



## Notice of a public meeting of

### Local Plan Working Group

- To:** Councillors Ayre (Chair), Steward (Vice-Chair), Aspden, N Barnes, Brooks, Cuthbertson, D'Agorne, Gates, Lisle, Looker, Reid, Warters, Williams and K Taylor
- Date:** Tuesday, 18 December 2018
- Time:** 4.00 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

### AGENDA

#### 1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 1 - 8)

To approve and sign the minutes of the meeting of the Local Plan Working Group held on 20 September 2018.

#### 3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Working Group, may do so. The deadline for registering is **5.00pm** on **Monday 17 December 2018**.

## **Filming or Recording Meetings**

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### **4. Rufforth with Knapton Neighbourhood Plan (Pages 9 - 20)**

The report presents the results of the Rufforth with Knapton Neighbourhood Plan referendum. It asks Members to recommend to Executive to formally 'make' the Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. This will allow the Neighbourhood Plan to progress in line with the relevant Neighbourhood Planning legislation and Regulations. This paper will be considered by Members of Executive on 20 December 2018.

### **5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officers:

Name: Louise Cook/Catherine Clarke

Contact Details:

- Telephone – (01904) 551031
- E-mail – [louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk) and [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk)

For more information about any of the following please contact the Democracy Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim (Polish)  
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

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Meeting	Local Plan Working Group
Date	20 September 2018
Present	Councillors Ayre (Chair), Steward (Vice-Chair), Aspden (for agenda items 5 and 6 (minute 26-27), N Barnes, Brooks, Cuthbertson, D'Agorne, Derbyshire, Lisle, Warters, K Taylor, Douglas (as a substitute for Cllr Gates), Pavlovic (as a substitute for Cllr Looker) and S Barnes (as a substitute for Cllr Williams)
Apologies	Councillors Gates, Looker, Reid and Williams

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## 22. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they might have in respect of the business on the agenda. None were declared.

## 23. Minutes

Resolved: That the minutes of the meeting held on 2 May 2018 be approved as a correct record and then signed by the Chair subject to Minute 21 (City of York Local Plan – Submission) be amended to delete the word *‘whether’* from the first sentence of the first bullet point on page 4 so that it read “ *In response to discussion regarding the clear instruction from Executive to include public houses in the list of community facilities, officers agreed to obtain legal advice to determine whether it was possible to add public houses to the list of other community facilities.*”

## 24. Public Participation

It was reported that there had been one registration to speak under the Council’s Public Participation Scheme on item 4 (Rufforth with Knapton Neighbourhood Plan – Examiner’s Report)

Mr Peter Rollings, Chairman of the Rufforth with Knapton Neighbourhood Planning Group, addressed the committee. He expressed his thanks to

members of the Neighbourhood Planning Group for their hard work, council officers for their help and advice throughout the process and acknowledged the support of ward councillors and their MP. He informed Members that they had gone to great effort to ensure the plan reflected the views of the community as a whole through in depth consultation with all households in the parish. He stated that he was disappointed that the Examiner had not been able to give more weight to the submitted York Local Plan on the issue of greenbelt boundaries and housing allocations although he understood the reasons for this. However there was a need to attract more families to the villages, particularly Rufforth, through the provision of houses of suitable size and they intended to review these matters as soon as the Local Plan was adopted with a view to including those housing allocations. He expressed the view that the neighbourhood plan was a balanced one which preserved the rural character and identity of the parish while setting out clear policies for sustainable development.

## **25. Rufforth with Knapton Neighbourhood Plan – Examiner's Report**

Members considered a report which updated them on the examination of the Plan and the Inspectors' suggested modifications to the submitted Plan.

Officers expressed their thanks to the Neighbourhood Planning Group for the work they had put into producing the plan. They advised that the examiners report had been received on 17 July. The examiner had concluded that, subject to the incorporation of modifications, the Rufforth with Knapton Neighbourhood Plan should proceed to referendum and that the neighbourhood area was entirely appropriate for the purpose of the referendum. Officers explained that the modifications related to the Greenbelt and in particular the setting of a greenbelt boundary in advance of the examination of the York Local Plan and the examiner had recommended that the neighbourhood plan continue to apply the approach to the identification of the greenbelt as set out in [RSS](#) and the current Development Control Local Plan on an interim basis until such time as the emerging plan was adopted.

