



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 and 1 x vacancy.
- Date:** Thursday, 20 September 2018
- Time:** 5.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

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 Wednesday 2 May 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 19 September 2018**.

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4. Rufforth with Knapton Neighbourhood Plan– Examiner's Report (Pages 9 - 114)

This report asks Members to recommend to Executive to agree the Examiner's recommendations to enable the Neighbourhood Plan to proceed to Referendum.

5. Supplementary Planning Documents to support the emerging York Local Plan (Pages 115 - 126)

The purpose of this report is to provide details of Supplementary Planning Documents (SPDs) referred to in the Local Plan and to prioritise their production to aid development management decisions. This report asks Members to consider the SPDs to be produced and recommend to Executive the SPDs to deliver as a priority.

6. York Local Plan Update (Pages 127 - 136)

The purpose of this report is to brief Members in relation to the housing issue raised in the Planning Inspectors' letter received on

24 July 2018 regarding York's objectively assessed housing need (OAHN) and to update Members in relation to the release of new relevant population statistics.

7. 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 and catherine.clarke@york.gov.uk

For more information about any of the following please contact the Democracy Officer 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 własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Local Plan Working Group
Date	2 May 2018
Present	Councillors Ayre (Chair), Aspden, N Barnes, Brooks, D'Agorne, Derbyshire, Gates, Lisle, Orrell, Reid, Steward, Warters, Williams and Pavlovic (as a substitute for Cllr Looker)
Apologies	Councillor Looker
In Attendance	Councillor Carr

18. 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.

19. Minutes

Resolved: That the minutes of the meeting held on 23 January 2018 be approved as a correct record and then signed by the Chair.

20. Public Participation

It was reported that there had been two registrations to speak on item 4 (City of York Local Plan Submission) under the Council's Public Participation Scheme.

Cllr David Carr read out a statement on behalf of Cllr Suzie Mercer, Ward Councillor for Wheldrake Ward, who was not able to attend the meeting. In her statement she expressed her dismay at the draft local plan which she didn't believe reflected the submissions made by residents over several consultations and should therefore not be described as a local plan. She expressed concern that despite many suggestions from residents and developers, very few modifications had been

made and many questions had gone unanswered and the concerns of residents and developers had gone unheeded for many of the larger sites around York. She referred specifically to concerns around sites ST15 (known as Whinthorpe or Langwith) and site SP1 The Stables, Elvington (the showpersons site) in Wheldrake Ward.

Mr Nick Love then addressed the Committee on behalf of CAMRA (Campaign for Real Ale). He stated that given the importance of York's pubs and their profile in the local economy, he was shocked at the absence of reference to pubs in the local plan. He stated that, in the past, the Executive had passed a resolution for the formation of pub friendly planning law in the local plan and expressed dismay that this seemed to have been ignored and the draft local plan did not reflect importance of public houses to people in York. He requested that public houses be added to the list of other community facilities to be protected, listed on page 122 of the report.

21. City of York Local Plan - Submission

Members considered a report which set out the responses received to the Publication Draft Local Plan Consultation (Regulation 19) and asked them to recommend that Full Council approval of the Submission Draft (the Publication Draft) together with representations received thereon for submission for Examination.

The Forward Planning Team Manager provided an update to Members. She advised that recommendation (ii) in paragraph 2 of the report be amended to include reference to the Schedule of minor modifications as attached as Annex G so that it read:

*Recommend to Full Council that the Submission Draft Local Plan (Publication Draft) as attached at Annex A to this report, the Policies Map as attached at Annex B to this report **and the Schedule of minor modifications as attached as Annex G** to this report be approved for submission to the Secretary of State for examination.*

She also advised that paragraph 71 of the report should be amended to replace the reference to Annex D with Annex G and to remove the reference to Option 1 so that it read:

*“If it is considered that, having taken into consideration the representations made, the appropriate option is to approve the Submission Version of the Local Plan (Annex A), the Policies Map (Annex B) and the Schedule of minor modifications (**Annex G**) and allow it to be submitted for examination **as per recommendation (ii)**, this would allow the Council to meet the required published timetable for submission by 31 May 2018.”*

The Assistant Director for Planning and Public Protection advised Members that the only decision for Executive on 8 May and Full Council on 17 May was whether to submit the local plan for examination. He confirmed that officers' recommendation was that the plan was ready for submission. He warned that if a decision was made, by Executive or Council, not to submit the local plan but to revise it, then this would lead to the need for further consultation and months of delay and there was a likelihood that this would lead to government intervention. He drew Members attention to paragraphs 30-43 of the report which listed the important reasons and benefits to York of having an up to date local plan.

In response to Member questions, officers provided the following information:

- although the main report only included a short summary of consultation responses, Annex C contained more detail with a summary for each of the policy areas.
- If the plan was submitted for examination, a full copy of all representations would be included and made available online.
- Many comments made at Reg 19 stage were very similar to those made at Reg 18 stage.
- The local plan was a strategic document. Supplementary Planning Documents which looked at issues such as transport and air quality were not prepared at this stage. They would add further details to strategic policies and follow on from plan production.
- Modifications had been made to the plan throughout the representation process and officers believed that the plan was in the best possible position it could be in at this stage, and was ready for submission for examination. The public enquiry process may make amendments if

considered necessary by the Inspector in order to make the Plan 'sound'. Soundness was set out in paragraph 15 of the report.

- In response to discussion regarding whether the Executive had previously agreed that public houses be included in a 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. If this was classed as a material change, it would not be possible at this stage but could be looked at during the examination process.
- With regard to recommendation (v) which delegated authorisation to officers to agree further or revised responses or proposed changes during the examination process, it was noted that decisions on any material changes would be taken back by officers to the body which delegated authority to them, i.e. Executive. Although the Local Plan Working Group was not a statutory body, it was envisaged that some changes would come back to the Group for consideration. Any decisions taken by officers on changes to be made would be published online and were subject to call in by scrutiny. Members asked that clarity on this process be provided.

It was moved and seconded that the recommendations in the report be approved subject to recommendation (ii) being amended to include reference to the Schedule of minor modifications as attached as Annex G and that officers be asked to provide clarification to the Executive on whether it was possible to add public houses to the list of other community facilities in policy HW1 and the process around publication of decisions made by officers in relation to recommendation (v).

During debate, the following concerns were raised in relation to the local plan being submitted for examination:

- The plan was not in the interests of the people of York – it ignored whole sections of the consultation responses and failed to tackle York's housing crisis and was not a sound plan on that basis.

- The previous plan included new community infrastructure however this plan has scaled back development and the community infrastructure has been lost
- Employment opportunities in York Central had been scaled back in order to fit in additional housing which was of the wrong sort
- The Plan did not meet the needs of most vulnerable residents of city.
- The inner boundary of the Green Belt would stifle growth of city. Viable sustainable green sites could have been exploited to ensure city growth.
- There were some areas which could be compromised on without going back to the drawing board.
- Members should not be distracted by threat of government intervention.

The following comments were made in support of the recommendations set out in the report to submit the plan for examination.

- It was a sound plan in its current form which would see York move forward to provide housing, employment and recreation opportunities for its residents. Officers had advised that they believed the plan was as sound as possible at this stage in the process and ready for submission for examination.
- Brownfield First would be delivered. It provided the opportunity for the city to have an uplift of housing and also to protect its greenbelt.
- The plan delivered a high percentage of affordable housing
- No significant changes could be made to the plan at this stage as this could lead to a minimum of 2-3 months delay, and likely government intervention.
- It was unfair to say that the plan was developer lead – it had been made as easy as possible for the public to engage in the process. It was a local plan supported by local residents
- Huge compromises had been made on all sides to get to this point in the process. Officers should be praised for the

time they had put into preparing the plan and thanks should be given to all those people whose passion had got the plan to this stage.

After a full and thorough debate it was,

Resolved:

- (a) That officers be asked to investigate and provide clarification to the Executive with regard to:
 - (i) whether it was possible to add public houses to the list of other community facilities at this stage in the local plan process.
 - (ii) the process for publishing decisions made by officers in relation to agreeing any further or revised responses or proposed changes during the examination process, as per recommendation (b) (v) below.

(b) That the Local Plan Working Group recommends to Executive to:

- (i) Consider the representations received on the Publication Draft Local Plan (Regulation 19)

Reason: to consider whether to recommend to Full Council to progress to submission of the Plan for examination.

- (ii) Recommend to Full Council that the Submission Draft Local Plan (Publication Draft) as attached at Annex A to this report, the Policies Map as attached at Annex B to this report *and the Schedule of minor modifications as attached as Annex G to this report* be approved for submission to the Secretary of State for examination.

Reason: So that an NPPF compliant Local Plan can be progressed in accordance with the Council's Local Development Scheme.

- (iii) Following decisions on the matters referred to in (i) and (ii) above, authority be delegated to the Corporate Director of Economy and Place in consultation with the Leader and Executive Member for Economic Development and Community Engagement to make non-substantive editorial changes to the Submission Draft and other supporting documents proposed to be submitted alongside the plan.

Reason: So that an NPPF compliant Local Plan can be progressed

- (iv) The Corporate Director of Economy and Place be authorised to ask the examining Inspector to recommend modifications where necessary under Section 20(7C)¹ of the Planning and Compulsory Purchase Act 2004.

Reason: So that an NPPF compliant Local Plan can be progressed.

- (v) The Corporate Director of Economy and Place in consultation with the Leader and the Executive Member for Economic Development and Community Engagement be authorised to agree any further or revised responses or proposed changes during the examination process, prior to consultation and a final decision on adoption.

Reason: So that an NPPF compliant Local Plan can be progressed.

Councillor N Ayre, Chair

[The meeting started at 6.00 pm and finished at 7.50 pm].

¹ (7C)If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—

(a)satisfies the requirements mentioned in subsection (5)(a), and

(b) is sound.”

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Local Plan Working Group**20 September 2018**

Report of the Corporate Director for Economy and Place

Portfolio of the Executive Member for Planning and Transport

Rufforth with Knapton Neighbourhood Plan– Examiner's Report**Purpose of the Report**

1. The Rufforth with Knapton Neighbourhood Plan Examiner's Report is attached at Annex A to this report. Annex B sets out a Decision Statement which includes the Council's proposed response to the Examiner's recommended modifications. This report asks Members to recommend to Executive to agree the Examiner's recommendations to enable the Neighbourhood Plan to proceed to Referendum.

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 Rufforth with Knapton Parish Council with on-going engagement with the local community and City of York Council. Prior to Examination it has been through the following stages of preparation:
 - Designation as a Neighbourhood Area (July 2015)
 - Consultation on Pre-Submission version (7th July to 18th August 2017)
 - Submission to City of York Council (February 2018)

- Submission consultation (19th March to 2nd May 2018)

4. Following the close of Submission consultation and with the consent of the Parish Council, Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed to undertake an Independent Examination of the Neighbourhood Plan. The purpose of the Examination is to consider whether the Plan complies with various legislative requirements and meets a set of “Basic Conditions” set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. The Basic Conditions are:
 - i) To have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - ii) To contribute to the achievement of sustainable development;
 - iii) To be in general conformity with the strategic policies contained in the development plan for the area; and
 - iv) To not breach, and be otherwise compatible with, EU and European convention on Human Rights obligations.
5. The Examiner can make one of three overall recommendations on the Neighbourhood Plan namely that it can proceed to referendum (i) with modifications; (ii) without modification; or (iii) that the Plan cannot be modified in a way that allows it to meet the Basic Conditions or legal requirements and should not proceed to referendum.
6. Modifications can only be those that the Examiner considers are needed to:
 - a) make the plan conform to the Basic Conditions
 - b) make the plan compatible with the Convention rights
 - c) make the plan comply with definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan or
 - d) to correct errors.
7. If a recommendation to go to a referendum is made, the Examiner must also recommend whether the area for the referendum should go beyond the Neighbourhood Area, and if so what the extended area should be.

8. The Regulations presume that Neighbourhood Plans will be examined by way of written evidence only, with a requirement for a hearing only in cases where the Examiner feels the only way to properly assess a particular issue is via a discussion with all parties. The Examiner decided that examination by written representations was appropriate in this case and provided his final report on 17th July 2018.
9. Overall, the Report concluded that “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 Plan should proceed to referendum” and that “the neighbourhood area is entirely appropriate for the purpose of the referendum”.

Examiner’s Recommendations

10. Annex A and B set out all of the Examiner’s detailed and consequential minor modifications to the Neighbourhood Plan. In summary, the key points relate to:
 - Policy Rwk01: Draft Green Belt
11. A series of modifications are suggested in relation to Rwk01 (Draft Green Belt policy) to reflect the policy context of York’s Green Belt. 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.
12. The Examiner recommends 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 York Local Plan (2005) on an interim basis until such times as the emerging Local Plan is adopted. He states that 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. He also recognises that this 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. The examiner also recommends that, with agreement from Rufforth with Knapton Parish Council, once the emerging Local Plan has been adopted the neighbourhood will be reviewed in order to ensure that the two elements of the development plan are consistent on this matter.

- Policy RK H1: Middlewood Close, Rufforth (Housing Allocation)
13. For the same reasons as set out within the context of Policy RwK01, the Examiner states that it is not within the remit of the neighbourhood plan to allocate land within the general extent of the Green Belt for residential purposes. He makes it clear that this is properly a role for the emerging Local Plan.
 14. The examiner recognises that the policy seeks to set out locally distinctive criteria intended to add value to the allocation of this site in the emerging Local Plan (Site H38 in the emerging Local Plan). The examiner also recognises that allocating these housing sites in the neighbourhood plan would assist in boosting significantly the supply of housing land in the neighbourhood area and that based on a site visit to the area it is clear how the site has been chosen and would fit comfortably with the context of the village.
 15. Nevertheless, the examiner recommends the deletion of the site from the Plan recognising that whilst the City of York Local Plan has now been submitted for examination there are still various procedural stages that need to be overcome before it is adopted, a key element being the merits or otherwise of the various sites proposed to meet the strategic housing requirements of the City. Some of those potential alternatives in the neighbourhood area have been included within the representations received on the submitted Rufforth with Knapton neighbourhood plan.
 16. The report states that the deletion of the policy (RK H1) is consistent with the recommended modification in respect of policy RwK01 on the green belt itself and has regard to paragraphs 83-85 of the National Planning Policy Framework (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.

