

# **Rufforth with Knapton Neighbourhood Development Plan 2017-2033**

**A report to the City of York Council on the Rufforth  
with Knapton Neighbourhood Plan**

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## **Executive Summary**

- 1 I was appointed by the City of York Council in April 2018 to carry out the independent examination of the Rufforth with Knapton Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 11/12 June 2018.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. Its focus is on facilitating housing growth whilst retaining the status and role of the York green belt. It also includes positive policies for the natural and built environment. It proposes the designation of a series of local green spaces.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

**Andrew Ashcroft**  
**Independent Examiner**  
**17 July 2018**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Rufforth with Knapton Neighbourhood Plan 2017-2033 ('the Plan').
- 1.2 The Plan has been submitted to the City of York Council (CYC) by Rufforth with Knapton Parish Council 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 in 2012 and which 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 or not 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 arises as a result of 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. Any plan 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 development plan in particular. It seeks to add local value to emerging City of York Local 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 be used to determine planning applications within the plan area and will sit as part of the wider development plan.

## 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 the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and the Parish Council. 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 over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and 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 is submitted 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.

### *The Basic Conditions*

- 2.5 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; and
  - contribute to the achievement of sustainable development; and
  - be in general conformity with the strategic policies of the development plan in the area; and
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.
  - not be likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I make specific comments on the fourth and fifth bullet point above in paragraphs 2.6 to 2.11 of this report.

- 2.6 Since February 2015 the Neighbourhood Plan regulations require one of two reports to be an integral part of a neighbourhood plan proposal. Either an environmental

report should be submitted or a determination from the responsible body (in this case CYC) that the Plan is not likely to have significant environmental effects. In order to comply with the Basic Condition relating to European obligations the Parish Council has commissioned the preparation of a Strategic Environmental Assessment (SEA) of the Plan. The resulting SEA is very effective at mapping out the environmental circumstances affecting the neighbourhood area, in assessing the three proposed housing allocations and in addressing reasonable alternatives.

- 2.7 I am satisfied that the correct processes have been followed in this regard. The SEA strikes the correct balance between having the correct level of detail whilst at the same time as being proportionate to the task in hand. It addresses reasonable alternatives to the submitted Plan. The SEA work and the preparation of the Plan itself have been produced in tandem.
- 2.8 As part of the preparation of the Plan CYC has published a Habitat Regulations Screening Report (February 2018). It assesses whether there are likely to be any significant effects on the qualifying features of European sites as a result of the policies in the submitted Plan that would necessitate the production of a full Habitat Regulations Assessment. In doing so the screening report considered the effects on all European sites within 15 km of the CYC boundary together with any downstream sites that may be linked to the plan's zone of influence. As part of this process the screening report considered the likely effects of the submitted Plan on the following European sites: Strensall Common SAC, Kirk Deighton SAC, the River Derwent SAC, the Lower Derwent Valley SAC/SPA/Ramsar site and the Humber Estuary SAC/SPA/Ramsar site. All the proposed policies and site allocations in the submitted Plan were appraised against the features and vulnerabilities of the identified sites. Cumulative effects are also considered to understand whether the Plan would be likely to have significant effects in combination with other plans or programmes. The report concludes that none of the policies in the Plan are likely to have any significant effects on the identified European sites. In addition, no cumulative effects are identified. The Screening Report is very thorough and provides the appropriate assurances that this important matter has been properly addressed.
- 2.9 The Habitats Regulations Assessment Screening Report was produced in good faith before the Plan was submitted. Since that time a case in the European Court (People Over Wind and Peter Sweetman, April 2018) has changed the basis on which competent authorities are required to undertake habitats regulations assessments. CYC has given this matter due consideration and has produced an updated report. It comments that:
- Part 1 of the Screening Report assessed each policy in turn against the characteristics of the five identified sites. All policies are identified as having no likely significant effects on the site's qualifying features and there is no reference to mitigation in relation to the effects of the various policies; and
  - Part 2 addresses in combination effects and includes that of the emerging Local Plan. Nevertheless, the most recent version of the Local Plan HRA takes forward several matters to Appropriate Assessment stage.

In this context CYC concluded that the recent Sweetman judgement does not affect the integrity of its early screening work on this important matter. I am satisfied that full and proper attention has been given to this issue.

- 2.10 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust and compelling assessment of the relevant information. They have been prepared and presented in a very professional fashion. The Habitat Regulations Screening Report and its recent update are particularly impressive. None of the statutory consultees have raised any concerns with regard to either the neighbourhood plan or to European obligations. In the absence of any evidence to the contrary I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.11 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.

