

Annex B

Final Decision Statement

Upper and Nether Poppleton Neighbourhood Plan



Upper and Nether Poppleton Neighbourhood Plan

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

1. Summary

Following a positive referendum result on the 23rd August 2017, City of York Council is publicising its decision made on 19th October 2017 by the Executive to 'make' the Upper and Nether Poppleton Neighbourhood Plan part of the City of York Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

Upper Poppleton Parish Council and Nether Poppleton Parish Council, as the qualifying body, successfully applied for the parishes of Upper and Nether Poppleton to be jointly designated as the Upper and Nether Poppleton Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012). Following the submission of the Upper and Nether Poppleton Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 23rd January 2017.

3. Decision and Reasoning

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

The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in the report and which are set out in the Upper and Nether Poppleton

Neighbourhood Plan Decision Statement (dated 30th June 2017), the plan should proceed to a Referendum.

A referendum was held on 23rd August 2017 and 91.3% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. City of York Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The referendum held on 23rd August 2017 met the requirements of the Localism Act 2011; it was held in the Upper and Nether Poppleton Neighbourhood Area and posed the question:

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

The count took place on the 23rd August 2017 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

The results of the referendum were:

Response	Votes recorded (percentage)
Yes	91.3%
No	8.7%
Turnout	36.08%

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

4. Inspection of Decision Statement and made Neighbourhood Plan

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

www.york.gov.uk/neighbourhoodplanning

www.plan4poppleton.co.uk

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

www.york.gov.uk/neighbourhoodplanning

www.plan4poppleton.co.uk

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

- The qualifying body, namely Upper and Nether Poppleton Parish Councils; and
- To any person who asked to be notified of the decision.

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

- City of York Council, West Offices, Station Rise, York, YO1 6GA (Mon-Fri 8.30am-5.00pm)
- Poppleton Library, The Village, Upper Poppleton, York, YO26 6JT (Mon, Wed, Fri 10-12.30 and 2-5pm, Thur, Sat 10-12.30pm)

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

Signed



Mike Slater
Chief Planning Officer

19th October 2017