17. The report also states that whilst it is recognised that this approach will be a disappointment to the Parish Council who have worked hard to produce a distinctive set of local criteria to underpin the site's development that 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 – the Parish Council have already highlighted that they are committed to undertaking such a review.

- Policy RK H2 – Milestone Avenue, Rufforth

18. This policy proposes the allocation of a site for approximately 9 houses off Milestone Avenue and is not included in the emerging Local Plan as a housing allocation. The allocation of the site in the neighbourhood plan is associated with the construction of a footpath/cycle path linking the end of Milestone Avenue with the existing cycle path around Harewood Whin. For the reasons set out above at paragraph 16 of this report the examiner recommends the deletion of policy RK H2 from the neighbourhood plan.

- Policy RK H3 (Back Lane/Main Street, Knapton)

19. This policy offers support to the allocation of this site in the emerging Local Plan (Site H53). The examiner recognises that in doing so it sets out locally distinctive criteria that are intended to add value to the approach in the emerging plan and to boost significantly the supply of housing land in the neighbourhood area. The examiner however, recommends deletion of the site from the Plan based on the reasoning set out in paragraph 16 of this report. The examiner notes that 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.

20. There are a number of other minor modifications to policy wording advised which includes the amendment of some policies that the examiner does not consider to be land-use based. If a policy is not considered to be land-used based the examiner has recommended modifications so as to identify those aspects of the policies as 'community actions'.

Next Steps

21. The next stage of the relevant legislation requires the Council to:
 - Consider each of the recommendations made by the Examiner's Report (and the reasons for them), and
 - Decide what action to take in response to each recommendation.
22. If the LPA is satisfied that the Neighbourhood Plan meets the Basic Conditions, is compatible with the Convention rights, and complies with the definition of an NP and the provisions that can be made by a NP or can do so if modified (whether or not recommended by the Examiner), then a referendum must be held.
23. The Council must publish its decision and its reasons for it in a 'Decision Statement'. The Decision Statement must be published within 5 weeks beginning with the day following receipt of the Examiner's Report unless an alternative timescale is agreed with the Parish Council.
24. The Examiner's recommendations on the Neighbourhood Plan are not binding on the Council, who may choose to make a decision which differs from the Examiner's. However, any significant changes from the Examiner's recommendations would require a further period of public consultation, along with a statement from the Council setting out why it has taken this decision.
25. A decision to refuse the Neighbourhood Plan proposal could only be made on the following grounds:
 - the LPA is not satisfied that the Neighbourhood Plan meets the Basic Conditions;
 - the LPA does not believe that with modification Neighbourhood Plan can meet the Basic Conditions;

- the LPA considers that the Neighbourhood Plan constitutes a repeat proposal; or
 - the LPA does not believe the qualifying body is authorised or
 - that the proposal does not comply with that authorisation.
26. The Examiner's Report concludes that the Neighbourhood Plan meets the Basic Conditions required by legislation, and that subject to the modifications proposed in his report, the Neighbourhood Plan should proceed to a referendum to be held within the Neighbourhood Area. Officers have considered all of the recommendations and the Examiner's reasons for them and have set out the Council's response as part of the Decision Statement in Annex B.
27. It is recommended that all of the Examiner's recommended modifications be made as set out in Table 1 at Annex B. The Officer recommendation is that subject to those modifications the Plan meets the Basic Conditions, is compatible with the Convention Rights and complies with the provisions that can be made by a neighbourhood plan. Subject to the Executive's agreement of the Decision Statement, the Neighbourhood Plan will be amended accordingly and the Neighbourhood Plan will proceed to local referendum.

Referendum

28. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This ensures that the community has the final say on whether a Neighbourhood Plan comes into force.
29. The Examiner's Report confirms that the referendum area should be the same as the Neighbourhood Area designated by the Council, which is the parish of Rufforth with Knapton. The Neighbourhood Planning (Referendum) Regulations 2012 as amended require the Local Planning Authority to hold the referendum within 56 days of the date that a decision to hold one has been made. In this case, the decision whether to hold a referendum will be made at Executive on 27th September 2018. Assuming the Executive endorse the recommendations in this report, it is anticipated that the referendum will be held on or before 20th November 2018, within the 56 day period set out in the amended Regulations. The date for the referendum and further details will be publicised once a date is set by the Council. This is currently being discussed with colleagues in Electoral Services.

30. If over 50% of those voting in the referendum vote in favour of the Neighbourhood Plan, then under the legislation the Council must bring it into force within 8 weeks of the result of referendum (unless there are unresolved legal challenges). If the referendum results in a “yes” vote a further report will be brought to Executive with regard to the formal adoption of the Neighbourhood Plan as part of the statutory Development Plan.

Decision making

31. As the Plan is now at an advanced stage, its policies where relevant have legal weight in decision making with regard to any planning applications to be determined within Rufforth with Knapton parish. This is reflected in The Neighbourhood Planning Act 2017 which recognises that, when determining an application, a LPA must have regard to “a post examination draft neighbourhood development plan as far as material to the application”. If a LPA make a decision to allow a draft neighbourhood plan with modifications to proceed to referendum, then the modifications recommended must also be taken into account.

Consultation

32. As mentioned earlier in the report, the Rufforth with Knapton Neighbourhood Plan has been through several stages of consultation. These are: consultation on designation as a Neighbourhood Area (July 2015), consultation on a Pre-Submission version of the Plan (7th July to 18th August 2017), consultation on a Submission version (19th March to 2nd May 2018).
33. A Consultation Statement accompanied the submission version of the Neighbourhood Plan and sets out all the consultation undertaken. All the consultation undertaken by City of York Council has been carried out in accordance with the Council’s Statement of Community Involvement.

Options

34. Officers request that Members recommend to Executive that they:
 - i) Endorse the recommendations in paragraph 44 of this report and agree with the Examiner’s Recommendations and approve the Decision

Statement attached at Annex B to enable the Rufforth with Knapton Neighbourhood Plan to proceed to Referendum.

Analysis

35. The Examiner has concluded that the modifications will satisfy the Basic Conditions, the Council has an obligation, under Schedule 4B of the 1990 Town and Country Planning Act, to arrange a local referendum, unless the Examiner's recommended modifications and/or conclusions are to be challenged. The Officer recommendation to Members is that the modifications made by the Examiner are well justified and that, with these modifications, the Neighbourhood Plan proposals will meet the legislative requirements. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This will give the local community the opportunity to vote on whether they deem the Neighbourhood Plan to meet the needs and aspirations for the future of their neighbourhood.

Alternative Options and Reasons for Rejection

36. The following alternative options have been identified and rejected for the reasons as set out below
- ii) That Members recommend to Executive that they provide modified recommendations to those made by the Examiner and, if considered to be significant, agree that these will be subject to further consultation along with a statement explain why the decision differs from the Examiner's;

This option is not considered appropriate as the proposed modifications make the Neighbourhood Plan more robust and enable it to meet the Basic Conditions.

- iii) That Members recommend to Executive that they reject the Examiner's recommendations and refuse the Neighbourhood Plan proposal. This decision can only be justified on the grounds listed under paragraph 25.

This option can only be justified if the Examiner recommends that the Plan should not proceed to a referendum, or the Council is not satisfied that the plan has met the procedural and legal requirements. This option is not considered appropriate.

Financial Implications

37. The responsibility and therefore the costs of the Examination and Referendum stages of the Neighbourhood Plan production lie with the City of York Council. Table 1 below sets out a breakdown of the non-staffing costs of producing the Rufforth with Knapton Neighbourhood Plan to date and also sets out the costs associated with the Examination and Referendum.

Table 1

Stage	Cost
Designation consultation	£500
Submission consultation	£500
NP grant to Parish Council	£3000
Examination	Circa £7,000 (tbc)
Referendum	Circa £7,000 (tbc)
Total	£18,000

38. There is also a significant level of officer costs required throughout the process to provide the required support to each of the Neighbourhood Planning Bodies. A significant level of officer input at an appropriate level is needed throughout the process to ensure legal conformity, appropriate plan content, technical advice, including provision of mapping and assistance with Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA).
39. Financial support from Central Government is available for Local Planning Authorities (LPAs) involved with Neighbourhood Plans. Some LPAs can claim £5,000 for the designation of neighbourhood areas. Whilst this was claimed for the designation of the Rufforth with Knapton Neighbourhood Plan in 2015, it is no longer available for neighbourhood areas in York as more than 5 neighbourhood areas are designated. LPAs can also claim £20,000 once they have set a date for a referendum following a successful examination. This will be available for the Rufforth with Knapton Neighbourhood Plan.
40. The City of York Council Budget 2016/17 included a recurring budget item of £33,000 for Neighbourhood Planning which is to be distributed as £3,000 per Parish Council or Neighbourhood Forum to be used to

develop a Neighbourhood Plan. This is for the neighbourhood planning body to spend independent to the Council.

41. Communities with Neighbourhood Plans in place can also benefit financially should York adopt a Community Infrastructure Levy (CIL). They can benefit from 25% of the revenues from the CIL arising from the development that takes place in their area.

Implications

42. The following implications have been assessed:

- **Financial**– The examination and referendum will be funded by City of York Council. Once a date for the referendum is set the Council can apply for a government grant of £20,000 towards the costs of the Councils involvement in preparing the Plan (including the costs of the Examination and referendum). Any shortfall will need to be accommodated within existing resource.
- **Human Resources (HR)** - none
- **One Planet Council / Equalities** - Better Decision Making Tool attached at Annex D.
- **Legal** - The Legal implications are set out within the body of this report. The decision to proceed to referendum is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Neighbourhood Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
- **Crime and Disorder** - None
- **Information Technology (IT)** None
- **Property** - None
- **Other** – None
-

Risk Management

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

- 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

44. Members are asked to recommend that Executive:

- 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) To 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.

Contact Details

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Report ✓ **Date** 12/09/2018
Approved

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Wards Affected: Rural West Ward

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Background Papers:

https://www.york.gov.uk/info/20051/planning_policy/1663/rufforth_and_knapton_neighbourhood_plan

Annexes

Annex A Rufforth with Knapton Neighbourhood Plan Examiner's Report
Annex B Decision Statement
Annex C Rufforth with Knapton Neighbourhood Plan (Submission version)
Annex D Better Decision Making Tool

List of Abbreviations Used in this Report

BA (Hons) MA, DMS, MRTPI – Bachelor of Arts, Masters, Diploma in Management Studies, Member of the Royal Town Planning Institute.

EU – European Union

LPA – Local Planning Authority

NP – Neighbourhood Plan

SEA – Strategic Environmental Assessment

HRA – Habitats Regulation Assessment

Rufforth with Knapton Neighbourhood Development Plan 2017-2033

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

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

City of York Council**RUFFORTH WITH KNAPTON NEIGHBOURHOOD PLAN:
POST- EXAMINATION DECISION STATEMENT****Regulation 18 of the Neighbourhood Planning
(General) Regulations 2012 (as amended)**

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to City of York Council of the independent examination of the Rufforth with Knapton Neighbourhood Plan ("the Plan") by independent Examiner Mr Andrew Ashcroft, which was submitted to the Council on 17th July 2018.

This decision statement, the independent Examiner's Report and the submission version of Rufforth with Knapton Neighbourhood Plan and supporting documents can be viewed on the Council's website: www.york.gov.uk/neighbourhoodplanning

Paper copies of this decision statement and the independent Examiner's Report can be viewed during normal opening times at the following locations:

- City of York Council's West Offices,
- York Explore Library,
- The Chapel, Rufforth,
- Tearooms/Shop, Rufforth,
- Rufforth Primary School,
- The Red Lion, Knapton,

1.0 BACKGROUND

- 1.1 Under the Town and Country Planning Act 1990 (as amended), City of York Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's Report have been considered and accepted and that subject to making the recommended modifications (and other minor modifications) the Plan may now be submitted to referendum.
- 1.3 The Rufforth with Knapton Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area in July 2015. This area is

coterminous with the boundary of the parish of Rufforth with Knapton and is entirely within the Local Planning Authority's area.

- 1.4 Rufforth with Knapton Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14, between 7th July to 18th August 2017.
- 1.5 Following the submission of the Rufforth with Knapton Neighbourhood Plan to the Council in February 2018, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended at on 2nd May 2018.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, with the consent of Rufforth with Knapton Council, to undertake the independent examination of the Rufforth with Knapton Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2 The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area on 11th/12th June 2018.
- 2.3 The Examiner's Report was formally submitted on 17th July 2018. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum. The Examiner also recommends that the referendum area should be the same as the designated Neighbourhood Area, which is the same as the administrative boundary for Rufforth with Knapton parish.
- 2.4 Following receipt of the Examiner's Report, legislation requires that the Council consider each of the modifications recommended, the reasons for them, and decide what action to take. The Council is also required to consider whether to extend the area to which the referendum is to take place.

3.0 DECISION AND REASONS

- 3.1 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, the Council, has decided to accept all of the Examiner's recommended modifications to the draft Plan. These are set out in Table 1 below.
- 3.2 The Council considers that, subject to the modifications being made to the Plan as set out in Table 1 below, the Rufforth with Knapton Neighbourhood Plan meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) is compatible with the Convention rights

and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

- 3.3 As a consequence of the required modifications, the Council will modify the Rufforth with Knapton Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.4 The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum area for the final Rufforth with Knapton Neighbourhood Plan will therefore be based on the designated Rufforth with Knapton Parish Neighbourhood Area.
- 3.5 This decision will be made at a meeting of the Council's Executive on 27th September 2018.
- 3.6 This decision statement will be dated 27th September 2018.