The Examiner therefore recommended deleting the proposed sites for housing identified in the neighbourhood plan stating that it was not within the remit of the neighbourhood plan to allocate land within the general extent of the greenbelt and that this was properly a role for the Local Plan. The report also recognised the hard work that the group have put into producing a distinctive set of local criteria to under pin the sites development and that in the event that the adopted Local Plan included these sites, they could be incorporated at that time through a review of the neighbourhood plan.

Officers explained the requirements of neighbourhood planning legislation and confirmed that they had considered all of the recommendations and the examiners reasons for them and had set out the Council's response as part of the decision statement. They recommended that all of the examiners modifications be made and that, subject to those modifications, the Plan met the basic conditions and complied with the provisions that can be made by a neighbourhood plan.

They explained that subject to the Executive's agreement of the decision statement, the decision statement would be published, the Neighbourhood Plan would be amended accordingly and would proceed to local referendum. If the result of the referendum was in favour then it would be 'made' and would be brought back to the Local Plan Working Group and Executive in January 2019 as this was an Executive function.

Sympathy was expressed for the villages with regard to the sites which had to be taken out of the neighbourhood plan but Members agreed that the plan included a good level of detail and that the modifications put forward by the examiner were sensible enhancements. The Chair expressed his thanks to the Chair of the Neighbourhood Planning Group for the hard work of the group.

Resolved:

That the Local Plan Working Group recommend to Executive to:

- (i) agree the Examiner's modifications set out at Annex B to the Rufforth with Knapton Neighbourhood Plan and that subject to those changes the Plan meets the Basic Conditions and other legislative requirements

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

- (ii) agree that the Rufforth with Knapton Neighbourhood Plan as amended proceeds to a local referendum based on the geographic boundary of the parish of Rufforth with Knapton as recommend by the Examiner.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

- (iii) approve the Decision Statement attached at Annex B to be published on the City of York Council's website.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

## **26. Supplementary Planning Documents to support the emerging York Local Plan**

Members considered a report which provided details of supplementary planning documents (SPDs) referred to in the Local plan, and asked them to consider the SPDs to be produced and confirm which should be recommended to the Executive to be delivered as a priority.

Officers advised that the submitted Local Plan had stated an intention to produce 12 SPDs to add further detail to a number of policy areas as well as individual SPDs for each of the Strategic Sites set out in the plan and a review of 3 existing interim SPDs regarding Houses in multiple occupation, sub-division of dwellings and household extensions. They had identified those SPDs focussing on Affordable Housing and Green Infrastructure as being of the highest priority to progress. The production of these SPDs would enable a more consistent framework for planning, both for applicants and Development Management. Furthermore these topics had both previously been highlighted as key priorities in order to support the Local Plan policy position. Their recommendation for progressing two SPDs balanced their expedient production against progressing the Local Plan examination, Neighbourhood Planning and the Joint Waste and Minerals Local Plan with current resources. They advised that if Members chose a higher number of SPDs to progress, this may increase the timescale for production or require further staff resources to progress all work streams concurrently.

Officers explained that SPDs followed a statutory process set out in the Town and Country Planning Regulations in order to become adopted planning policy which included a statutory public consultation. Each SPD would be prepared in line with the regulations but until such time as the Local Plan was adopted, any prepared SPDs in accordance with the Regulations would remain as interim planning guidance. This interim guidance would be a material planning consideration, although the weight attached would be more limited than a fully adopted SPD. The intention would be to bring each draft SPD back to Local Plan Working Group and Executive prior to the consultation stage.

Discussion took place and further information was provided by officers in relation to the following issues:



