first part of the policy;
 - the incorporation of a proportionate element into the second part of the policy. This will acknowledge that many minor and domestic proposals may not directly impact on the identified principles; and
 - a recasting of the fifth criterion so that it is factual rather than suggesting that developers have standard design pattern books.
- 7.23 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of each of the social and environmental dimensions of sustainable development.

In the first part of the policy replace ‘encourage’ with ‘promote’ and ‘all development’ with ‘development proposals’

In the second part of the policy replace ‘all new development is expected to adhere to the following design principles:’ with ‘as appropriate to their scale, nature and location development proposals should respond positively to the following principles:’

Replace the fifth principle with: ‘Developers should create bespoke house types which are appropriate for Copmanthorpe.’

CNP3 Affordable and Special Housing

- 7.24 This policy aims to reflect the requirements of the community in widening access to quality housing particularly for younger people, and for older people wishing to downsize, and who, in both cases, wish to continue living in Copmanthorpe.
- 7.25 The policy comments that affordable housing within Copmanthorpe (including social rented housing where there is a proven need) will be delivered in line with City of York Council policy and in accordance with Policy CNP 4 (Local Occupancy). It also includes two statements about how need will be calculated.
- 7.26 I sought advice from CPC about the extent to which this policy brings any added value beyond the relevant policies in the adopted Local Plan. In its response CPC commented that the policy introduces the arrangements for local occupancy and the requirement to ascertain the housing needs for older people with preference for local persons.
- 7.27 I have considered these issues very carefully. On the balance of the evidence, I am satisfied that the retention of a policy of this nature will complement the approach taken more widely in the City on affordable housing. Nevertheless, I recommend that the first and second of the three detailed points in the policy are deleted and repositioned into the Reasoned Justification. This acknowledges that they comment about how housing need will be assessed rather than operating as a land use planning policy.
- 7.28 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of each of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Affordable housing (including social rented housing where there is a proven need) will be delivered in line with City of York Council policy and in accordance with Policy CNP 4 (Local Occupancy) of this Plan.

Where housing need is the same, preference will be given to residents or those with a local connection as detailed in Policy CNP4 (Local Occupancy).’

At the end of the second paragraph of the Reasoned Justification add:

‘The target level of affordable and special housing per residential development scheme will be set in line with City of York Council policy from time to time in force. Housing needs for older people will be established in consultation with City of York Council.’

CNP4 Local Occupancy

- 7.29 The Plan advises that the intention of the policy is that a local occupancy policy will ensure a condition is placed on relevant planning permissions to restrict the occupation of such housing to local people. The policy advises that all affordable housing and older persons housing will be subject to six local occupancy restrictions.

7.30 I have considered the policy carefully. On the balance of the evidence, I am satisfied that the application of the policy to affordable housing is appropriate and will complement the approach taken in Policy CNP3. However, I am not satisfied that the application of the policy to older persons housing is appropriate. I have reached this conclusion for two related reasons. The first is that such an approach would unreasonably apply to private sector accommodation for older persons. The second is that the Plan's evidence on this matter relates only to the dated Housing Needs Survey of 2014. In this context I recommend a modification to the wording of the opening element of the policy. I also recommend consequential modifications to the Reasoned Justification.

7.31 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of the social and environmental dimensions of sustainable development.

Replace the opening element of the policy with: 'Affordable housing will be subject to local occupancy restrictions as follows:'

Replace the Reasoned Justification with: 'There is a need for affordable housing in Copmanthorpe for younger local people, who can be priced out of the conventional local housing market, and for older people who wish to downsize, all of whom wish to stay in the village for local connection reasons.'

Replace the Intention with: 'A local occupancy policy for affordable housing will restrict the occupation of such housing to local people in the first instance.'

CNP5 Community Facilities and Organisations

7.32 The intention of the policy is that the Plan will make provision for additional green space for recreational and leisure uses and additional land for allotments in the parish. The Reasoned Justification comments about the capacity of the existing provision.

7.33 The policy has three related elements as follows:

- where land becomes available, proposals for change of use to sports and leisure uses and allotments will be supported;
- any off-site financial obligation on developers to provide public open space or recreation facilities will be ring-fenced to deliver further recreation facilities within Copmanthorpe; and
- any Community Infrastructure Levy (CIL) arising out of development in Copmanthorpe shall be ring fenced to deliver infrastructure benefits in Copmanthorpe.