Other information:

The Neighbourhood Plan document will be updated to incorporate all the modifications required and re-titled Referendum Version. The date for the referendum and further details will be publicised shortly once a date is set by the Council.

Table 1: Examiner's Recommended Modifications

RwK Policy/ Para	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
RwK 01: Draft Green Belt	Para. 7.11- 7.22	<p>Replace the policy with the following:</p> <p>The general extent of the York Green Belt within the Plan area is shown on the Policies Map and in Figures (b) and (c).</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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 <p><i>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</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p> <p>Map showing revised GB boundary to be included in the next version of the Plan.</p>

		<p><i>the Fourth Set of Changes Development Control Local Plan (2005).</i></p> <p><i>Replace paragraphs 8.1.3/8.1.4 with:</i></p> <p><i>'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.</i></p> <p><i>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'.</i></p>	
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		<p><i>Replace paragraph 8.1.10 with the earlier deleted paragraph 8.1.4</i></p> <p><i>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’.</i></p>	
RwK 02 – Local Green Space	Para. 7.23 – 7.25	<p>Replace the policy to read:</p> <p>‘The following areas as shown on Figures d and e are designated as Local Green Spaces:</p> <p>[List the various sites as specified in Appendix VII]</p> <p>New development will not be supported on land designated as local green space except in very special circumstances.’</p> <p><i>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.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 03 – Heritage	Para. 7.26 – 7.27	<p>Delete the first paragraph of the policy</p> <p>In the second paragraph of the policy:</p> <ul style="list-style-type: none"> • 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’. <p><i>Replace the deleted first paragraph of the submitted policy as a community action</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<i>shown in a separate box in a different colour from the land use policies.</i>	
RwK 04 – Biodiversity	Para. 7.28 – 7.29	Replace ‘encouraged’ with ‘supported’	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 05 – Footpaths and Cycleways	Para 7.30-7.31	Delete the first and third parts of the policy. <i>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.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 06 – Traffic Management	Para 7.32 – 7.33	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’ <i>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’.</i>	Agree with the modifications for the reasons set out in the Examiners Report.

RwK 07 – Public Transport	Para 7.34 – 7.35	Delete the first paragraph of the policy <i>Replace the submitted policy as a community action shown in a separate box in a different colour from the land use policies.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 08 – Parking	Para 7.36 – 7.37	Delete the third criterion <i>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</i>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 09 – Drainage	Para 7.38 – 7.39	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’ <i>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.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 10 – Design	Para 7.40 – 7.44	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’.	Agree with the modifications for the reasons set out in the Examiners Report.

		<p>Delete the final criterion of the second part of the policy</p> <p><i>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'.</i></p>	
RwK 11 – Community Amenities	Para 7.45 – 7.47	<p>Delete 'to the satisfaction.....Parish Council'</p> <p>In the schedule of community amenities add (in brackets):</p> <p>The primary school (Rufforth)</p> <p>The Church (Rufforth)</p> <p>The Chapel (Rufforth)</p> <p>The Outreach Post Office (Rufforth)</p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 12 – Housing Mix	Para 7.48 – 7.49	<p>Delete 'who are downsizing'.</p>	Agree with the modifications for the reasons set out in the Examiners Report.
RK H1 – Middlewood Close Rufforth	Para 7.50 – 7.54	<p>Delete policy</p> <p><i>Delete the supporting text (8.13.12)</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RK H2 – Milestone Avenue	Para 7.55 – 7.56	<p>Delete policy</p> <p><i>Delete supporting text (8.13.13)</i></p>	Agree with the modifications for the reasons set out in the Examiners

Rufforth			Report.
RK H3 – Back Lane/Main Street, Knapton	Para 7.57 – 7.61	<p>Delete policy</p> <p><i>Delete supporting text (8.13.14)</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 14 – Reuse of buildings	Para 7.62 – 7.63	<p>Insert the second part of policy RwK15 as a second component to this policy with the following modifications:</p> <p>Replace ‘considered.... such as’ with ‘will be supported subject to the following criteria</p> <ul style="list-style-type: none"> • 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 	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 15 – Infill	Para 7.64- 7.66	<p>In the first part of the policy:</p> <ul style="list-style-type: none"> • delete the first criterion • replace the third criterion with ‘is appropriate to the rural character of the village concerned’ 	Agree with the modifications for the reasons set out in the Examiners Report.

		Delete the second part of the policy	
RwK 16 – Small Scale Commercial Enterprises	Para 7.67 – 7.70	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’	Agree with the modifications for the reasons set out in the Examiners Report.
RwK 17 – Harewood Whin	Para 7.71 – 7.73	Delete policy <i>Replace the deleted submitted policy as a community action shown in a separate box in a different colour from the land use policies.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Monitoring and Review	Para 7.74	<i>Include an additional Section of the Plan to read as follows:</i> ‘9. Monitoring and Review of the Plan <i>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.</i> <i>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</i>	Agree with the modifications for the reasons set out in the Examiners Report.

		<p><i>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.</i></p> <p><i>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'.</i></p>	
Other Matters		<p><i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p>



**RUFFORTH with KNAPTON
NEIGHBOURHOOD PLAN**

SUBMISSION VERSION

GROUP MEMBERS

Peter Rollings-Chairman.

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Sites / boundaries marked by RwK NP are for illustration only and are not intended to show precise planning application delineation.

The following Appendices can be found on our website rufforth-knaptonplan.co.uk

APPENDIX I	Parish Boundary Map
APPENDIX II	Parish History
APPENDIX III	Engagement Process
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1. WHAT IS THE RUFFORTH with KNAPTON NEIGHBOURHOOD PLAN?

1.1 Rufforth with Knapton Neighbourhood Plan is a new community led form of planning document for guiding the future development and growth of the Parish.

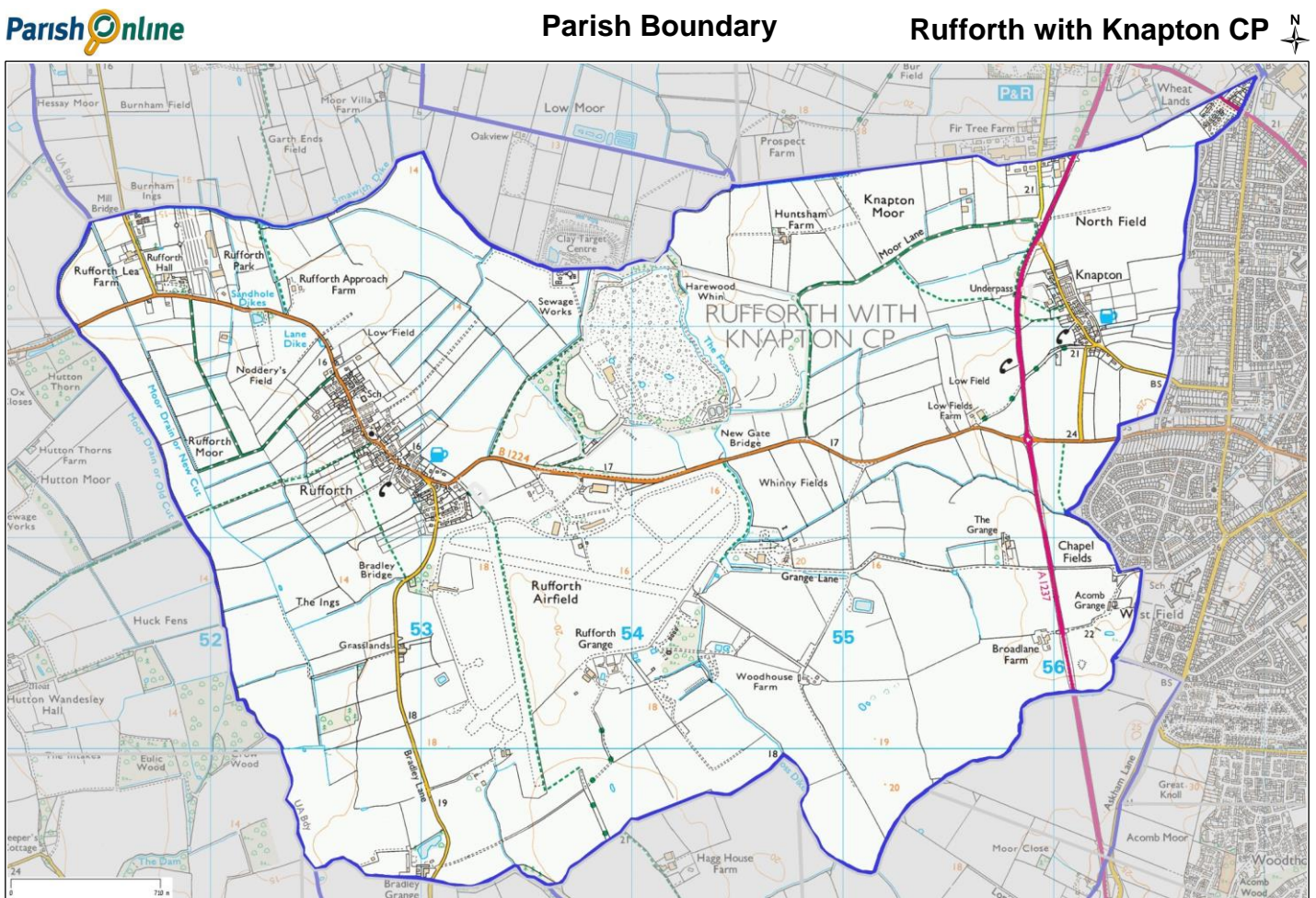
1.2 Neighbourhood Plans were introduced under the 2011 Localism Act to empower communities to better shape their places, to choose where they want new houses to be built, have a greater say on what these new buildings should look like and include measures to protect the landscape and character of the community.

1.3 It is based on extensive research and robust engagement with the local community. The Plan outlines a vision for the future of the Parish and sets out clear planning policies to help realise the vision. The Plan aims to ensure housing is located in the most sustainable locations, protecting the Green Belt and the open landscape surrounding the settlements. It will cover the period from 2017 to 2033.

1.4 A Neighbourhood Plan, once made, will form part of the statutory development plan for the area and its policies will be used to determine planning applications in the neighbourhood. The Plan will be kept under review and may change over time in response to new and changing needs and requirements.

1.5 The Plan has been prepared by the Rufforth with Knapton Parish Neighbourhood Plan Group, on behalf of Rufforth with Knapton Parish Council. The Plan Area covers the whole of the Parish of Rufforth with Knapton.

Figure a) Map of the Parish (a larger map appears in Appendix I)



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2. WHY HAVE WE DECIDED TO DEVELOP A NEIGHBOURHOOD PLAN?

2.1 There is currently no up to date adopted statutory development plan for the area. The City of York has been working on a Local Plan for a number of years, with various drafts having been produced. The current version of the Local Plan is timetabled for Publication consultation in February-March 2018 and submission for examination in May 2018. A Preferred Sites Consultation Document was issued in June 2016.

2.2 Following the publication of the City of York Council's Draft Local Plan in October 2014 a meeting was held in Rufforth Community Hall, attended by more than 100 residents who expressed major concerns regarding that Plan, specifically the proposed expansion of Harewood Whin into a waste transfer station and a potential Travellers' site adjacent to the B1224. The Draft Local Plan of 2014 has subsequently been revoked.

2.3 Given the concerns of residents it was felt that a Neighbourhood Plan would provide the opportunity for the community to take a positive approach and influence the future development in the Parish. Furthermore, the Plan and the policies it contains will be specific to the Parish and reflect the needs and aspirations of the community.

2.4 The Neighbourhood Planning Group has prepared this Plan on behalf of the Parish Council to guide future sustainable development that will maintain, wherever possible, the distinctive rural character and community spirit of the Parish whilst meeting future need in terms of housing, community facilities and the local economy.

2.5 The Plan has been informed by members of the community. The community has been clear in what they would like the policies in the Plan to deliver, i.e. future development that:

- Meets the local requirement for housing over the next 20 years (as identified in any future Local Plan).
- Protects the Green Belt and the open character of the countryside in the Parish.
- Prevents the coalescence of communities and especially, Knapton with the City of York.
- Maintains the identity and style of the villages and the community spirit of the Parish.
- Encourages young families to Rufforth, thus ensuring the sustainability of facilities and services such as the primary school, village shop, Village Institute, Church and Chapel.

2.6 The Neighbourhood Plan is an opportunity for the community to have a greater influence on future growth, ensuring that it protects and enhances the things people value most about the area.

3. HOW DOES THIS PLAN WORK WITHIN THE PLANNING SYSTEM?

3.1 This Plan has been produced under the powers of the 2011 Localism Act, giving communities the power to produce their own Neighbourhood Plans which will influence future development in their local area.

3.2 Neighbourhood Plans can be narrow or broad in scope and there is no requirement to include policies dealing with particular land use or development. The locally formulated policies will be specific to Rufforth with Knapton Parish and reflect the needs and aspirations of the community. Where there are national and district planning policies that meet the needs and requirements of the Parish, they are not repeated in the Plan.

3.3 The intention of the Localism Act is for communities to have a greater say and role in the planning system by shaping future development in their area. However, all neighbourhood plans must be prepared to comply with a set of Basic Conditions.

3.4 Firstly, neighbourhood plans must have regard to national policies. The Government's planning policy for England is set out in the National Planning Policy Framework (NPPF). The focus of this policy is the contribution that planning can make to sustainable development through the joint pursuance of economic, environmental and social improvement.