- Concern regarding challenges to consideration of interim SPDs in development management decisions [Skipton Properties Ltd v Craven District Council] – Officers advised that York’s position was different to that of Craven District Council. Officers agreed to provide an update to Executive as to whether there were any subsequent cases which had cited Skipton Properties Ltd v Craven District Council
- Request that the SPD on HMOs (Houses in Multiple Occupation) be prioritised and progressed after the 2 currently put forward as priorities.
- Reasons for choosing Affordable Housing and Green Infrastructure as the 2 SPDs to prioritise – These were two of most used policy documents for planning decisions and currently interim guidance was not in line with the evidence base submitted with the Local Plan. Updating these 2 SPDs would provide clarity to the local plan policies and for applicants and Development Management. Furthermore these were areas raised by Members recently as key priorities.
- Why sustainable transport had not been considered as a priority – Officers confirmed that it was their intention to produce an SPD for sustainable transport and to update York’s Local Transport Plan at the same time so they align. It was considered that this was not considered as high a priority as the Local Transport Plan currently runs until 2030 and there are strategic transport policies within the submitted Local Plan.
- Sustainable Transport SPD in terms of the detailed design guide approved for York Central and whether this would set a precedent for the SPD and the city as a whole. Officers said that the adopted priorities in the Local Transport Plan were valid until 2030 and that the strategic transport policies in the Plan set the overall strategic framework for the provision of sustainable transport. There would always be individual applications which can come forward incrementally but that there was an overall strategic framework provided by the current LTP and submitted Local Plan.
- Process for prioritising future SPDs – officers confirmed that these would come back to the Members for agreement.
- Protection of public houses – it was previously agreed that this would be included in the list of other community facilities under Policy HW1.

Protection of public houses would therefore be included in an SPD for Health and Wellbeing

- Update on review into interim SPD for controlling the concentration of HMOs in York. Officers confirmed that a review of this interim SPD has been commenced but had halted in order to prioritise the Local Plan submission although the database continued to be updated with planning decisions. Officers had consulted with housing colleagues regarding Government changes to HMO Licensing which were due to come into force in October. Officers confirmed that they were happy for this to be considered as one of the next priorities once the impact of the changes to HMO licensing were clear.

Councillor Warters proposed, and Cllr Pavlovic seconded, a motion to prioritise the affordable housing SPD but not take forward the green infrastructure SPD in favour of progressing the review of the interim SPD for HMOs. On being put to the vote this motion fell and it was:

Resolved: That the Local Plan Working Group recommends to Executive to approve option 1, to progress interim SPDs to inform development management decisions in advance of the adoption of the York Local Plan prioritising two SPDs regarding Affordable Housing and Green Infrastructure.

Reason: So that work on interim draft Supplementary Planning Documents can be progressed prior to adoption of the York Local Plan

## **27. York Local Plan Update**

Members considered a report which provided a brief update on the progress of the Local Plan since its submission to the Planning Inspectorate in May and provided advice in relation to the housing issue raised within the letter received by the Council from the two Planning Inspectors on 24 July regarding York's objectively assessed housing need (OAHN). The report also updated them in relation to the release of new relevant population statistics.

Officers advised that the inspectors' letter was available on the Local Plan examination webpage and that a holding response had been sent in August. The letter from the Inspectors raised a number of technical clarifications and initial observations on issues relating to housing,

greenbelt and infrastructure but one of the key issues was around the calculation of housing need.

Officers briefed Members on methods used to calculate household need, using sub national household projections as a starting point estimate of housing need for local plans. Wherever possible, needs assessments should be informed by the latest information and Plans should be kept up to date.

Officers provided a verbal update to Members in relation to both the new national population projections release in May which showed a marked downward trend, both nationally and in York (detailed in the report), and the new national household projections (2016 based) released the day of the meeting by ONS which confirmed a corresponding downward trend. Officers advised the needed to undertake detailed analysis of these figures but stated that they showed that the projected number of households at 2032 was 93,200 which compared to the previous projections which projected 101,400 households. This continued the downward trend forecast in the earlier population release. It was clear, therefore, that irrespective of the issues of clarification raised by the Inspector, new evidence had been released which appeared to show a substantive change in the demographic starting point or baseline for the Plan period and that officers considered that this new evidence must be analysed and the potential implications for the submitted Plan understood.

It was noted that the Government had stated that post the release of the household projections they would consider adjusting the standard methodology in order that the aim of the Housing White Paper to boost housing delivery was met.

Given the release of new evidence and the complex position in relation to transitional arrangements and the potential changes to the standard methodology, officers believed it was important that the Inspectors consider allowing early hearing sessions on the issue of housing need so that the Council and other interested parties could engage in early discussions on these matters.

Discussion took place and further information was provided by officers in relation to the following issues:

- Objectively assessed need (OAN) – there was conflicting advice from inspectors in the East Cambridgeshire District Council and Peterborough local plan examinations on how to apply the standard

methodology to local plans currently in examination. Officers advised that they would seek advice on this matter and further dialogue with Ministry of Housing, Communities and Local Government (MHCLG) to establish how to move forward considering current examination decisions, the new datasets, including a lower demographic starting point and the government's statement re changing the methodology.