7.34 The intention of the policy is appropriate. Nevertheless, it includes elements of supporting text (about planning obligations and the use of CIL funding). It also fails to acknowledge that any CIL funding received will have a general and a local element, and that the former can be applied by CYC as it sees fit. In this context I recommend the following modifications to bring the clarity required by the NPPF and to allow CYC to apply the policy through the development management process:

- a simplification of the first part of the policy;

- the deletion of the second and third parts of the policy and their repositioning into the reasoned justification; and
- the recasting of the element of the (recommend) Reasoned Justification which refers to CIL so that it would apply solely to the local element of any such funding.

7.35 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of the social and environmental dimensions of sustainable development.

Replace the policy with: ‘Development proposals for additional sports and leisure uses and allotments will be supported.’

At the end of the third paragraph of the Reasoned Justification add: ‘In this context any off-site financial obligation on developers to provide public open space or recreation facilities will be ring-fenced to deliver further recreation facilities within Copmanthorpe. Furthermore, the local element of Community Infrastructure Levy funding arising out of developments will also be ring-fenced by the Parish Council to deliver infrastructure benefits in Copmanthorpe.’

CNP6 Green Belt

7.36 The Reasoned Justification advises that the Green Belt along the western flank of Copmanthorpe plays a significant role in defining and protecting the special character and setting of the historic City of York, and especially as it is approached from the west along the A64 trunk road, the principal gateway to York for visitors arriving by road. It also comments that the special character of York is not limited to the walled City; it refers to a much wider concept which includes the open countryside around York, the open approaches to the City, and its relationship with its surrounding villages.

7.37 The policy was developed as the Local Plan was evolving. The adopted Local Plan now defines the boundary of the Green Belt. The Green Belt includes land to the west of Copmanthorpe. Given that the Local Plan has now been adopted, I sought CPC’s view about the extent to which this policy continues to serve a specific purpose. I also sought CPC’s view about the extent to which the policy it brings any added value beyond the content of national and local planning policies in relation to the Green Belt. In its response to the clarification note CPC advised that:

‘this policy emphasises the importance of the Green Belt west of the built-up village and would encourage any future development to be located on fields on Temple Lane, which were the preferred locations to the Moor Lane site. Moor Lane was only accepted when the owner withdrew the Temple Lane fields. Now that the Local Plan has been adopted the owner’s obligations not to push any land except his Manor Heath field should have lapsed and it is reasonable to expect that he would be eager to make the Temple Lane fields available for housing, if necessary, beyond the currency of this Plan.’

7.38 I have considered this issue very carefully. On the one hand, I acknowledge the importance of the Green Belt to local people and CPC, and the way in which it has influenced the preparation of the Plan. However, on the other hand, national policy is

clear that there is no need for a neighbourhood plan to repeat or restate national or local planning policies. In this case, those policies are captured in Section 13 of the NPPF and in Policy GB1 of the adopted Local Plan. In all the circumstances I recommend that the policy is deleted.

- 7.39 I have considered the appropriateness of retaining the Reasoned Justification and the Policy Intention in the Plan in the absence of a policy on the Green Belt. On the balance of the evidence, I am satisfied that this is the case and recommend that a revised version of the supporting text should remain in the Plan. This will serve to highlight this important matter in the Plan, and draw attention to relevant national and local planning policies on the Green Belt.

Delete the policy

Replace the Reasoned Justification (1-7) and the Intention (1-5) with:

'The adopted City of York Local Plan defines the boundary of the Green Belt. The village of Copmanthorpe is inset from the Green Belt whilst the remainder of the parish of Copmanthorpe lies within the York Green Belt. The Green Belt includes land to the west of Copmanthorpe. The Local Plan comments that the protection of the Green Belt is an overriding planning consideration and one, which, in the case of most forms of development, strongly militates against the granting of planning permission. Its supporting text advises that in defining these boundaries, care has been taken to follow readily recognisable physical features that are likely to endure.

Policy GB1 (Development in the Green Belt) of the Local Plan advises that inappropriate development will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The policy also comments that the construction of new buildings (with limited exceptions) is inappropriate development.

Paragraph 142 of the NPPF advises that the essential characteristics of Green Belts are their openness and their permanence. The openness characteristic is particularly the case along the western boundary of Copmanthorpe village where this openness is much prized by Copmanthorpe residents. The emotional and spiritual value of this open land to the people of Copmanthorpe should not be underestimated.