3.5 Secondly, the making of the Neighbourhood Plan must be in general conformity with the strategic policies contained in the development plan for the area. This requirement is somewhat complicated in the case of the Rufforth with Knapton Parish in that there is currently no adopted Local Plan. The City of York has been working on a Local Plan for several years, but progress has been stalled for a number of reasons. However, work on the proposed Local Plan (Publication Draft 2018) is now at an advanced stage. The City of York Draft Control Local Plan Incorporating the 4th Set of Changes (April 2005) is currently a material consideration for development control decisions.

3.6 National Planning Practice Guidelines states that *"where a Neighbourhood Plan is brought forward before an up-to-date Local Plan is in place, the qualifying body and the local planning authority should discuss and aim to agree on the relationship between policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance."* The policies in the Draft Rufforth with Knapton Neighbourhood Plan have been developed with due consideration to the reasoning and evidence informing the emerging Local Plan and is in general conformity with the City of York Local Plan Publication Draft (February 2018).

3.7 Thirdly, in order to meet the basic conditions, Neighbourhood Plans must be compatible with EU and UK government obligations and contribute to the achievement of sustainable development. Of special relevance to neighbourhood planning is the assessment of certain plans on the environment (Strategic Environmental Assessments).

3.8 Within this Plan an Interim Draft Green Belt has been identified along with interim village envelopes. If a Neighbourhood Plan sets an interim boundary before the City of York Local Plan is adopted (which is the case here) the Neighbourhood Plan would effectively give way once the City of York Local Plan comes forward because it is the role of that plan to set the Green Belt boundary. The Interim Draft Green Belt as defined in the Plan is in general conformity with the Green Belt boundaries as set out in the City of York Local Plan Publication Draft (February 2018).

3.9 Once accepted, this Plan will form part of the statutory development plan for the Rufforth with Knapton Parish. Decisions on planning applications within the Parish will be made using both the Local Plan and the Neighbourhood Plan and any other material considerations.

4. THE PLAN PROCESS

4.1 On January 5th 2015 The Parish Council agreed to support in principle the production of a Neighbourhood Plan for the Parish subject to receiving sufficient support from residents. At a public meeting attended by some 60 residents this support was wholeheartedly given and the working group was formed, consisting of members of the community and Parish Councillors.

4.2 On 7th July 2015, Rufforth with Knapton Parish was officially designated by the City of York as a Neighbourhood Planning Area.

4.3 A Neighbourhood Plan must represent the views of the whole community and thus it was essential that full consultation was undertaken at all key stages of the Plan's development.

4.4 The first task was to conduct a survey of the views of residents, businesses and landowners in the Parish. A Questionnaire was sent to all 427 households in the Parish in June 2015. A 73% response rate was achieved and a detailed analysis of the results undertaken. A report on the results was circulated to residents during September 2015 and can be found in Appendix V. The Vision and Aims of the Plan along with the proposals contained therein are based on the findings of the survey. Progress updates were circulated to residents at which point further comments were encouraged. Details of proposed housing allocations were circulated in August 2016 and a 'drop-in' meeting held in order to hear the views of residents. The Questionnaire responses, the 2011 Census and feedback from public meetings and the web site form the basis of the Plan Vision and Objectives and subsequent policies.

4.5 A pre-submission consultation was conducted during 7th July to 18th August 2017. A copy of the Draft Plan was delivered to every household in the Parish and a 'drop-in' meeting held on 15th July. Copies of the Plan were also made available to official bodies, landowners and developers. 55 responses were received from residents, largely supportive of the Plan. Revisions to the Plan were made following this consultation and are incorporated in the Plan as submitted.

5. ABOUT RUFFORTH with KNAPTON PARISH

5.1 The Parish of Rufforth with Knapton lies within the Vale of York, approximately 5 miles west of the City of York. Rufforth is the larger village in the Parish and sits astride the B1224. The Parish also includes the village of Knapton, situated within the York outer ring road, scattered agricultural enterprises and a settlement off Boroughbridge Road.

5.2 Rufforth, Knapton and Acomb Grange are all mentioned in the Domesday Book. The Domesday survey indicates almost 1000 years of established settlement at what is now the villages of Rufforth and Knapton. Modern names found in and around Rufforth, such as Southfield, Lowfield and Nodderys (north) are all derived from the medieval field system. Similarly, Knapton, a hamlet in the middle ages, had open fields, evidence of which is preserved in the local names of Lowfield and Northfield. Acomb Grange was founded in the 1120's by the Master of St. Leonard's Hospital and became part of Rufforth Parish prior to 1520. It is connected with major events in England's history e.g. the Pilgrimage of Grace in Henry VIII's reign, the battle of Marston Moor in the English Civil War and with George Hudson, the "Railway King". Hudson built some railway sheds for his line from York to Leeds, near to Acomb Grange, but the railway line never materialised. Currently there are 3 other properties around the Grange, converted from its original farm buildings. Acomb Grange is a 5 van Camping and Caravanning Club certified site.

5.3 Both Rufforth and Knapton were historically Parishes within the West Riding of Yorkshire. In 1974 they were transferred to Harrogate Borough Council in the new County of North Yorkshire. In 1988 Knapton Parish was absorbed by Rufforth Parish and became the Parish of Rufforth with Knapton. The Parish was transferred to the City of York in 1996 and is part of the Rural West Ward.

5.4 Knapton has a single principal street (Main Street) and, on the east side, a Back Lane. It is likely that the village was originally laid out as a single sided village with the main street lined by houses and Back Lane by farm buildings, with easy access to the adjacent fields. Later expansion has taken place by new buildings on the west side of the Main Street but no back lane has been created there. Most building is contained within an interim envelope created by Main Street and Back Lane. Despite the proximity to the City of York the surrounding countryside has helped Knapton maintain its rural appearance.

5.5 Rufforth village is a linear settlement, stemming from a line of cottages and small holdings into the village it is today. A number of cul-de-sacs have developed from former farmyards and paddocks. The Village is a compact area of housing surrounded by open, largely flat countryside. Village boundaries are clearly defined by playing fields and burial grounds to the south east and allotments to the northwest. The allotments came from a scheme to give men returning from the First World War a small plot of land on which to grow vegetables and keep livestock.

5.6 For a more detailed history of the villages please refer to Appendix II.

Community Profile

5.7 The Parish is predominantly rural and comprises the two villages of Rufforth and Knapton, a small settlement on the Boroughbridge Road and a very small area, Acomb Grange, on the city boundary at Chapelfields. Both Rufforth and Knapton villages have status within the Draft Green Belt.

5.8 The 2011 census showed the Parish to have a population of 1027 of which 633 lived in Rufforth. This compared to the 2001 census with a total population of 950 of which 560 lived in Rufforth, an increase of 8.1% overall and 13% in Rufforth.

The following tables showing an analysis of house sizes and age profile of the Parish. A full statistical profile can be found in Appendix VI.

Household size by number of bedrooms (2011 Census)

Bedrooms	Rufforth with Knapton		York	Yorks & Humb'side	Eng.
	No.	%	%	%	%
1 bedroom	13	3.1	10.7	10.2	12.0
2 bedrooms	65	15.5	31.4	28.4	27.8
3 bedrooms	169	40.2	36.8	43.7	41.2
4 or more bedrooms	173	41.2	21.1	17.7	19.0
All households	420	100.0	100.0	100.0	100.0

Residents by age band (2011 Census)

Age Band	Rufforth with Knapton	York	Yorks & Humb'side	England
	%	%	%	%
Aged 0-4	4.7	5.4	6.2	6.3
Aged 5-15	13.2	10.7	12.7	12.6
16-24	6.9	16.9	12.6	11.9
25-44	21.3	26.7	26.3	27.5
Aged 45-59	25.0	18.4	19.5	19.4
Aged 60+	28.8	22.7	22.7	22.4

5.9 This information has been used to help inform the Plan on future housing needs and the mix of housing required.

5.10 The housing stock in the Parish is generally good with the main tenure being owner occupation (90% vs 63% nationally). The area is strategically well located in relation to the national road network and there is some public transport provision by bus. There are very high levels of car ownership with 92% households owning a car (vs 74% both nationally and for the City of York).

5.11 Most of the facilities provided in the Parish are located in Rufforth. It has a primary school (new build in the 1970's by West Yorkshire County Council), Church, Chapel, pub, Village Institute, Community Hall, sports pavilion, allotments, playing fields (including tennis courts, football and cricket pitches and a children's play area and sports pavilion), Out Reach Post Office and the Old School has become a shop and tearoom. The Old School and Rufforth Institute are held in trust for the village.

5.12 Knapton has few amenities but has a thriving local pub, the Red Lion (a quintessential English Bistro), a recreation ground and allotments.

Economy

5.13 The Parish was traditionally a farming community, but in the last 30 years the farms have been given up to small housing developments mainly in cul-de-sacs to maintain the linear aspect of both villages. One farm from Knapton and one from Rufforth have relocated on the edges of the villages. The Parish remains predominantly agricultural in nature but is also home to the Harewood Whin waste management site, two transport operations located on the old airfield plus a few other small rural businesses. On the edge of the village Rufforth Park is home to regular car boot sales and auto jumbles. Northminster Business Park borders the Parish to the north and is home to a wide range of small to medium size businesses.

5.14 However, there are limited employment opportunities in the Parish and though a growing number of people do work from home, most residents look to nearby York, Harrogate and Leeds for work. Currently a small number of residents commute to London but this is likely to increase with the introduction of HS2 reducing journey times between York and London.

6. WHAT MAKES THE PARISH SPECIAL?

6.1 The community highlighted a number of key elements that they believed made the Parish a special place to live, some of which are shown below. It is these qualities that the Plan seeks to protect and further enhance:

- *"The Parish with its close proximity to York provides the advantage of living in the country but with the convenience of amenities close by. The modest size of the villages, support a strong community spirit and social capital. Everyone is welcoming, supportive and always on hand to help one another."*
- *"Knapton is a small hamlet surrounded by green fields, retaining its 'old fashioned' rural village feel and offers 'wild areas' essential to the conservation of wildlife."*
- *"Rufforth has a good range of facilities including a pub, village shop, sports facilities and a small 'outstanding' (OFSTED) school, all within walking distance to those who live in the village. It is great place to raise a family."*
- *"Boroughbridge Road Area provides a good balance between urban and rural appearance and atmosphere. The Area feels quiet and safe, despite being within the outer ring road of York City."*

7. VISION AND AIMS

7.1 The Questionnaire responses, the 2011 census and feedback from public meetings and the website form the basis of the Plan Vision and Aims and subsequent policies.

7.2 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.

7.3 Aims

- To protect the Green Belt.
- To ensure all new development maintains the physical separation of the Parish from the City of York.
- To ensure Rufforth is surrounded by green fields outside the ring road and that Knapton and Boroughbridge Road area are protected from coalescence with City of York.
- To support appropriate small scale residential development that meets local needs and is designed to enhance the character of the villages in which it is to be built.
- To encourage a mix of housing suitable for families and people of all ages. In particular, to enable young people to remain in the Parish if they so wish.
- To encourage a thriving rural economy by supporting agriculture and small scale commercial development where possible, including the potential conversion of existing buildings.
- To support and enhance facilities and services to meet local need.
- To protect, improve and, where necessary, extend the current network of footpaths and cycle ways to ensure good links between villages and in to the countryside.

7.4 The Vision and Aims will be realised by a small number of planning policies, which consultation shows matter most to the community, and to which the Plan can add the greatest additional value.

8. NEIGHBOURHOOD PLAN POLICIES

The following policies have been produced to manage the future development of Rufforth with Knapton Parish in accordance with the vision and objectives of the Neighbourhood Plan. The Plan does not duplicate national or district (i.e. City of York) planning policies. Its policies will work alongside these. Where there are national and City of York planning policies that meet the needs and requirements of the Parish they are not repeated in the Plan. It is important to note that when using the Plan to form a view on a development proposal, planning application or policy issue, the whole document and the policies contained in it should be considered together. While every effort has been made to make the main parts of this Plan easy to understand, the wording of the actual policies is necessarily more formal, so that it complies with statutory requirements.

8.1. DRAFT GREEN BELT

8.1.1 It is important to stress that the City of York Local Plan will not be **reviewing** the Interim Green Belt but will be **establishing** a Green Belt for the first time. It will be guided by The Regional Spatial Strategy (RSS) for Yorkshire and the Humber (Partial Revocation) Order of 2013 which contains the following retained policy references:

8.1.2 Policy YH9 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2020 on Green Belts ...*“The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term developments limits that safeguard the special character and setting of the historic York”*, and Policy Y1 York sub area policy ...*“plans...should in the City of York LDF (Local Development Framework), define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from the York city centre and the inner boundary in line with Policy YH 9.. protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.”*

8.1.3 The Neighbourhood Plan’s Interim boundary conforms to the Green Belt boundary as defined in the City of York Local Plan Publication Draft (February 2018) as it is a crucial role of that document to set a Green Belt.

8.1.4 Paragraph 80 of the National Planning Policy Framework (2012) sets out the five purposes of a Green Belt as follows:

1. To check the unrestricted sprawl of large built up areas.
2. To prevent neighbouring towns merging with one another.
3. To assist in safeguarding the countryside from encroachment.
4. To preserve the setting and character of historic towns.
5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

8.1.5 The villages of Rufforth and Knapton were identified as “washed over” villages in the Draft Green Belt around York. In the City of York Draft Local Plan- Preferred Options April 2013 (Policy GB2 1.16) “washed over” villages are identified as contributing to the openness of the Green Belt. Development is only seen as acceptable/suitable if it is appropriate infilling and village envelopes are protected.

8.1.6 Village envelopes are a commonly used tool in planning documents such as Neighbourhood Plans, Local Plans and core strategies. They are used to define the extent of a built-up part of a settlement. They distinguish between areas where in planning terms, development would be acceptable in principle such as in the main settlements and where it would not be e.g. in the open countryside or in the Green Belt.