- Affordable housing need and whether this would be impacted upon by the lower household figure – officers advised that the Strategic Housing Market Assessment (SHMA) included a calculation of affordable housing need and that this was a separate calculation to that of OAN. However this would need to be reviewed in light of the new evidence released as part of the update to the objectively assessed need (OAN) to assess any potential impacts for the submitted Local Plan.
- Response to Inspectors - A large part of the response to the inspectors had already been prepared but the impact of the new figures needed to be considered before the response was finalised. Local Plan Working Group Members would be advised by email when the response had been sent.
- Concern that release of new figures would cause ongoing delays with local plan process and whether purdah period will impact on this further. Officers advised that they hoped to get to the hearings stage on housing matters prior to the purdah period.
- Although this report focused on household projections as this was the new information which had been released by Government, officers would produce a substantive technical response to the Inspectors on the other issues raised including infrastructure and greenbelt.

Resolved: That the update report be noted.

Reason: To allow officers to progress York's Local Plan through to hearing sessions to determine the OAHN.

Councillor N Ayre, Chair

[The meeting started at 5.30 pm and finished at 7.00 pm].



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**Local Plan Working Group**

18 December 2018

Report of the Corporate Director of Economy and Place

**Rufforth with Knapton Neighbourhood Plan****Purpose of the Report**

1. The purpose of the report is to consider the results of the Rufforth with Knapton Neighbourhood Plan referendum. It asks Members to recommend to Executive to formally 'make' the Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. This will allow the Neighbourhood Plan to progress in line with the relevant Neighbourhood Planning legislation and Regulations. This paper will be considered by Members of Executive on 20<sup>th</sup> December 2018.

**Background**

2. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended in 2015 and 2016 ("the Regulations").
3. The Rufforth with Knapton Neighbourhood Plan has been prepared by the Rufforth with Knapton Neighbourhood Plan group with on-going engagement with the local community and City of York Council. The Plan has been through the following stages of preparation:
  - Designation as a Neighbourhood Area (July 2015)
  - Consultation on Pre-Submission version (7<sup>th</sup> July to 18<sup>th</sup> August 2017)
  - Submission to City of York Council (February 2018)
  - Submission consultation (19<sup>th</sup> March to 2<sup>nd</sup> May 2018)

- Examiner Report, considered at Local Plan Working Group and Executive (20<sup>th</sup> September and 27<sup>th</sup> September 2018 respectively)
  - Referendum (20<sup>th</sup> November 2018)
4. The Examiner's Report concluded that subject to modifications, the Rufforth with Knapton Neighbourhood Plan met the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made it should proceed to referendum.
  5. At Local Plan Working Group on 20<sup>th</sup> September and Executive on 27<sup>th</sup> September 2018, Members accepted the Examiner's recommendations and agreed that the Rufforth with Knapton Neighbourhood Plan should proceed to referendum.
  6. A referendum was held on Tuesday 20<sup>th</sup> November 2018.

### **Referendum**

7. A referendum on the Rufforth with Knapton Neighbourhood Plan was held on 20<sup>th</sup> November 2018 and was organised by the City of York Council. As per the Examiner's recommendations, the referendum area was the same as the Neighbourhood Area designated by the Council, which is the parish of Rufforth with Knapton.
8. Polling Stations at Rufforth Village Institute and at a mobile unit in Knapton were open from 7am until 10pm on Tuesday 20<sup>th</sup> November.
9. The Declaration of Results of Poll contained at Annex A to this report confirms that 276 residents voted in the referendum, out of a potential 842 on the electoral roll (32.9% turnout). The results on whether to accept the Rufforth with Knapton Neighbourhood Plan were:-
  - YES = 256 (93%)
  - NO = 20 (7%)
10. The Neighbourhood Planning Regulations (2012 as amended) requires that where over 50% of those voting in the Neighbourhood Plan referendum, vote in favour of the Neighbourhood Plan, then the Council is obliged to 'make' the plan (i.e. bring it into force as part of the Development Plan). The Council is not subject to this requirement 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) or there are unresolved legal challenges.