*Other examination matters*

- 2.12 In examining the Plan I am also 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.
- 2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### 3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
  - the Basic Conditions Statement.
  - the Consultation Statement.
  - the Strategic Environmental Assessment.
  - the Habitats Regulations Screening Report.
  - the supplementary comments made by CYC on the Habitats Regulations Assessment (July 2018).
  - the representations made to the Plan.
  - the responses of the Parish Council to the Clarification Note.
  - the saved elements of the Regional Strategy for Yorkshire and Humber.
  - the City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005).
  - the emerging City of York Local Plan 2017-2033.
  - the National Planning Policy Framework (March 2012).
  - Planning Practice Guidance (March 2014 and subsequent updates).
  - Relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 11/12 June 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 As part of my visit I attended a clarification meeting with CYC and the Parish Council. That meeting was organised at my request and allowed a discussion on factual matters surrounding the submitted Plan. It also provided an opportunity for CYC to provide me with a variety of documents relating to the development plan. Notes from that meeting are reproduced at Appendix 1 of this report.
- 3.4 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 was satisfied that the Plan could be examined without the need for a public hearing. I advised CYC of this decision early in the examination process.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control 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 the Parish Council has prepared a Consultation Statement. This statement is both detailed and proportionate to the Plan area and its range of policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan. The Statement helpfully sets out how the emerging plan took account of the various comments and representations.
- 4.3 The Introduction of the Statement sets out details of the wider consultation events that has been carried out as part the evolution of the Plan. Details are provided about:
- The questionnaire circulated to all households in the Parish
  - The residents meeting to discuss proposed policies for Harewood Whin (November 2015)
  - A consultation on the draft housing allocations (August 2016)
- 4.4 The Consultation Statement provides very useful information on the consultation exercise on pre-submission version of the Plan (July to August 2017). Table 1 helpfully summarises all the comments received and the extent to which they were addressed in the submission Plan.
- 4.5 It is clear 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. Consultation and feedback has been at the heart of the Plan throughout the various stages of its production.
- 4.6 Consultation and engagement has been maintained into the submission phase of the Plan. This is reflected in the number of representations received to the submitted plan (see 4.8 below). Several of the representations were from local people offering support to the Plan. There were also representations from landowners and proposed developers to this and other policies.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. There is a very clear and transparent relationship between the consultation process and the Plan itself. CYC has carried out its own assessment to the extent that the consultation process has complied with the requirements of the Regulations.



### *Representations Received*

4.8 Consultation on the submitted plan was undertaken by the City Council for a six-week period and which ended on 2 May 2018. This exercise generated comments from various persons and organisations as follows:

- Highways England
- Novus Investments Limited
- Mike Wood
- Mr and Mrs Watson
- Alan and Alison Hodgson
- Rufforth with Knapton Parish Council
- The Coal Authority
- Christine Ross
- Helen Beeley
- Hugh Bardell
- John Beeley
- KCS Developments
- Robert Errington
- Rufforth Church
- Roger Lee
- Historic England
- City of York Council
- North Yorkshire County Council
- Dr Lawson
- Linden Homes
- David and Marion Wright

## 5 The Plan Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The Plan area covers the parish of Rufforth with Knapton. Its population in 2011 was 1027 persons living in 420 houses. It was designated as a neighbourhood area on 6 July 2015. The neighbourhood area is located to the immediate west of York. It is a very interesting and challenging area within which to prepare a neighbourhood plan. A significant proportion of its area is rural in character and is largely in agricultural use.
- 5.2 The neighbourhood area is particularly sensitive. In addition to its proximity to the western extent of the York built up area to the east it is well-connected to the York Ring Road (A1237) by the B1224 which runs between York and Wetherby. The area lies within the Green Belt. The central parts of the neighbourhood area are occupied by the Harewood Whin land fill and waste disposal site to the immediate north of the B1224. The Rufforth Airfield lies to the south of the B1224. It is the home to various commercial operations.
- 5.3 The two separate and yet related settlements of Rufforth and Knapton account for the majority of the population of the neighbourhood area. They have their separate and distinctive characters. Rufforth is the larger of the two settlements. It is located approximately 2kms to the west of the A1237 and is a linear settlement based on the B1224. In recent years a number of cul-de-sacs have been developed from former farmyards and paddocks. Knapton is tucked between the York built up area to the east and the A1237 to the west. Nonetheless it has retained its rural character and appearance. It has a single principal street (Main Street).

### *Development Plan Context*

- 5.4 The development plan context is both complex and unusual. The development plan consists of two saved policies from the Regional Spatial Strategy for Yorkshire and Humber as follows:
- Policy YH9: Green Belts – the definition of the inner boundaries of the Green Belt around York
- Policy Y1: York sub area – the definition of detailed boundaries of the outstanding sections of the green belt and the inner boundary and the protection and enhancement of the historical and environment character of York
- These saved policies will apply in the Plan area until they are replaced by the emerging City of York Local Plan.
- 5.5 The CYC does not have a formally adopted Local Plan. The City of York Draft Local Plan incorporating the Fourth Set of Changes Local Plan (April 2005) was approved for development management purposes. Its policies are capable of being material planning considerations in the determination of planning applications where policies

relevant to the application are consistent with those in the NPPF. This has proved to be particularly useful in the application of Green Belt policy.