8.1.7 The Green Belt is primarily identified to protect the historic character and setting of York.

8.1.8 Currently, the general extent of the Draft Green Belt (the City of York Local Plan Publication Draft, February 2018) circles York at a radius of approximately 6 miles.

8.1.9 Even though York's Green Belt is still, technically, a Draft Green Belt, it has been in existence for several decades and has been reaffirmed in planning refusals and dismissals of planning appeals. Most recently, the "calling in" by the then Secretary of State of Yorwaste's extension plans for Harewood Whin ref.no.13/00041/FUL and the positioning of a site for show people in the Draft Local Plan Preferred Options 2013.

8.1.10 Knapton and the Boroughbridge Road area both sit within York's ring road A1237 whereas Rufforth lies some 2 miles outside it, all with Green Belt (the City of York Local Plan Publication Draft, February 2018) around them. In these circumstances, as there is no adopted strategic plan for the York Green Belt, Rufforth with Knapton's Neighbourhood Plan is the instrument for defining boundaries within an Interim Draft Green Belt. It will not undermine the 5 strategic purposes of a Green Belt as set out in the NPPF (see para.8.1.4).

8.1.11 Protecting the Green Belt, maintaining a clear and separate identity from the City of York, has been identified as an imperative by the residents of the Parish of Rufforth with Knapton. The results of the Neighbourhood Plan Questionnaire showed that residents rated the importance of the Green Belt at 9.6 from a possible maximum of 10.

8.1.12 The City of York Local Plan Publication Draft (February 2018) Green Belt currently surrounding the Parish plays a vital role in maintaining the identities, characters and settings of the three small communities within the Parish.

8.1.13 **Knapton** lies less than 4 miles to the west of York city centre. The village itself has a simple plan with a single principal street, Main Street, and on its eastern side by Back Lane. There has been small development to the north and south along these lines, with two outlying properties on the edges of these lines. All these in accordance with Knapton's "washed over" Green Belt status and purposes 1, 3 and 4 of a Green Belt.

8.1.14 The **Boroughbridge Road** area residents, especially the Trenchard Road community, in ex MoD housing, enjoy the "quiet, secure balance between the countryside and urban Greater York". (Neighbourhood Plan Questionnaire). This section of the Parish retains the rural setting of the City of York when viewed from the A1237 and A59 on the western approaches. The Boroughbridge Road area "warrants protection" according to the Historic Character and Setting Technical Paper Update June 2013, and the City of York Local Plan Publication Draft (February 2018) Green Belt around it serves purposes 1 and 3.

8.1.15 **Rufforth** is a linear settlement village along the B1224, five miles from York, 8½ miles from Wetherby and 20 miles from Leeds. It enjoys a strong sense of community around its village hall, shop, Churches, Chapel school and pub. Situated in the Vale of York, there are fine views of the Hambleton Hills, including the White Horse, the Wolds to the east and out to Menwith and beyond to the west.

8.1.16 York's previous Draft Local Plan Preferred Options 2013 drew on the earlier "Approach to Green Belt Appraisal 2003" and recognised *"that areas of land outside the built-up areas should be retained as open land as they prevent communities within the environs of York merging into one another and the City. These areas are considered to have a key role in preserving the identity of the settlements and villages around York."*

8.1.17 The Historic Character and Setting of York is not limited to the medieval walled city. It refers to a much wider concept which includes the open, flat vale around York, the approaches to the city and its relationship with its surrounding village parishes. The Natural England Character Area Profile for the Vale of York 2012 provides helpful analysis in regard to how the landscape can accommodate change. It identifies actions including *"ensuring development limits enhance the setting of York in the wider Vale maintaining the distinct form of linear developments"*.

8.1.18 On the western approaches to the city, the City of York Local Plan Publication Draft (February 2018) Green Belt around the Parish of Rufforth with Knapton enhances the position of York in the Vale and, especially, checks

the further sprawl into an area of open and low lying countryside where development would have an urbanising effect far beyond its immediate boundaries.

8.1.19 The Neighbourhood Plan Policies will encourage small, commercial development, with the emphasis on converted agricultural buildings. It will follow National Planning Policy Framework (NPPF) criteria and the Plan's criteria for change of use and will not undermine the strategic function of a Green Belt. The Plan will also promote small scale housing development in the same way, preserving the character and setting of the villages.

8.1.20 The City of York Local Plan Publication Draft (February 2018) omits the previously proposed Travellers' site alongside the B1224 as serving Green Belt purposes and therefore unsuitable for Travellers' site development. The Neighbourhood Plan fully supports the current plan for no Travellers' site in the Parish.

8.1.21 The Neighbourhood Plan's Interim Draft Green Belt will also prevent coalescence between Knapton, the Boroughbridge Road area and the main areas of urban York. It will seek to preserve the openness of the linear arrangement of Rufforth from the encroachment of non-residential use of land, as at Harewood Whin, and the transport depots on the eastern approaches to Rufforth, located on the airfield.

8.1.22 The Neighbourhood Plan's Interim Draft Green Belt seeks to preserve the agricultural character of the Parish. Arable farming, pasture land and thriving equine activities surround the villages. The land within the Parish is identified as Agricultural Land Classification grades 2 (very good) and 3 (good too moderate). Both villages are surrounded by arable farming, vital in contributing to the country's food security into the future. As well as cereals, potatoes and sugar beet are harvested across the Parish. Therefore, the area's soils should be valued as a finite multi-functional resource which underpins well-being and prosperity. Soil can be a store for carbon and water, a reservoir of bio-diversity and a buffer against pollution. The NPPF particularly paras.109 and 112, reflects the importance of the conservation and sustainable management of soils. Agricultural land in the Parish is generally grade 3 or higher and as such should be protected from development in the interests of the local rural economy and indeed the wider national economy (NPPF Para 17) Food security is likely to become a particularly important issue as a result of Brexit.

8.1.23 Village envelopes are a commonly used tool in planning documents such as Neighbourhood Plans and local plans or core strategies. They are used to define the extent of a built-up part of a settlement. They distinguish between areas where in planning terms development would be acceptable in principle such as in the main settlements and where it would not be (generally in the least sustainable locations) such as in the open countryside or in the Green Belt.

8.1.24 The Interim Village Envelopes (see figs b) and c)) were developed following consultation with residents and with due consideration to the reasoning informing the emerging City of York Local Plan and the Preferred Sites consultation 2016.

Figure b) Proposed Village Envelope for Knapton

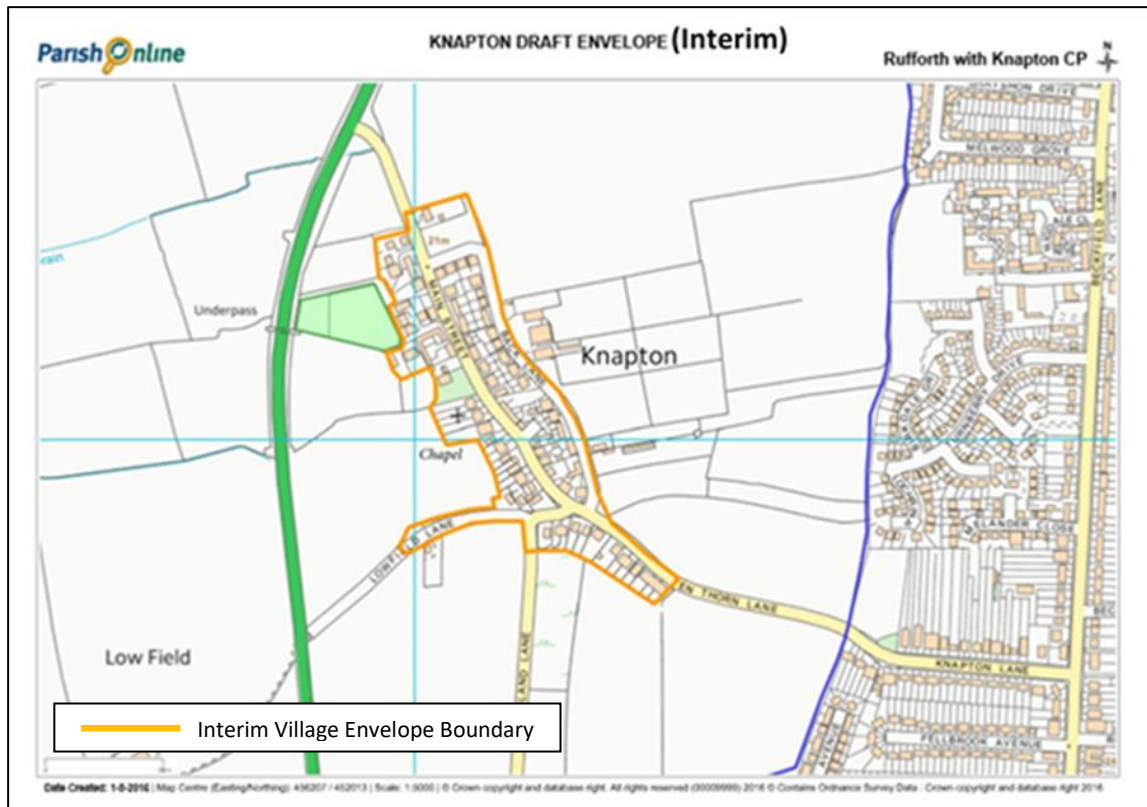
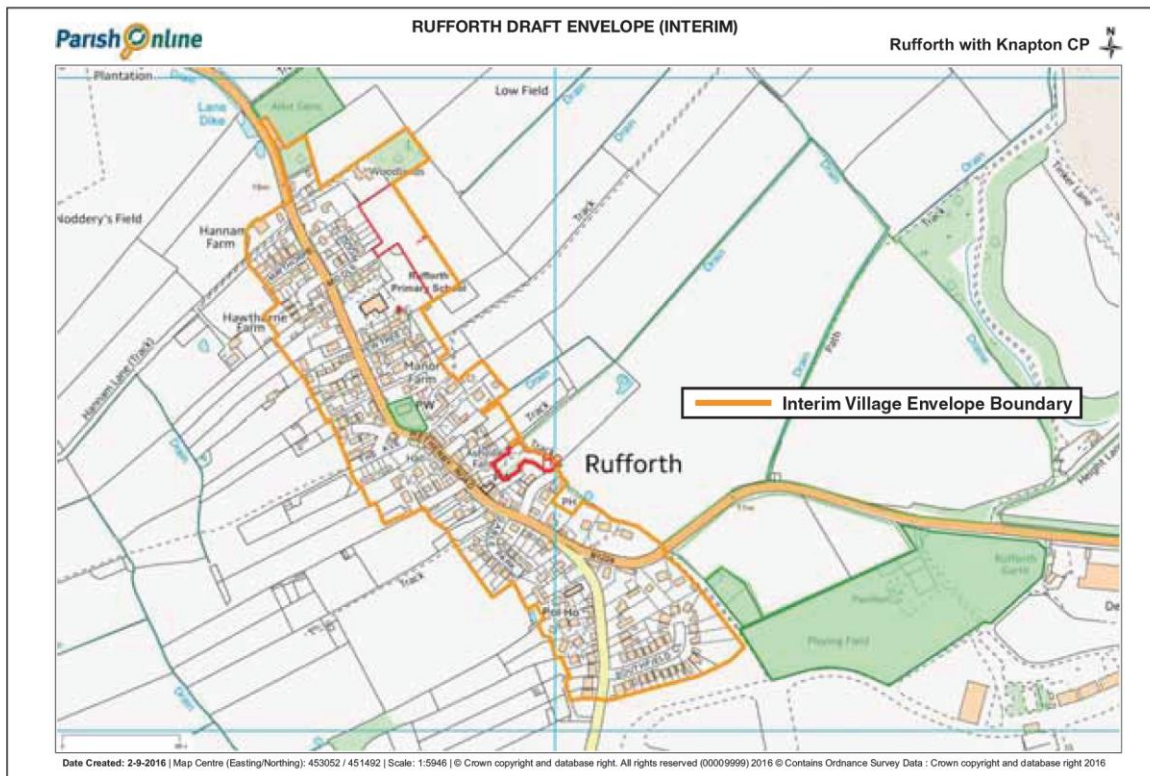


Figure c) Proposed Village Envelope for Rufforth



8.1.25 Focusing limited development in the Interim Village Envelopes may help to support the existing very limited services and facilities in the Villages and the wider Parish, such as pubs and the primary school, and protect the countryside from inappropriate development. It is acknowledged that the primary school is currently at capacity with circa 90 pupils of which approx. 50% are from outside the Parish. Although priority in the future will be given to children resident in the Parish, if more young families are attracted to the Parish then additional classroom capacity will be required, at least in the short term and potentially in the longer term, if parental choice over the wider area is to be maintained.

8.1.26 New infill within the interim village envelopes should not be so intensive as to change the open weave of the village's overall character.

8.1.27 For further information, as to what constitutes 'Appropriate' or 'Inappropriate' development in the Green Belt see Appendix VII.

Policy No. Rwk 01 - Draft Green Belt - The Plan supports and re-affirms the continued designation of Green Belt land preventing coalescence with the main urban area of York and aims to preserve the character and setting of the three communities in the Parish.

The Plan supports the designation of the Interim Draft Green Belt and the Interim village envelopes as detailed on Maps Fig (b) & Fig (c). No development outside the Village Envelopes will be supported other than that considered appropriate in the Green belt as defined in the National Planning Policy Framework (NPPF).

The Plan's Interim Green Belt Policy aims to preserve the character and setting of the three communities in the Parish.

The Plan would only support the consideration of land use change if the permanency of the impact on soils has been assessed, with special attention paid to the eco-system it supports and especially its role in agriculture and food production.

8.2. GREEN INFRASTRUCTURE

8.2.1 The communities within the Parish of Rufforth with Knapton are each identified by the green spaces around them. Views over green fields, quick and easy access to the leisure amenities of walking and cycling, observing varied and interesting wildlife, enjoying a sense of peace and security are all highly valued across the Parish.