11. The Planning and Compulsory Purchase Act 2004 also provides that a Neighbourhood Plan for an area becomes part of the development plan for that area after it is approved by an applicable referendum, prior to the plan being 'made' by the Council. In the very limited circumstances where the local planning authority might decide not to 'make' the neighbourhood plan, it will cease to be part of the development plan for the area. Given that the referendum result was 93% in favour of the Neighbourhood Plan; the Rufforth with Knapton Neighbourhood Plan and the policies within it are now part of the statutory development plan for City of York.
12. The Neighbourhood Plan must be made by the Council within 8 weeks beginning with the day immediately following that on which the referendum is held (unless the Plan is incompatible with EU/HR legislation or there is an unresolved legal challenge). This date is 16th January 2019.

### **Options**

13. Members are asked to advise Executive to formally 'make' the Rufforth with Knapton Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. The Council is legally obliged to make the plan because it meets the legal requirements for making a plan.

### **Analysis**

14. This report presents to Members the outcome of the Rufforth with Knapton neighbourhood plan referendum. At 93% in favour of using the Neighbourhood Plan to help determine planning applications in the defined neighbourhood area, this endorsement is demonstrably higher than the required threshold of more than half of those voting. A positive majority at the referendum means that the Council is now obliged to "make" the plan and bring it into full legal force as part of the Development Plan for York. The Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements and this is supported in the Examiner's Report. It is advised that the plan be made by the Council given the positive vote in support of the neighbourhood plan and nothing has changed since the earlier consideration of the Examiner's report and modifications which would suggest that the Plan would breach, or be incompatible with any EU obligation or any of the Convention of Rights. Nor is there any

unresolved legal challenge in respect of the Plan. There are no reasons why the Council should not proceed to 'make' the Neighbourhood Plan in accordance with the outcome of the referendum.

### **Next Steps**

15. Once the plan is 'made', it will achieve its full legal status. It forms part of the statutory development plan for the area and will sit alongside the Local Plan (once adopted). The Neighbourhood Plan contains a series of policies that will be used when determining planning applications that are located within the defined Neighbourhood Area. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Council Plan**

16. Under the 2015-2019 Council Plan objectives the project will assist in the creation of a Prosperous City for All, and be a Council that listens to residents particularly by ensuring that:
  - i. Everyone who lives in the city can enjoy its unique heritage and range of activities.
  - ii. Residents can access affordable homes while the greenbelt and unique character of the city is protected.
  - iii. Visitors, businesses and residents are impressed with the quality of our city.
  - iv. Local businesses can thrive.
  - v. Efficient and affordable transport links enable residents and businesses to access key services and opportunities.
  - vi. Environmental Sustainability underpins everything we do.
  - vii. We are entrepreneurial, by making the most of commercial activities.
  - viii. Engage with our communities, listening to their views and taking them into account.

### **Implications**

17. The following implications have been assessed:
  - **Financial** – None
  - **Human Resources (HR)** – None
  - **Legal** - The Legal implications are set out within the body of this report.



- **Crime and Disorder**– None
- **Information Technology (IT)** – None
- **Property** – None
- **Other** – None

### **Risk Management**

18. In compliance with the Council's risk management strategy, the main risks associated with the Rufforth with Knapton Neighbourhood Plan are as follows:

- The decision whether or not to 'make' the Neighbourhood Plan is, like all decisions of a public authority, open to challenge by judicial review. The risk of any such legal challenge being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.

### **Recommendations**

19. Members are asked to:

- i) Consider the results of the referendum and make a recommendation to Executive to formally 'make' the Neighbourhood Plan on 20<sup>th</sup> December 2018.

Reason: To allow the Neighbourhood Plan to progress in line with the Neighbourhood Planning Regulations.

- ii) Make a recommendation to Executive to approve the Decision Statement attached at Annex B to be published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

## Contact Details

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### Chief Officer Responsible for the report:

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### Executive Member Responsible for the Report:

Cllr Dew, Executive Member for  
Transport and Planning

**Report Approved ✓ Date 05/12/2018**

### Specialist Implications Officer(s):

Patrick Looker, Finance Manager, 01904 551633

Sandra Branigan, Senior Solicitor, Planning, 01904 551040

**Wards Affected:** Rural West

For further information please contact the author of the report

**Background Papers:** None

### Annexes:

Annex A: Declaration of Result of Poll

Annex B: Regulation 19 Decision Statement

### Glossary of Abbreviations:

EU	European Union
HR	Human Rights
SEA	Strategic Environmental Assessment
HRA	Habitat Regulation Assessment
NP	Neighbourhood Plan