The Green Belt along the western flank of Copmanthorpe also plays a significant role in defining and protecting the special character and setting of the historic City of York, and especially as it is approached from the west along the A64 trunk road, the principal gateway to York for visitors arriving by road. The special character of York is not limited to the walled City; it refers to a much wider concept which includes the open countryside around York, the open approaches to the City and its relationship with its surrounding villages.

In addition, the western approach into the City along the A64 in this gateway location fulfils the key function of promoting and enhancing the setting of York as a prime tourist destination by checking further suburban sprawl in an area where the open and low-

lying character of the countryside can mean that development has an urbanising effect far beyond its immediate boundaries.

The Green Belt surrounding Copmanthorpe has a high landscape and heritage value, characterised as it is by a network of small-scale fields, ancient hedgerows, fences, copses and lanes with individual farmsteads and associated outbuildings. The Landscape Appraisal carried out for City of York Council by the University of Sheffield Environmental Consultancy in December 1996 stated that the landscape west of Copmanthorpe was one of the highest quality landscapes surrounding the City. It was defined as a small-scale landscape of high conservation and aesthetic value. The open land to the west of the village and south of Colton Lane was part of the medieval High West Field, part of an open field system where feudal strip farming was practised from the time of the Norman Conquest until the Enclosure Acts of the 18th Century.

Most of the land surrounding Copmanthorpe, and particularly that area to the west of the village, is prime food-producing arable farmland, the latter being classified as Grade 2 by the Department of the Environment, Food, and Rural Affairs. This grading puts the land into the top 16% of land by quality in the Yorkshire and Humberside Region. With a rapidly growing world population and the increasing demand for meat and a more 'Western' diet caused by growing prosperity in developing countries, the pressure on food-producing land is increasing dramatically. Food sourcing and food security are becoming significant issues and it is becoming crucial to retain the country's good quality farmland in food production.

The Green Belt to the west of Copmanthorpe also plays an important role in providing a haven for wildlife including several species on the 'red list'. The British Trust for Ornithology carries out regular surveys on the fields adjoining the west of the village, and the red-listed birds and mammals present over the two years (2012 and 2013) were: corn-bunting, skylark, lapwing, linnet, yellowhammer, and brown hare.'

CNP7 Green Infrastructure

- 7.40 The Reasoned Justification advises that Copmanthorpe is surrounded, and criss-crossed, by a network of well-used paths, bridleways, and green lanes, some of which are of ancient origin. It also comments that these features provide vital access to the surrounding countryside as well as to green spaces within the village and that the village greens, Memorial Green and Low Green, are well-maintained and, like other public spaces and private gardens, contain large mature trees which are a marked feature of the village. The Reasoned Justification concludes that open green spaces, well-cultivated gardens, mature trees and hedgerows and green routes all combine to provide a valuable green infrastructure which plays an important role in delivering environmental sustainability, maintaining wildlife and bio-diversity, mitigating flood-risk, reducing the impact of climate-change, and improving people's well-being.
- 7.41 The policy comments that green infrastructure within and surrounding Copmanthorpe will be safeguarded and enhanced and will be expanded as the opportunity arises and connected to surrounding habitat. It goes on to advise that development which harms, directly or indirectly, the integrity or quality of this infrastructure will not be supported.

- 7.42 The third part of the policy comments about the need for development proposals to ensure that the development of Site 1 (now Site ST31 in the Local Plan) does not result in damage to the notified features of Askham Bog Site of Special Scientific Interest. I sought CPC's comments about the purpose of the third part of the policy now that planning permission has been granted for the development of that housing allocation. In its response CPC advised that:

'Until the development of ST31 has been completed there is always the possibility of a revised planning application for part of the site (including the self-build area) and this paragraph will govern any such amended application.'

- 7.43 In general terms the policy takes a positive approach to these matters and has regard to Section 15 of the NPPF. Taking account of CPC's response to the clarification note, relevant representations and my own assessment of the policy I recommend the following modifications to bring the clarity required by the NPPF and to allow CYC to be able to implement the policy through the development management process:

- the recasting of the first part of the policy so that it will have a proportionate effect. This will acknowledge that minor and domestic proposals are unlikely to have any significant effect on green infrastructure;
- the recasting of the content of the first and second parts of the policy so that their overall effect is appropriate and that the two parts have a clearer relationship; and
- modifications to third part of the policy so that it has a closer relationship to the development management process and requires a positive approach (respond positively to any potential impacts) rather than the unclear approach in the submitted policy (consider potential impacts).