8.2.2 Modern conservation principles towards flora and fauna should be encouraged to retain as much green area and as many existing trees as possible in order to maintain a continued abundance of wildlife, to include protecting hedgerows, tree species and verges. The planting of native trees and shrubs, together with the reintroduction of hedges both within and on the periphery of the village should be encouraged as part of any landscape scheme to support wildlife, screen noise and maintain the natural landscape. Development proposals should be designed to retain trees and hedgerows of good arboricultural, ecological or amenity value.

8.2.3 National planning policy enables a Neighbourhood Plan to designate areas of 'Local Green Space' for special protection where for example the land is demonstrably special to a local community and is not an extensive tract of land. Where land is designated as a local green space, it is protected from development other than in very special circumstances.

8.2.4 The Neighbourhood Planning Group has carried out a review of the open spaces across the Parish. The spaces assessed were identified, by the community and the Neighbourhood Planning Group, as of special importance to the community and meet the criteria for designation as set out in national planning policy.

8.2.5 A full justification of the areas proposed for local green space designation is provided in Appendix VIII.

Figure d) Greenspace in Rufforth

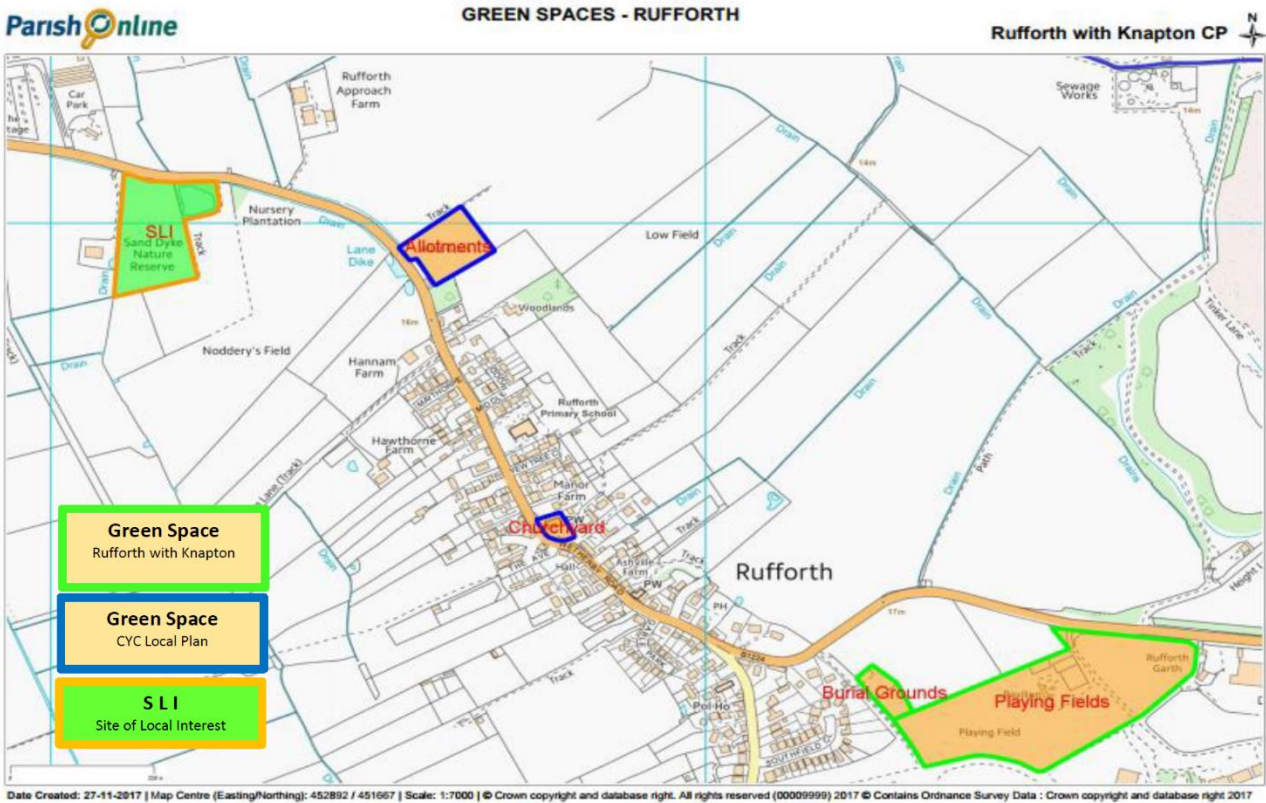
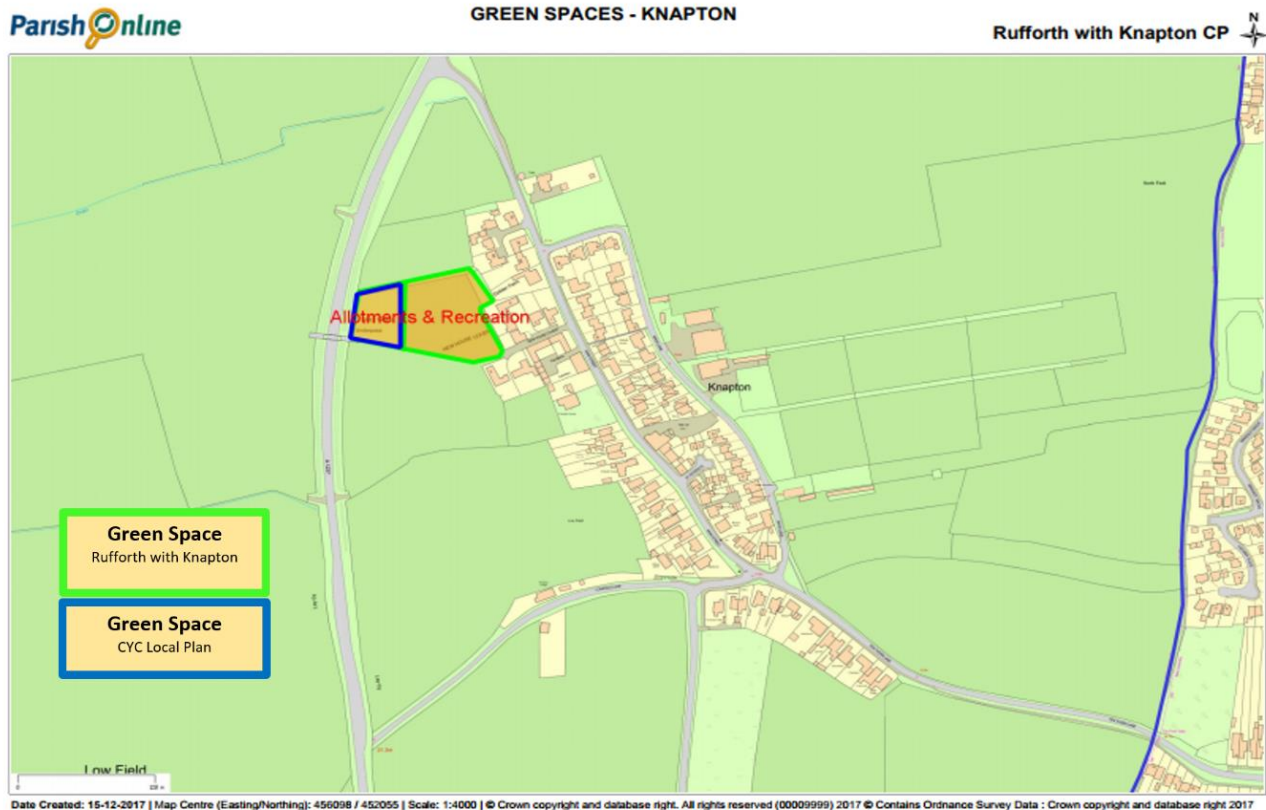


Figure e) Greenspace in Knapton



8.2.6 The Parish, set in Rural West York, has designated open spaces in the ward profile in the City of York's previous Draft Local Plan (2014) ... the allotments in Rufforth and Knapton which are both well used, adding to self-sufficiency and well-being. The children's play area and outdoor play facilities at Rufforth's primary school are also open space areas. The Parish Church's graveyard was designated open space and the Burial Ground along with the Natural Burial Ground on Southfield Lane are significant areas in the community. They are tranquil and beautifully cared for and visited by many. For these reasons, their designation as "open space" is important.

8.2.7 Rufforth also has extensive playing fields on the eastern edge of the village for football, tennis, cricket and informal village sports. It currently supports two senior football teams and one junior (Rufforth United), two cricket and eight tennis teams. It also has a newly renovated children's play area.

8.2.8 In 2008 a recreation field was created in Knapton village enhancing its Green Infrastructure.

Policy No. RwK 02 - Local Green Space - Existing green spaces (as shown on Maps Fig d & e) and those identified below will be protected and where possible enhanced.

The following to be designated as green spaces under National Planning Policy Framework (NPPF 77) "where green areas are demonstrably special and hold local significance..." in Rufforth, the Burial Ground and Natural Burial Ground on Southfield Lane, and the playing fields. In Knapton, the recreational field.

Development proposals that would have an adverse effect on an identified Local Green Space will not be supported unless in very special circumstances in accordance with National and the City of York Council planning policies.

8.3. HISTORIC CHARACTER

8.3.1 Fundamental to any future development will be the recognition and preservation of the historic character and features of the villages.

8.3.2 The Parish of Rufforth with Knapton contains 5 listed buildings - St. Peter's Farmhouse and the 2 adjoining cottages in Knapton; Pear Tree Farmhouse and All Saints' Church in Rufforth. In Rufforth, the village pump and trough and pinfold are also listed. The pond and Sand Dykes Nature Reserve, given to the Parish Council in the 19th century, are Sites of Local Interest. Of great significance to the historic character of the Parish are the red phone box, village garden, and the pinfold in Knapton.

8.3.3 The pattern of strip field farming is still evident around Rufforth and residents enjoy views through open countryside due north to the White Horse at Kilburn, eastwards to the Minster tower and across to Menwith Hill by Harrogate. The registered Battlefield of Marston Moor lies approximately 4kms to the west of the Parish. No development in the Plan area would be supported if it was likely to have an adverse impact on the setting of the Battlefield.

Policy No. RwK 03 – Heritage - An ongoing programme of care to maintain and enhance the phone box, pump and pinfolds will be implemented.

Any development proposals that would damage, have significant adverse effects on any listed building, named significant Parish features or Sites of Local Interest would not be supported.

8.4. BIODIVERSITY

8.4.1 In the open countryside around Rufforth, drainage dykes cross the land. Here there are kingfishers, pike and occasionally, otters.

8.4.2 The village pond and Sand Dykes Nature Reserve are designated as Sites of Local Interest (SLI). Over the arable fields and along the gliding club runway, curlew, skylarks, lapwing, buzzards and flocks of golden plover fly and brown hares run. Every species of British owl... tawny, barn, little, long and short-eared can be spotted too.

8.4.3 The open green spaces, mature trees, hedgerows and green routes combine to provide valuable green infrastructure which helps to deliver environmental sustainability; maintaining wildlife and bio-diversity, mitigating flood risk, reducing the impact of climate change and improving people's well-being.

8.4.4 The majority of the land in the Parish is productive agricultural land. Current national farming policies encourage biodiversity and these should be supported to provide a managed landscape which is both productive and environmentally sustainable.

Policy No. RwK 04 - Biodiversity - Development proposals that conserve or enhance wildlife, wild flowers, hedgerows and trees will be encouraged.

8.5. FOOTPATHS AND CYCLEWAYS

8.5.1 The Parish has a network of well used paths, green lanes and bridleways providing vital access to open countryside and green spaces within the communities.

8.5.2 Footpaths and green lanes link the Parish to the rural communities of Askham Richard, Askham Bryan, Hutton Wandesley, Long Marston and Hessay.