- 5.6 The Basic Conditions Statement highlights the policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It also explains the complicated context within which the neighbourhood plan has been prepared
- 5.7 The emerging city of York Local Plan 2017 to 2033 was making good progress at the time of this examination. It was submitted for its own examination on 25 May 2018.
- 5.8 The submitted Plan has been designed to run concurrently with the emerging York Local Plan. This follows important national advice in Planning Practice Guidance.

#### *Site Visit*

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 11/12 June 2018. I approached the area along the A1237 from the south. This helped me to understand its strategic position within the City area in general, and its position within the Green Belt in particular.
- 5.10 I initially looked around Knapton. It presented a calm and relaxed character. I looked at the proposed housing site at the north eastern end of Main Street. In particular I looked at its relationship with the open landscape to the east. I walked around Back Lane and saw the extensive views to York to the east. In doing so I saw the sensitive nature of the Green Belt in this part of the City area.
- 5.11 I then walked along the footpath to the west of the village so that I could see the allotments and the recreation ground. I saw that they were both beautifully maintained in their separate ways.
- 5.12 Thereafter I drove to Rufforth. I saw the attractiveness and vibrancy of the village based on the Church, the Village Tea Rooms and the Memorial Hall.
- 5.13 In the village I attended a clarification meeting that I had organised with CYC and the Parish Council. Information about that meeting is provided in paragraph 3.3 of this report.
- 5.14 I was able to see the proposed local green spaces in the village together with the two proposed housing allocations.
- 5.15 I then took the opportunity to see the former airfield to the east of the village and the Harewood Whin Waste Disposal Site. In doing so I was able to see its obvious significance in the neighbourhood area.
- 5.16 In order to get a full impression of the Plan area I drove around some of the surrounding main and minor roads and walked along several footpaths. This gave me

an excellent opportunity to understand the Green Belt context and setting of the two villages.

## **6 The Neighbourhood Plan as a whole**

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 been helpful in the preparation of this section of the report. It is an informative document and addresses the relevant details in a very professional way.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

### *National Planning Policies and Guidance*

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Rufforth with Knapton Neighbourhood Plan:

- Being genuinely plan-led to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. In this case there is a particular significance to the relationship between the submitted Plan and the emerging Local Plan;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- Promoting the vitality of main urban areas;
- Protecting the Green Belt around the main urban areas (in this case York);
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure;
- Conserving heritage assets in a manner appropriate to their significance; and
- Seeking to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 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 relevant 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 regard to national planning policies and guidance in general terms. It sets out clear ambitions for new development whilst at the same time maintaining the attractiveness and settings of the villages in their agricultural context and their proximity to the York urban area. Within the context available it safeguards the general extent of the Green Belt. It proposes detailed policies both to celebrate and to safeguard rich built heritage of the two villages.
- 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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. 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. Several 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. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies to promote new residential development (RK H1/H2/H3). It also provides a positive context for employment related development (RwK 16). In the social role, it includes a policy on community amenities (RwK11) and on Housing Mix (RwK12). In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it proposes a policy to protect the Green Belt (RwK01). It also includes a policy for local green spaces (RwK02) and to ensure good design (RwK10).

*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 wider York City Council 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 development plan. I am satisfied

that the submitted Plan is in general conformity with the strategic policies in the development plan subject to the modifications recommended in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves 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 thorough and distinctive to the Plan area. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. In some cases, I have concluded that elements of certain policies are not land use based. I have recommended that they are identified as such in the Plan. They would not form part of the development plan in the event that the neighbourhood plan is 'made'.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 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 sections of the Plan (sections 1-7)*

- 7.8 These introductory elements of the Plan set the scene for its range of policies. They do so in a concise and proportionate way. The Plan is well- presented and arranged and it is supported by maps and diagrams. There is a clear distinction between the policies and the supporting text.
- 7.9 The first four sections set out some detail on the production of the Plan and its planning policy context. They describe how a made neighbourhood plan would sit within the wider planning system. Sections 5 and 6 provide helpful information on the parish and the two separate villages. Section 7 helpfully describes the Plan's Vision – 'To sustain the distinctive rural character and identity of the Parish whilst encouraging

a vibrant environment and community for families and people of all ages to live and work within a thriving local economy'. In doing so it articulates how the Plan seeks to deliver sustainable development that is relevant to its context and setting.

- 7.10 Thereafter Section 8 provides detailed commentary on a series of policies that arise from the Vision and Aims of the Plan. On this basis the remainder of this section of the report addresses each policy in turn in the context set in paragraphs 7.5 to 7.7 in this report.

Policy RwK 01: Draft Green Belt

- 7.11 This policy reflects the importance of the Green Belt to the preparation of the Plan and to the wider community.
- 7.12 As I set out in Section 5 of this report the planning policy position in York City Council is complex. The general extent of the Green Belt is particularly complex. This has generated a challenging context within which the Plan has been prepared.
- 7.13 Sections 8.1.1 to 8.1.24 of the submitted Plan set out its strategic approach on the Green Belt. In summary, the Plan proposes:
- that it is appropriate for the Plan to define the 'inner' Green Belt boundary within the neighbourhood area;
  - a specific policy to guide development within its defined green belt area;
  - Green Belt should be retained between York and the villages of Rufforth and Knapton;
  - that it is appropriate for the Plan to allocate land for development where it is consistent with the emerging Local Plan; and
  - the proposed modifications to the extent of the green belt do not undermine its purpose or character.