# DECLARATION OF RESULT OF POLL

## Referendum on the Rufforth and Knapton Neighbourhood Plan Area

On Tuesday 20 November 2018

I, Andrew Flecknor, being the Deputy Counting Officer at the above referendum, do hereby give notice of the number of votes recorded for each answer to the question:

Question:		
Do you want City of York Council to use the Neighbourhood Plan for the Rufforth and Knapton to help it decide planning applications in the neighbourhood area?		
	Votes Recorded	Percentage
Number cast in favour of a YES	256	
Number cast in favour of a NO	20	

The number of ballot papers rejected as follows:	Number of ballot papers
A Want of an Official Mark	
B Voting for more answers than required	
C Writing or mark by which voter could be identified	
D Being unmarked or wholly void for uncertainly	1
<b>TOTAL</b>	

Electorate: 842

Ballot Papers Issued: 277

Turnout: 32.9

Dated: 20 November 2018



Andrew Flecknor  
Deputy Counting Officer

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## **Rufforth with Knapton 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 20<sup>th</sup> November 2018, City of York Council is publicising its decision made on 20<sup>th</sup> December 2018 by the Executive to 'make' the Rufforth with Knapton Neighbourhood Plan part of the City of York Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

#### **2. Background**

Rufforth with Knapton Parish Council, as the qualifying body, successfully applied for the parish of Rufforth with Knapton to be designated as the Rufforth with Knapton Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012). Following the submission of the Rufforth with Knapton Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 2<sup>nd</sup> May 2018.

#### **3. Decision and Reasoning**

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

The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in the report and which are set out in the Rufforth with Knapton Neighbourhood Plan Decision Statement (discussed at LPWG and Executive on 20<sup>th</sup> and 27<sup>th</sup>

September 2018 respectively), the plan should proceed to a Referendum.

A referendum was held on Tuesday 20<sup>th</sup> November 2018 and 93% 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 20<sup>th</sup> November 2018 met the requirements of the Localism Act 2011; it was held in the Rufforth with Knapton Neighbourhood Area and posed the question:

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

The count took place on the 20<sup>th</sup> November 2018 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:

<b>Response</b>	<b>Votes recorded (percentage)</b>
Yes	93%
No	7%
Turnout	32.9%

The Council considers that the Rufforth with Knapton 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 Rufforth with Knapton Neighbourhood Plan website:

[www.york.gov.uk/neighbourhoodplanning](http://www.york.gov.uk/neighbourhoodplanning)

<https://www.rufforth-knaptonplan.co.uk/>

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

[www.york.gov.uk/neighbourhoodplanning](http://www.york.gov.uk/neighbourhoodplanning)

<https://www.rufforth-knaptonplan.co.uk/>

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

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

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

- **City of York Council**, West Offices, Station Rise, York, YO1 6GA (Mon-Fri 8.30am-5.00pm)
- **York Explore Library, Library Square, York, YO1 7DS** (Wednesday 9am-8pm, Thursday 9am-8pm, Friday 10am-6pm, Saturday 9am-5pm, Sunday 11am-4pm, Monday 9am-8pm, Tuesday 9am-8pm)
- **The Chapel, Rufforth** (Monday and Thursday 9:30am-12:30pm)
- **Tearooms/Shop, The Old School Rufforth, Rufforth House, Wetherby Road, Rufforth, York YO23 3QB** (Tuesday-Wednesday 8:30am-6pm, Sunday 10am-4pm and Monday Closed)
- **Rufforth Primary School, Wetherby Road, Rufforth, York, YO23 3QF** (Monday – Friday 8:45-3:15pm, Closed Saturday and Sunday and in the School Holidays)
- **The Red Lion, Knapton** (Tuesday-Saturday 12pm-3pm, 6pm-11pm, Sunday 12-4pm, Monday Closed)

For further information please contact the Neighbourhood Planning team on [neighbourhoodplanning@york.gov.uk](mailto:neighbourhoodplanning@york.gov.uk) or 01904 552255

Signed

A handwritten signature in black ink, appearing to read 'Mike Slater', written in a cursive style.

Mike Slater  
Chief Planning Officer

20<sup>th</sup> December 2018