Figure f) Footpaths in Knapton

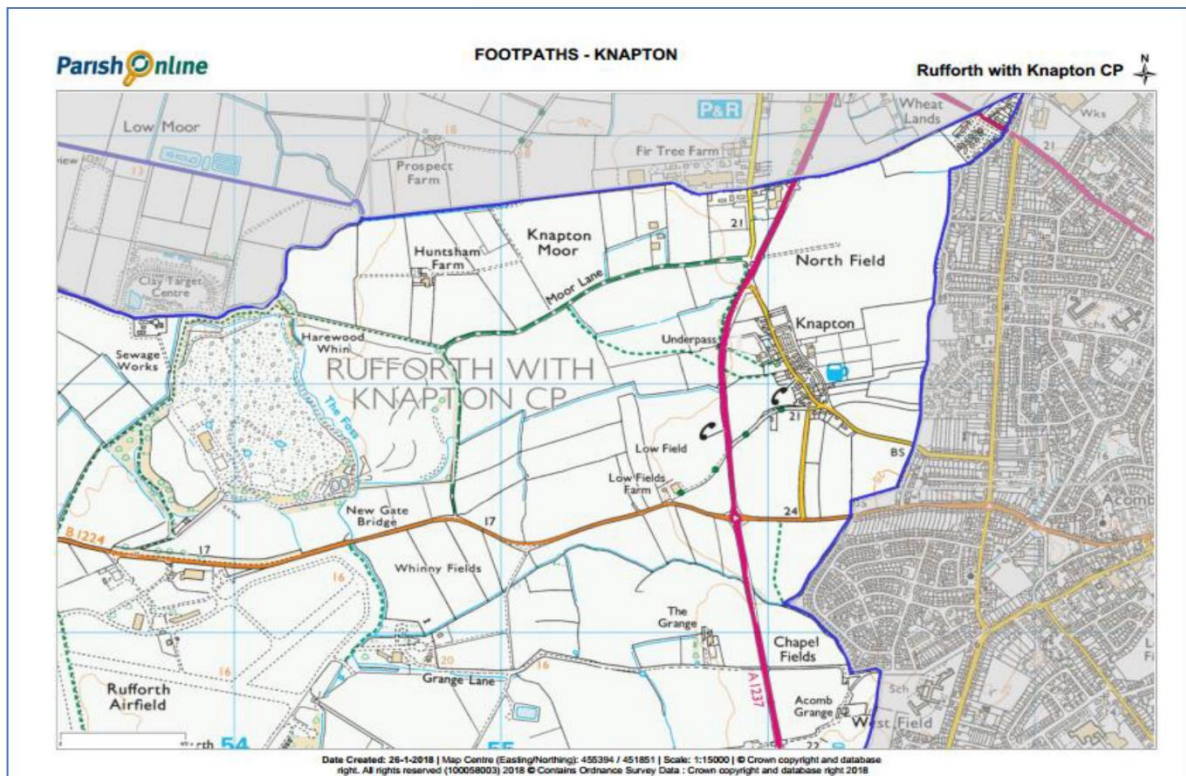
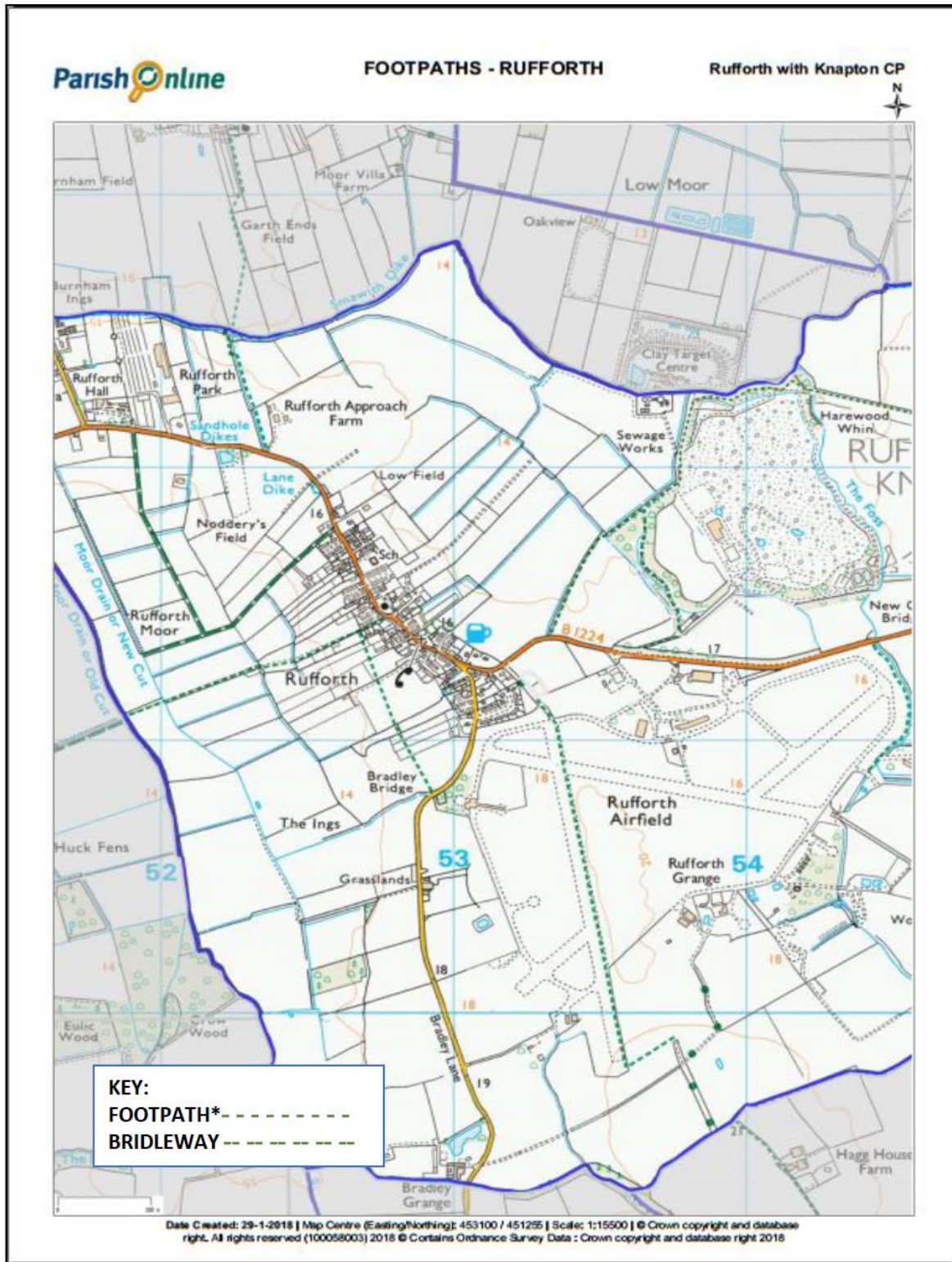


Figure g) Footpaths in Rufforth



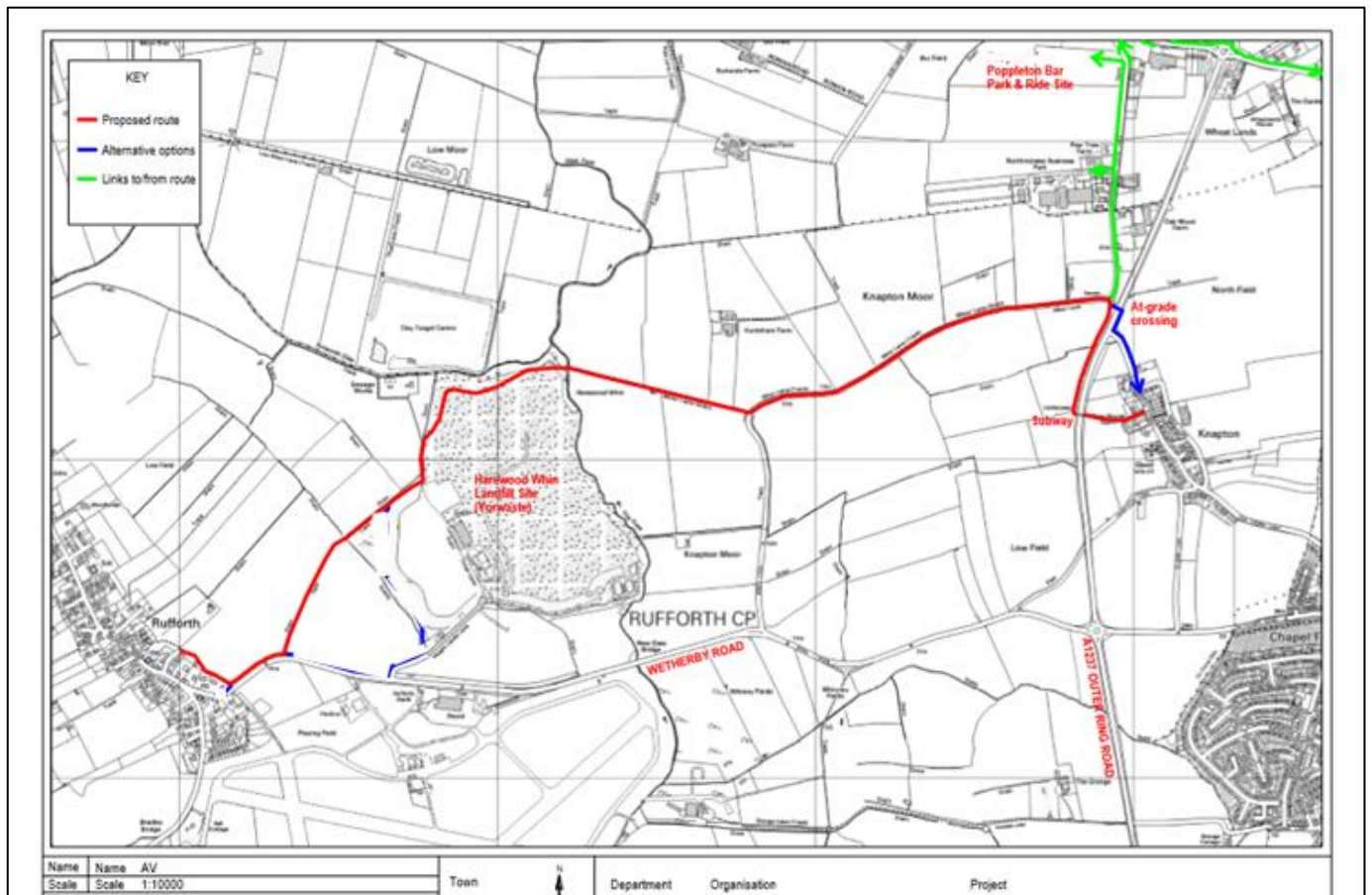
8.5.3 The village of Knapton is set within a Local Green Infrastructure Corridor, which extends along the A1237 to the A59, and to the south along A1237 beyond Askham Moor Lane Wood.

8.5.4 The City of York Draft Local Plan Preferred Options 2013 recognises green corridors as a fundamental element of green infrastructure in their role of supporting healthy communities, cultural value, and in aiding resilience to climate change.

8.5.5 The newly opened cycle path (2014) and bridleway provides an important leisure amenity used by residents of suburban York. It also links the two villages, Rufforth to Knapton, and further on, Boroughbridge Road to Acomb, Urban West York.

8.5.6 Options are currently being reviewed to complete the cycle path between the two villages (see Fig. h). Approval has been granted for the extension to Rufforth with the route being inside the hedge alongside the B1224 and behind the houses and pub to terminate at the end of Milestone Avenue. An extension in to Knapton is being reviewed but will depend on negotiations with landowners and availability of funding. Surface improvements will be required, particularly the Moor Lane section from Harewood Whin to Knapton, to enhance safety. It is an important piece of green infrastructure which the Parish is continuing to work on to complete. The City of York Council Open Space and Green Infrastructure Study 2014, encourages enhancement of the quality of green corridors and the linkage of natural/semi natural open space, promoting bio-diversity. Cycle route networks, are proved to maximise access to facilities for young people.

Figure h) Current and proposed cycle path



8.5.7 Consultations shows that these footpaths and cycle ways are highly prized and cherished by residents, who wish to see them protected and wherever possible enhanced.

Policy No. Rwk 05 - Footpaths and Cycle Ways - Opportunities to secure improvements in the network of footpaths and cycleways should be encouraged, including through developer contributions. The Plan supports the implementation of improvements in the network of footpaths and cycle ways as outlined in figures f, g & h.

Development proposals that result in the loss of, or have a significant adverse effect on, the network of footpaths and bridleways will not be supported.

All Public Rights of Way (footpaths, bridleways, cycle ways and byways) should be legally defined, kept free from obstruction and their character maintained. Where applicable these should provide a valuable link with surrounding countryside, especially by creating safe access to land beyond the B1237, York's outer ring road.

8.6. TRAFFIC

8.6.1 Consultation with residents has shown that the volume of heavy traffic, speed and pedestrian safety are of major concern.

8.6.2 Rufforth with Knapton Neighbourhood Planning Group (NPG) sought advice, including from an independent Consultant Highway Engineer, upon a variety of issues raised in the Neighbourhood Plan Survey (June 2015), this included:

- Speeding and parking in both Rufforth and Knapton.
- Traffic volumes, at peak times through Knapton and 'rat runs' through both villages.
- HGV volumes through Rufforth and any potential environmental impact.
- Perceptions of speeding agricultural vehicles.
- Effectiveness of current traffic calming measures.

8.6.3 There are no current restrictions on the weight of traffic through Rufforth or the A59 past the Boroughbridge Road area. A 7.5 tonne weight limit is signed through Knapton. As far as can be foreseen, no weight restrictions can be applied to the B1224 under existing regulations as the road is deemed capable of handling all types and weights of vehicle.

8.6.4 Of major concern is road and pedestrian safety in the Parish, especially in Rufforth. The Village has developed either side of the B1224, which is, primarily, a straight stretch of road with a significant 'S' bend in the centre, near the Church. The B1224 is well used by vehicles (including heavy goods vehicles) with few natural or other obstacles to slow down motorists. In many locations and in particular by the church in Rufforth the footpath is very narrow and hazardous to pedestrians and impacts on the ability of local children to walk to school. This is contrary to current "Walk to School" guidelines. In general, the narrow nature of existing pavements and in some cases, the absence of any paths in Knapton present safety hazards.

8.6.5 Traffic calming should be of a design and scale appropriate to the rural context and not visually intrusive, unless there are exceptional circumstances.

8.6.6 The design and scale of street furniture, such as signposts and road signs, road markings and lighting should be appropriate to a rural area and the character of the villages.

8.6.7 The following measures will be considered:

- Removal of chicanes in Rufforth.
- Install modern speed warning lights showing actual speed in red and green / smiley faces etc.
- Review speed restriction throughout both villages.
- Review and reduce proliferation of street furniture (road signs, etc.).
- Conduct regular traffic surveys to establish accurate data on type, speed and volumes of traffic, surveying B1224, Bradley Lane in Rufforth and Main Street in Knapton.
- Consider impact of vehicle parking in the villages and the effect this has on traffic flow.
- Improve areas for school drop-off parking and use of the cycle path amenity.
- Monitor and review future developments in traffic management systems.

Policy No. Rwk 06 - Traffic Management - Traffic management measures to improve vehicular and pedestrian safety and movement, especially in Rufforth, should be implemented.

Development proposals should be able to demonstrate that any traffic generation created by the proposal does not result in severe direct or cumulative impact on congestion, or road and pedestrian safety, specifically in the village of Rufforth.