- 7.14 CYC has made its own representations to the Plan about the ability or otherwise of a neighbourhood plan to define Green Belt boundaries. That representation is entirely consistent with national planning policy. 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 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.

- 7.15 In the meantime however it is necessary for the submitted Plan to be in general conformity with the strategic policies of the development plan. These are two saved policies from the Regional Spatial Strategy for Yorkshire and Humber as follows:

Policy YH9: Green Belts – the definition of the inner boundaries of the Green Belt around York

Policy Y1: York sub area – the definition of detailed boundaries of the outstanding sections of the green belt and the inner boundary and the protection and enhancement of the historic and environment character of York

- 7.16 The two saved policies from the RSS are instructive policies and set out how the Green Belt boundaries are to be defined in the development plan. This process is now well underway. The environmental assessment process for the RSS abolition highlighted that York did not have a local plan in place at that time. It also indicated that revocation of York Green belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such the government concluded that the York Green Belt policies that were part of the RSS should be retained
- 7.17 As identified in Section 5 of this report whilst significant progress has now been made the CYC does not yet have an adopted Local 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. Amongst other things this draft local plan provides a spatial context for the Green Belt. What is now the draft Local Plan was placed on deposit in May 1998. A very tight Green Belt was put forward on the basis that there would be a need for an early review in the light of new information at that time on development requirements after 2006. The Council subsequently published two sets of proposed changes, one in March 1998 and one in August 1999. Neither set of changes had any significance for the general extent of the Green Belt. The Council published its third set of changes in February 2003 after receiving the Planning Inspector's provisional findings. It then approved a fourth set of changes for development control purposes.
- 7.18 Whilst the Council decided not to proceed with the fourth set of changes it continues to use them for development management decisions. 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.
- 7.19 Within this context, the importance of retaining York's Green Belt is evident both in day-to-day development management decisions and in associated appeal decisions. Plainly these circumstances will be clarified once the emerging Local Plan is adopted. Nevertheless, that Plan it is not at a sufficiently-advanced stage to provide any clarity or certainty for the examination of this neighbourhood plan. In particular the package of proposals for defining Green Belt boundaries and the strategic release of land for housing purposes has yet to be tested. At the same time other potential alternative sites have not been tested. Some of those sites fall within the neighbourhood area.
- 7.20 I recommend a series of modifications to this policy to reflect this rather complicated background. In particular, the modifications take account of national advice on the principle of the identification of detailed Green belt boundaries whilst safeguarding the general application of this important and nationally-recognised planning tool. I recommend that the neighbourhood 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 full and 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. I recommend modifications to the existing text and additional wording to clarify this matter. The particular effect of this recommended modification is that the proposed interim village envelope boundaries would need to revert to those identified in the 2005 Plan.

- 7.21 The recommended modifications to this policy also have consequential implications on the three proposed housing allocations in the submitted Plan (RK H1/H2/H3). They are addressed separately later in this report. Plainly the submitted Plan has been prepared in good faith and has sought to be developed in parallel with the emerging Local Plan. The procedural issues around the identification of Green Belt boundaries has made this ambition more complicated than would otherwise be the case. During the examination of the Plan the Parish Council accepted the implication of these procedural issues and undertook to carry out an early review of the neighbourhood plan once the Local Plan is adopted.
- 7.22 I also recommend a modification to the details of the policy wording so that it properly has regard to the NPPF.

**Replace the policy with the following:**

**The general extent of the York Green Belt within the Plan area is shown on the Policies Map and in Figures (b) and (c).**

**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.**

**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:**

- **Minerals extraction;**
- **Engineering operations;**
- **Local transport infrastructure that can demonstrate a requirement for a Green Belt location;**
- **The re-use of buildings provided that the buildings are of permanent and substantial construction; and**
- **Development brought forward under a Community Right to Build Order**

*Identify the general extent of the Green Belt on the Policies Map and on Figures b 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).*

*Replace paragraphs 8.1.3/8.1.4 with:*

*'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.*

*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 consistent on this important matter’.*

*Replace paragraph 8.1.10 with the earlier deleted paragraph 8.1.4*

*Replace 8.1.24 with: ‘The interim village envelopes have been the subject of much local debate. They are included within this plan to reflect the procedural circumstances already addressed in paragraphs 8.1.3/4 of this report. They will be reviewed once the Local Plan has been adopted’.*