- 7.44 The relevant maps on pages 25 and 26 show proposed green infrastructure outside the neighbourhood area. Whilst I recognise that green infrastructure does not acknowledge administrative boundaries, it is inappropriate for the submitted Plan to address land outside its administrative boundaries, and I recommend accordingly.

- 7.45 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of each of the three dimensions of sustainable development.

Replace the policy with:

'As appropriate to their scale, nature and location, development proposals should safeguard and, where practicable, enhance the green infrastructure within and surrounding Copmanthorpe (as shown on the maps on pages 25, 26, 27) and connect to surrounding habitat.

Development proposals which would directly or indirectly harm the integrity or quality of the identified infrastructure will not be supported.

Development proposals should ensure that the development of site ST31 does not result in damage to the notified features of Askham Bog Site of Special Scientific Interest (SSSI) and nature reserve through changes to the water levels at Askham Bog. In addition, development proposals should respond positively

to any potential impacts on water quality and water levels at Askham Bog SSSI from water drainage into the SSSI arising from the development of site ST31.'

Delete the green infrastructure outside the defined neighbourhood area as shown on the maps on pages 25 and 26.

CNP8 Parish Consultation

- 7.46 The policy comments that applicants will be encouraged to engage in pre-application consultations with CPC to minimise any site issues or planning problems that may arise. It also comments that planning applications should be accompanied by a statement confirming if consultation has taken place and setting out the comments of CPC.
- 7.47 The proposed policy overlaps with paragraphs 39 to 46 of the NPPF. It also addresses a series of process matters. In this context I sought advice from CPC about its approach to this matter. In its response to the clarification note it advised that:
- it is the intention of the policy to benefit any developers by encouraging pre-application involvement with the community, via CPC; and
 - the Parish Council has local knowledge, is familiar with the neighbourhood plan and Local Plan, can offer advice, raise matters of concern, and provide information thus adding value to the planning process.
- 7.48 I note the intention of the policy, and its relationship to the commentary on this matter in the NPPF. Nevertheless, the policy reads as a process matter rather than a land use planning policy. Moreover, it does not bring any added value to the determination of development proposals beyond the content of the development plan. In these circumstances I recommend the deletion of the policy.
- 7.49 I have considered the appropriateness of retaining the Reasoned Justification in the Plan in the absence of a policy on this matter. On the balance of the evidence, I recommend that a revised version of the supporting text should remain in the Plan. This will serve to complement the approach taken in the NPPF and draw attention to relevant local arrangements. The wording used draws attention to the pre-application advice service offered by CYC. In this context developer engagement with CPC should complement that offered by CYC (in its capacity as the local planning authority).

Delete the policy

Replace the Reasoned Justification with:

'However carefully a planning policy document is prepared, it will not be able to anticipate all circumstances and provide suitable advice for decision-makers to help them determine all planning applications with equal certainty or sensitivity. Pre-application advice is available from the City of York Council. In addition, developers are encouraged to engage in pre-application consultations with the Parish Council to minimise any site issues or planning problems that may arise. This may be particularly helpful in circumstances where conditions or planning obligations are instrumental in making acceptable an otherwise unacceptable planning application.'

Other Matters - General

- 7.50 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan, to accommodate other administrative matters, and to ensure that the Plan is otherwise up-to-date. It will be appropriate for CYC and CPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies, to accommodate any administrative and technical changes, and to ensure that the Plan is up-to-date.

Other Matters – The adoption of the CYC Local Plan

- 7.51 The Plan has been carefully prepared in recent years so that it would take account of what was the emerging Local Plan at that time. The Local Plan has now been adopted. In these circumstances, I recommend that the various references throughout the Plan refer to the adopted Plan.

Update all references in the Plan to the emerging Local Plan so that they refer to the adopted Local Plan.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2037. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It recognises the sensitive location of the parish in the Green Belt, and proposes a series of policies on design, affordable housing, and community facilities.
- 8.2 Following the independent examination of the Plan, I have concluded that the Copmanthorpe Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to the City of York Council that subject to the incorporation of the modifications set out in this report the Copmanthorpe Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the City of York Council on 7 January 2014.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a timely fashion.

Andrew Ashcroft
Independent Examiner
14 August 2025