#### Policy Rwk 02 – Local Green Space

- 7.23 This policy reflects the very important role of open and green spaces within both Rufforth and Knapton. In doing so it proposes the designation of Local Green Spaces (LGSs) as set out in paragraphs 76-78 of the NPPF. The analysis of the proposed LGSs against the criteria set out in the NPPF is included within Appendix VII of the Plan. The Parish Council provide additional reassurance on the details within the Appendix as part of the Clarification Note process.
- 7.24 However within this positive context both the policy and its associated maps (Figures d) and e)) are somewhat confusing. The policy lists only some of the proposed LGSs and includes elements of background which are more supporting text than policy. In addition, the two figures make an unnecessary distinction between green spaces proposed in the emerging Local Plan and those proposed in the submitted Plan. Figure d) also shows a Site of Local Interest which refers to an unrelated matter.
- 7.25 To address these matters I recommend modifications both to the policy and to the figures. In both cases I recommend that they simply refer to the seven proposed LGSs assessed as part of the preparation of the neighbourhood plan. In relation to the policy I recommend that it is replaced by a simpler version that directly refers to the approach identified in the NPPF.

**Replace the policy to read:**

**‘The following areas as shown on Figures d and e are designated as Local Green Spaces:**

**[List the various sites as specified in Appendix VII]**

**New development will not be supported on land designated as local green space except in very special circumstances.’**

*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.*

Policy RwK 03 – Heritage

- 7.26 This policy has two separate parts. The first identifies that an ongoing programme to maintain and enhance identified facilities will be implemented. I raised this matter with the Parish Council. It was accepted that the matter was more of a community action than a land use policy. I recommend accordingly.
- 7.27 The second part of the policy comments that development proposals that would have significant adverse effects on listed buildings, significant parish features and Sites of Local Interest would not be supported. I recommend two modifications to this part of the policy. The first clarifies that the policy applies to the various heritage assets identified in paragraph 8.3.2 of the Plan. The second is to ensure that the policy has regard to national policy. Paragraphs 128 to 136 of the NPPF set out a close and functional relationship between the status of the heritage asset and the scale and degree of harm that would be brought about by the proposed development.

**Delete the first paragraph of the policy**

**In the second paragraph of the policy:**

- **insert ‘as listed in paragraph 8.3.2 of the Plan’ after ‘Interest’.**
- **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 to 136 of the NPPF’.**

*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*

Policy RwK 04 – Biodiversity

- 7.28 This policy encourages proposals that conserve or enhance wildlife, hedgerows and trees. The generality of the policy meets the basic conditions.
- 7.29 Nevertheless I recommend that ‘encouraged’ is replaced with ‘supported’. The latter provides far greater certainty to the decision-maker than the former.

**Replace ‘encouraged’ with ‘supported’**

Policy RwK 05 – Footpaths and Cycleways

- 7.30 This policy celebrates the importance of footpaths and cycleways in the neighbourhood area. It has three related parts. The first part looks to secure

opportunities to improve the network including developer contributions. The third identifies that all public rights of way should be kept free and legally defined. The Parish Council now acknowledge that these elements of the policy are not land use based. I recommend that they are identified separately as non-land use community actions.

- 7.31 The second part of the policy comments that development proposals that would result in the loss of footpaths or which would have a significant adverse effect on the existing network of footpaths and bridleways will not be supported. This approach meets the basic conditions.

**Delete the first and third parts of the policy.**

*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.*

Policy RwK 06 – Traffic Management

- 7.32 The policy addresses traffic movements in the neighbourhood area. It has two parts. The first suggests that traffic management measures should be implemented in the neighbourhood area. The Parish Council clarified that this part of the policy relates to the schemes set out in paragraph 8.6.7. It also acknowledged that this part of the policy was not land use based. I recommend accordingly. In doing so I identify that the Parish Council with need to work with the authorities concerned to secure the implementation of such measures.

- 7.33 The second part of the policy seeks to secure an appropriate relationship between new development and the ability for its associated traffic to be incorporated satisfactorily in the highways network. As submitted this part of the policy is more a statement of intent ('development proposals should be able to demonstrate') rather than a policy identifying what will and will not secure support. I recommend accordingly.

**Delete the first paragraph of the policy.**

**In the second part of the policy replace 'should be able.... proposal does' with 'will be supported where its generated traffic movements do'**

*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'.*

Policy RwK 07 – Public Transport

- 7.34 This policy supports the wider development of public transport to reduce the neighbourhood area's dependence on the private motor car.
- 7.35 Its intentions are entirely appropriate. However, the policy is not land use based. As such I recommend accordingly.

**Delete the first paragraph of the policy**

*Replace the submitted policy as a community action shown in a separate box in a different colour from the land use policies.*

#### Policy Rwk 08 – Parking

- 7.36 The policy seeks to resist proposals that would result in the loss of car parking provision in the neighbourhood area. It is accompanied with criteria that provide for appropriate mitigation or for development proposals to provide alternative parking provision. These elements meet the basic conditions.
- 7.37 The third criterion of the policy comments that the Parish Council will work with other authorities to prevent on pavement car parking. This is not a land use policy. As with other such policies in the Plan I recommend that this aspect of the policy is retained as a community action.

#### **Delete the third criterion**

*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*

#### Policy Rwk 09 – Drainage

- 7.38 The policy addresses a series of drainage issues. The first identifies that all parts of the drainage system are stretched and require regular maintenance and repairs. This is a community action rather than a policy. I recommend accordingly.
- 7.39 The other elements of the policy address sustainable drainage matters, the potential for flood attenuation measures to be used positively to enhance biodiversity and the potential relationship between landscaping and surface water issues. These matters meet the basic conditions in general terms. I recommend a modification to the third paragraph of the policy. Its approach that all new developments should be associated with a sustainable drainage system is both unreasonable and onerous.

#### **Delete the first paragraph of the policy.**

**In the third paragraph of the policy insert ‘Where appropriate and necessary to the proposal concerned’ and delete ‘all’**

*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.*

#### Policy Rwk 10 – Design

- 7.40 This policy is at the heart of the Plan’s approach to the environmental dimension of sustainable development. It identifies its expectations for high quality design in the Plan period. It is well-constructed and has two parts. The first identifies a series of general design matters. The second consolidates this approach by applying and extending a series of very specific design principles arising from the existing Rufforth and Knapton Design Statements.
- 7.41 I recommend a series of technical modifications to the policy. The first deletes the unnecessary cross references to other policies. I recommend however that the overlap is addressed in modifications to the supporting text.

- 7.42 I also recommend that the two sub-points in the first part of the policy simply sit as a free-standing element of the policy rather than appearing as criteria to its first paragraph.
- 7.43 I also recommend a modification to the seventh criterion of the second part of the policy to reflect that many proposals for satellite dishes may not need planning permission. As such permitted development cannot be brought back into the definition of development and to which a policy would apply.
- 7.44 Finally I recommend that the final criterion of the policy is deleted. It is already addressed by Policy Rk09.

**In the first part of the policy delete ‘(Heritage Policy Rwk 03)’**

**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.**

**In the seventh criterion of the second part of the policy insert ‘Insofar as planning permission is required’ before ‘satellite dishes’.**

**Delete the final criterion of the second part of the policy**

*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’.*

**Policy Rwk 11 – Community Amenities**

- 7.45 This policy is at the heart of the Plan’s approach to the social dimension of sustainable development. It seeks to safeguard a series of community amenities in the neighbourhood area.
- 7.46 The policy robustly identifies its approach whilst addressing a series of circumstances where the loss of a community facility might be justified. The range of facilities proposed to be protected is proportionate and reflects the nature of the health, leisure, social and recreational well-being of the neighbourhood area.
- 7.47 I recommend two modifications. The first deletes any direct reference to CYC and the two parish councils. Plainly any planning applications will be determined by the former. Within the development management process the latter would have the opportunity to provide commentary on the community’s views about any such planning applications. The second is to provide clarity on the location of the various community amenities.

**Delete ‘to the satisfaction.....Parish Council’**

**In the schedule of community amenities add (in brackets):**

**The primary school (Rufforth)**

**The Church (Rufforth)**

**The Chapel (Rufforth)**

**The Outreach Post Office (Rufforth)**

**Policy Rwk 12 – Housing Mix**

- 7.48 The policy addresses housing mix. It indicates that housing proposals should provide a mix of housing types and sizes to meet identified needs in the Parish. It suggests that priority should be given to families with young children and for older persons downsizing.
- 7.49 The policy is well-constructed and relies on appropriate information. I recommend that the ‘downsizing’ element is deleted. Plainly some older persons will be looking to do so. However, this will not always be the case. In any event it would be impractical to define downsizing either by price, size or condition of the houses concerned.

**Delete ‘who are downsizing’.**

Policy RK H1 – Middlewood Close Rufforth

- 7.50 This policy offers support to the allocation of this site in the emerging City of York Local Plan. In doing so it sets out locally-distinctive criteria that are intended to add value to the approach included in the Local Plan. These details address issues including the size of the houses, the need for off-road car parking and pedestrian access. The site is located on the eastern side of the village in the Green Belt.
- 7.51 The site is proposed to deliver approximately 28 houses. In doing so it would assist in boosting significantly the supply of housing land in the neighbourhood area. I looked at the site when I visited the neighbourhood area. I could see how it had been carefully chosen and how it would sit comfortably within the context of the village.
- 7.52 Nevertheless I am bound to recommend the deletion of the site from the Plan. Whilst the City of York Local Plan has now been submitted for examination there are various procedural stages that need to be overcome before it is adopted. A key element will be the merits or otherwise of the various sites proposed to meet the strategic housing requirements of the City. Some of the potential alternatives in the neighbourhood area have been included within the representation received on the submitted neighbourhood plan.
- 7.53 This deletion of the policy is consistent with recommended modification in respect of Policy RwK 01 on the Green Belt itself. It has regard to paragraphs 83-85 of the NPPF. These sections of national policy are clear that the identification and modification of Green Belt boundaries are matters for the local planning authority to determine. By definition this approach also extends to the allocation of housing sites which are proposed to be released from the Green Belt at the same time.
- 7.54 I recognise that this approach will be a disappointment to the Parish Council. In particular I can see that it has worked hard to produce a distinctive set of local criteria to underpin the site’s development. Nevertheless, in the event that the adopted Local Plan includes this site it could be incorporated at that point within a review of the neighbourhood plan. Paragraph 7.21 of this report has already highlighted that the Parish Council intends to take advantage of that opportunity.

**Delete policy**

*Delete the supporting text (8.13.12)*

Policy RK H2 – Milestone Avenue Rufforth

- 7.55 This policy proposes the allocation of a site for approximately nine houses off Milestone Avenue. It is proposed as an additional site to the two housing sites identified within the neighbourhood area in the emerging Local Plan. It is associated with the construction of a footpath/cycle path linking the end of Milestone Avenue with the existing cycle path around Harewood Whin. The site is located on the eastern side of the village in the Green Belt.
- 7.56 For the reasons set out in Policy RK H1 above national policy is such that I must recommend the deletion of the site. In this case the site is not proposed as a housing allocation in the emerging Local Plan. The identification of revised Green Belt boundaries and any associated releases of land from the existing Green Belt are matters for the emerging Local Plan to determine.

**Delete policy**

*Delete supporting text (8.13.13)*

Policy RK H3 – Back Lane/Main Street, Knapton

- 7.57 This policy offers support to the allocation of this site in the emerging City of York Local Plan. In doing so it sets out locally-distinctive criteria that are intended to add value to the approach in the emerging Local Plan. These details address issues including the number of houses, the need for off-road car parking and access arrangements. The site is located on the eastern side of the village in the Green Belt.
- 7.58 The site is proposed to deliver approximately four or five houses. In doing so it would assist in boosting significantly the supply of housing land in the neighbourhood area. I looked at the site when I visited the neighbourhood area. I could see how it had been carefully chosen and would sit comfortably within the context of the village.
- 7.59 Nevertheless I am bound to recommend the deletion of the site from the Plan. Whilst the City of York Local Plan has now been submitted for examination there are various procedural stages that need to be overcome before it is adopted. A key element will be the merits or otherwise of the various sites proposed to meet the strategic housing requirements of the City. Some of the potential alternatives in the neighbourhood area have been included within the representation received on the submitted neighbourhood plan.
- 7.60 This approach is consistent with that which I have recommended in respect of Policy RwK 01 on the Green Belt itself and that for Policy RK H1. It has regard to paragraphs 83-85 of the NPPF. These sections of national policy are clear that the identification and modification of Green Belt boundaries are matters for the local planning authority to determine. By definition this approach also extends to the allocation of housing sites which are proposed to be released from the Green Belt at the same time.
- 7.61 I recognise that this approach will be a disappointment to the Parish Council. In particular I can see that it has worked hard to produce a distinctive set of local criteria to underpin the site's development. Nevertheless, in the event that the adopted Local Plan includes this site it could be incorporated at that point within a review of the



neighbourhood plan. Paragraph 7.21 of this report has already highlighted that the Parish Council intends to take advantage of that opportunity.

### **Delete policy**

*Delete supporting text (8.13.14)*

Policy RwK 14 – Reuse of buildings

7.62 This policy addresses the re-use of buildings in the Green Belt. It has regard to wider Green Belt policy as captured in the NPPF.

7.63 Policy RwK 15 includes a section on barn conversions for residential use. I have recommended in that policy that its element on barn conversions relates better to the wider contents of this policy. The Parish Council agreed with this assessment in its response to my clarification note. I recommend accordingly. In doing so I also recommend detailed modifications to its content and details.

**Insert the second part of policy RwK15 as a second component to this policy with the following modifications:**

**Replace ‘considered.... such as’ with ‘will be supported subject to the following criteria**

- **in the second criterion insert ‘substantive’ and delete ‘for a considerable period of time’**
- **[Replace the third criteria with those below]**
- **The proposal does not unacceptably reduce the amenity of residential properties within the immediate locality; and**
- **The traffic generated by the proposal can be satisfactorily accommodated within the local highways network**

Policy RwK 15 – Infill

7.64 This policy addresses the matter of infill/windfall housing proposals within the built-up parts of the two villages. It has two parts. The first addresses the generality of the issue. The second addresses barn conversions.

7.65 The first part of the policy will assist with boosting the supply of housing land in the neighbourhood area. Nevertheless, I recommend a series of modifications to its criteria. I recommend the deletion of the first criterion that refers back to unspecified housing policies. I also recommend that the third criterion is replaced by one which addresses the rural character of the villages. As submitted its reference to the Green Belt status of the villages is unclear.

7.66 I have already recommended that the second part of the policy is incorporated within Policy RwK 14. I recommend a consequential modification to this policy.

**In the first part of the policy:**

- **delete the first criterion**
- **replace the third criterion with ‘is appropriate to the rural character of the village concerned’**

**Delete the second part of the policy**

### Policy RwK 16 – Small Scale Commercial Enterprises

- 7.67 This policy has a focus on proposals that would encourage a thriving rural economy. It offers support for such proposals subject to a series of criteria.
- 7.68 I sought clarification from the Parish Council on the incorporation of agriculture in the policy given that many elements of this type of development do not need planning permission. I was advised that the intention was to highlight the importance of agricultural development in securing the attractiveness and the maintenance of the Green Belt.
- 7.69 I recommend three modifications to the policy. The first relates to the opening part of the policy and its reference to agricultural development. It addresses the point that many such proposals may not need planning permission. As such permitted development cannot be brought back into the definition of development and to which a policy would apply.
- 7.70 The second identifies the types of development that would be supported. As submitted the Plan implies that such proposals are for employment generating uses (paragraph 8.16.1) but does not provide this clarity in the policy. The third removes the word ‘generally’ from the final paragraph. It adds nothing to the submitted Plan and has a potential to reduce its clarity.

**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:**

**In the sixth criterion replace ‘Generally, respects’ with ‘They respect’**

### Policy RwK 17 – Harewood Whin

- 7.71 This policy addresses Harewood Whin. It is both a landfill site and a waste transfer station. It sits within the Green belt. In its responses to my Clarification Note the Parish Council has clarified the importance that the site has with the local community.
- 7.72 The policy addresses the footprint of the site and a series of site operational issues. The importance of the Yorwaste Liaison Committee is emphasised.
- 7.73 I acknowledge the importance of the site to the local community. Nevertheless, minerals and waste matters are ‘excluded development’ for neighbourhood plan purposes as highlighted in paragraph 2.12 of this report. As such I have no option other than to recommend the deletion of the policy. However, given the size of the site and the direction of travel of the collaborative approach adopted I recommend that it is safeguarded as a community action.

### **Delete policy**

*Replace the deleted submitted policy as a community action shown in a separate box in a different colour from the land use policies.*

### Monitoring and Review

- 7.74 Paragraphs 7.21/7.54/7.61 have addressed comments made by the Parish Council during the course of the examination. They are based on its intentions to carry out an immediate review of the neighbourhood plan after the emerging Local Plan is adopted. On this basis I recommend that an additional Section is included within any 'made' Plan to address this matter.

*Include an additional Section of the Plan to read as follows:*

*'9. Monitoring and Review of the Plan*

*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 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.*

*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.*

*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'.*

**Other Matters**

- 7.75 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 as a result 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 as a result of the recommended modifications to the policies. It will be appropriate for CYC and the Parish Council 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.*

## 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 2033. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Rufforth with Knapton Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, its structure and format remain largely unaffected.

### *Conclusion*

- 8.4 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 that the Rufforth with Knapton Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for the purpose of the referendum. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the City Council on 6 July 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's responses to the Clarification Note and the CYC update on habitats issues were particular helpful.

**Andrew Ashcroft  
Independent Examiner  
17 July 2018**

## **Appendix 1**

### **Notes of Clarification Meeting – Rufforth with Knapton NDP**

#### **Rufforth Village Institute, Rufforth 11 June 2018**

##### Attendees:

Peter Rollings	Rufforth with Knapton Parish Council
Margaret Lee	Rufforth with Knapton Parish Council
Nick Murray	Rufforth with Knapton Parish Council
Jane Wright	Rufforth with Knapton Parish Council
Rebecca Harrison	City of York Council
Alison Cooke	City of York Council
Rachel Macefield	City of York Council
Andrew Ashcroft	Independent Examiner

##### *Purpose of the Meeting*

AA advised that the purpose of the meeting was to address a series of factual and procedural matters on the submitted Rufforth with Knapton Neighbourhood Plan. It was not an opportunity to debate any elements of the Plan or to consider any of the representations received.

CYC provided AA with a package of policy documents to assist with the examination process.

CYC also provided an update on progress of the emerging City of York Local Plan.

##### *Process Information*

AA advised the meeting on the examination process and its likely duration. In particular advice was given on the likely range of issues that would feature in a Clarification Note. He also advised on the particular aspects of the Plan that he had already looked at on 10 June and was intending to look at in the remainder of the unaccompanied visit.

### *Strategic Matters and the Development Plan*

AA advised about the specific nature of Paragraphs 83-85 of the NPPF. There was discussion on the implications that this element of national policy on the examination.

### *The submitted Habitats Regulations Assessment Screening Report*

There was a discussion on the implications of the recent People Over Wind/Peter Sweetman case in the European court on the HRA Screening Report. CYC agreed that it would revisit the matter during the examination.

### *Clarification Note*

It was agreed that AA would send the Clarification Note to CYC and the Parish Council as soon as possible in order to keep up momentum on the examination. AA indicated that whilst the Clarification Note would identify a timetable for response the examination would proceed at a pace with which the Parish Council was comfortable.

### *Actions*

1. AA to send the Clarification Note asap after the unaccompanied visit.
2. CYC to reassess its HRA Screening Report.

Andrew Ashcroft

Independent Examiner

Rufforth with Knapton Neighbourhood Development Plan

12 June 2018