8.7. PUBLIC TRANSPORT

8.7.1 Consultation via the Neighbourhood Plan survey showed that the use of public transport differs within the Parish, depending upon the availability of service. Residents living in the Boroughbridge Road area benefit from the Poppleton 'Park & Ride' and other services, and survey results indicated that they make far more use of public transport than those in Rufforth and Knapton, who have only the somewhat limited 412 service.

8.7.2 Take-up of the 412 service would appear to be hindered by the limited number of buses and lack of evening and Sunday services. Many comments concerning the unreliability and poor timekeeping were received. Regrettably, this service relies heavily upon local authority subsidies and may be vulnerable to further cuts, the impact of which may affect the ability of residents to get around. The older age profile of Knapton indicates a need to improve, rather than reduce, the availability of public transport. In general, the lack of good public transport has a negative impact upon the residents of Rufforth and Knapton.

8.7.3 For residents who, by age or disability, find taxis and buses difficult to use, York Wheels, a registered charity working on behalf of the City of York Council, provide car and minibus transport with limited availability.

8.7.4 Travel York provide 'Dial&Ride', a flexible door to door bus service which serves destination like supermarkets, shopping centres and York City centre.

8.7.5 It is the stated aim of both central government and the City of York Council to reduce the reliance on the motor car as a mode of transport. In a rural Parish such as Rufforth with Knapton with very limited services and amenities, this ambition can only be realistically achieved by the provision of reliable and frequent public transport. The increase in population anticipated in this Plan only serves to emphasise this requirement.

Policy No. Rwk 07 - Public Transport - The Plan supports measures to reduce reliance on the motor car as a means of transport. This requires an improved availability and frequency of public transport and in particular bus services. This will require cooperation with the City of York Council, North Yorkshire County Council and other stakeholders.

8.8. PARKING

8.8.1 On-street car parking is predominantly an issue in the village of Knapton with its narrow streets, in particular Back Lane, with the consequent detrimental effect on pedestrian and road safety and the ease by which they are able to travel safely within the Parish. The visual impact of the parked cars is also tainting the special character of Knapton. It will not be acceptable for developers to assume residents of any new development can use existing parking facilities.

Policy No. Rwk 08 - Parking - Development proposals that result in the loss of car parking provision in the villages of Rufforth and Knapton will not be supported unless:

- ***It can be demonstrated to the satisfaction of the Highway Authority in consultation with the Parish Council, that the loss of parking will not have a severe adverse impact on parking provision and road safety in the village.***
- ***Adequate garaging or off-road parking is provided to obviate the need for further on road parking.***
- ***The Parish Council will work with the relevant authorities to take measures to prevent "part on pavement parking".***

8.9. DRAINAGE

8.9.1 Over recent years there have been major issues with surface water drainage in both villages but especially in Rufforth, with a number of properties having been flooded after heavy rainfall. Problems have also been reported with the sewerage system although it is not totally clear how much this is related to surface water entering the system. The issue was raised by a large number of residents in our survey and both the Parish Council and the Neighbourhood Planning Group have held meetings with Yorkshire Water and the City of York Council as a result of which some work has been conducted.

8.9.2 It is clear that for any future development special measures will have to be taken to avoid any further pressure on the system. Broad assurances that the system will cope will not be considered satisfactory.

8.9.3 Surface water from parts of Rufforth, from the Church westward, drains in to Rufforth Pond, then follows the dyke alongside the B1224 before continuing through a system of dykes and drainage channels over the fields to the south. To the east of the Church, drainage is via a system of pipes culminating in a large pipe alongside Bradley Lane from where it discharges in to a drainage channel going westwards and then again south over the fields.

8.9.4 The Pond has been dredged and pipe repairs undertaken on the western side of the village. Extensive work has now been undertaken on the Eastern side of Rufforth, including cleaning of the pond behind The Tankard and the creation of an overflow ditch, down the fields behind Bradley Crescent. Further work is required, including lining of pipes alongside Bradley Lane, in an appropriate material to prevent further incursion of tree roots.

Policy No. Rwk 09 - Drainage - All parts of the drainage system which is currently stretched will require regular maintenance and repairs. This will be achieved with the cooperation of the City of York council and Yorkshire Water.

All new development should be designed to maximise retention of surface water on the development site and to minimise 'run off'. Effective measures must be taken to ensure that such developments do not exert additional pressure on surface water and sewerage systems that are already at capacity. The most appropriate technical solution for each development must be implemented and is likely to incorporate Sustainable Drainage Systems (SuDS) with attenuation and storage. Such attenuation and storage measures must accommodate at least a 1 in 30-year storm. Any design should also ensure that storm water, resulting from a 1 in 100 year event, plus the additional flows from the latest climate change advice, to account for climate change and surcharging the drainage system, can be stored on the site without risk to people or property and without overflowing into a watercourse or adjacent areas.

Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. Such facilities should be provided on site, or where this is not possible, close to the site.

Existing land drainage systems should not suffer any detriment as a result of development.

Where required, flood attenuation features should be used positively to enhance biodiversity and the public domain.

Landscaping should be designed to reduce surface water flooding and to enhance local biodiversity. Areas of hardstanding such as driveways and parking areas should be minimised and porous materials used.

8.10. DESIGN

8.10.1 The approach to developing this policy endorses the results of the Rufforth with Knapton Neighbourhood Plan survey (2015), the Rufforth Village Design statement (2004) and the Knapton Village Design Statement (2006). It further recognises the historic nature of the Parish.

8.10.2 The Parish comprises a mix of different architectural styles, which reflect its incremental development over centuries. The buildings date from many different periods, providing a richness and variety of styles and materials, with individual buildings clustered around the historic cores of Rufforth and Knapton, and around former farm buildings.

8.10.3 The Parish, in the Vale of York, has three diverse areas. Rufforth, a linear settlement astride the B1224 York to Wetherby Road. Knapton, placed within the York outer ring road and surrounded by agricultural land, and an area on Boroughbridge Road, a small settlement adjacent to the A59, a major arterial road to York.

8.10.4 It is important that new development is designed sensitively to ensure that the generally high quality built environment of the Parish is maintained and enhanced, where proposals are located within or in close proximity to an historic feature or any other sensitive location.

8.10.5 It should respond in a positive way to the scale and character of buildings and the landscape in its immediate vicinity through careful and appropriate layout, use of materials and detail. Proposals should also demonstrate consideration of height, scale and massing, to ensure that new development makes a positive contribution to the street scene and adds value to the distinctive character of the area in which it is proposed to be situated.

Residential Building

8.10.6 New building, following a traditional design, might benefit from the inclusion of local vernacular features, for example window design, brickwork details, garden walls and railings. The height and pitch of roofs should be compatible with and sympathetic to surrounding property and designs exceeding two storeys will be discouraged. Wherever possible, new rooflines or dormer windows to historical buildings should be avoided where they are detrimental to the character of the building. The preferred building material should be a good quality brick chosen to blend with the character of the neighbouring buildings.

8.10.7 Half timbering or part stucco or rendering are not characteristic of the area and should generally be avoided in new designs. Materials should complement the age of the building, for example, traditional properties should use clay pantiles or Welsh Slate where appropriate. Windows in older properties should accord with the period style of those properties and replacements should accurately reflect the styles of the originals. The use of traditional materials is preferred.

8.10.8 Where possible, covenants should be placed on new build properties to prevent the future paving over of gardens.

Policy No. RwK 10 - Design – Development proposals must demonstrate high quality design, form and layout that respects the distinctive character of the Parish having regard to scale, density, massing height landscape, materials and access as appropriate (Heritage Policy RwK 03).

- *New development should make a positive contribution to the street scene and add value to the distinctive character of the immediate vicinity.*
- *Any future residential and commercial developments must retain the rural character of the villages and should be small in scale and complement existing density.*

Proposals should have regard to the design principles set out in the Rufforth Village Design Statement and Knapton Village Design Statement, and:

- *Should follow traditional design and the preferred building material should be a good quality, chosen to blend with the character of the neighbouring buildings.*
- *Extensions must be in keeping with the original building and building materials should complement the age of the building.*
- *The height of new development (including extensions) should be restricted to two storeys. This still permits loft extensions, providing they do not increase the height of the existing property.*
- *The existing roofline should be respected.*
- *Sources of alternative energy, such as solar panels, should be sympathetically installed so as not to damage the architectural integrity of the locality. Gardens and open spaces between buildings contribute to the rural charm of the villages and should be retained.*
- *Adequate off-street parking should be included in all new development and extensions should not be to the detriment of existing arrangements.*
- *New developments should install services such as electricity and telephone cabling underground. Satellite dishes should be located discreetly to avoid front elevations. They should also maintain informal building lines, front gardens and wide verges.*
- *Full consideration to be given to surface water drainage to avoid adverse impacts on an already stretched system (see RwK 09).*

8.11. COMMUNITY AMENITIES

8.11.1 The Parish has some valued community amenities. These include the pubs, allotments, recreational fields, Village Institute, Community Hall, school, shop, Church and Chapel. Special mention here should be made of Rufforth Airfield and the active Gliding Club. The Airfield is used by people from the wider area as an open space and for agriculture. These buildings, and the activities and services they support, play a vital role in meeting the health, sporting welfare and social needs of the residents of the Parish and the wider area, and act as the focal point for community life and activity.

8.11.2 The consultation shows that residents wish that every effort should be made to support and prevent the loss of these important community amenities.

Policy No. RwK 11 - Community Amenities - Development proposals that would result in either the loss of, or have a significant adverse effect on, an identified important community amenity will not be supported unless it can be clearly demonstrated to the satisfaction of the City of York Council, in consultation with the Parish Council that its continued use is no longer viable, or it is no longer required by the community, or, equivalent or better alternative provision in terms of quantity and quality and in an equally suitable location in the Parish, can be provided. The following facilities have been identified as being especially important to the community:

- ***The primary school.***
- ***The Church.***
- ***The Chapel.***
- ***The village shop.***
- ***The Village Institute.***
- ***The pubs (Tankard Inn and Red Lion).***
- ***The Playing fields in Rufforth and recreation ground in Knapton.***
- ***The allotments.***
- ***The Outreach Post Office.***

8.12. HOUSING MIX

8.12.1 A key objective of the Plan is to provide a mix of new homes that will contribute towards meeting the needs of the Parish.

8.12.2 The results of our survey indicated a clear preference amongst residents for future developments to be of 2 to 3 bedroom homes in order to meet the need to encourage more young families to the Parish. The City of York Local Plan Preferred Sites Consultation 2016 identifies a need for different size houses across the City as follows:

- 1 bedroom 15% (the 2011 Census for York (see page 7) shows a level of 10.7%)
- 2 bedroom 35% (the 2011 Census for York (see page 7) shows a level of 31.4%)
- 3 bedroom 35% (the 2011 Census for York (see page 7) shows a level of 36.8%)
- 4 bedroom 15% (the 2011 Census for York (see page 7) shows a level of 21.1%)

8.12.3 We have analysed housing characteristics for the Parish of Rufforth with Knapton from the 2011 Census (see [Household size](#) – Community profile). This shows an imbalance in the housing stock in the Parish – for example 40% of houses in the Parish are currently of 4 or more bedrooms and we have aimed to address this imbalance in our Plan.

Policy No. RwK 12 - Housing Mix - Housing development proposals should provide a mix of housing types and sizes, specifically to meet an identified local need in the Parish. Priority should be given to smaller family homes suitable for families with young children and properties for older people who are downsizing.

8.13. HOUSING

8.13.1 Government policy states that neighbourhood plans should positively support the strategic policies for the area and should not promote less development than is required by the Local Plan.

8.13.2 Within the City of York, the housing growth strategy is to direct the greatest share of new housing to within or on the edge of the City. Development in rural areas such as Rufforth with Knapton Parish will be severely restrained.

8.13.3 Furthermore, the designation of all of the undeveloped land within the Parish as Green Belt acts as a further constraint to development. This designation is intended to protect the open character of land designated as such. Within the Green Belt, development that is not appropriate to a rural area is only allowed in exceptional circumstances. It is accepted however, that some small scale, appropriately designed housing development to meet local needs, may be appropriate in the Green Belt.

8.13.4 The Plan supports the strategic housing policies of the Local Plan and that the Parish is unsuitable for large scale housing development.

8.13.5 It does however recognise the need for, and benefits of, limited and carefully controlled small scale housing development especially in the village of Rufforth to maintain a vibrant community of families and people of all ages and to ensure the sustainability of services and facilities.

- The Parish of Rufforth with Knapton is a rural community with limited services. The viability of those services depends on a thriving community of all ages and therefore a need to encourage families to our villages.
- Community spirit is very highly valued by residents. The Plan aims to create conditions where this spirit can continue to thrive and to do so requires a broad constituency of people of all ages.

8.13.6 This approach is supported by the findings from local consultation. Analysis from the survey of residents when asked about the desirability of small scale residential development (10 to 20 houses) shows an average score of 6.6 where 1 is undesirable and 10 is extremely desirable. Common views expressed included:

- *“the national and local requirement for more houses is recognised “*
- *“a desire in the Parish to ensure the communities within it stay alive “*
- *“the need to encourage families to come and live in the village to ensure that vital services and amenities, for example the school, are sustainable “*
- the Plan takes account of these views and recently published Government guidelines encouraging *“affordable to buy houses and allowing Neighbourhood Plans to include some small-scale development on Green Belt land”*

8.13.7 The Plan allocates three sites for housing development (see PROPOSALS AND ASSESMENT OF POTENTIAL SITES). It also recognises that limited ‘windfall’ housing development may take place over the Plan Period.

8.13.8 Windfall sites are small infill or redevelopment sites, normally for a single dwelling, that come forward unexpectedly and have not been specifically identified for new housing in a Neighbourhood Plan, Local Plan or any other planning document. Such sites have made a regular, modest contribution towards the housing supply in the Parish.

8.13.9 This is in accordance with national planning policy which permits, in principle, windfall housing development in the Green Belt and the Plan does allow for limited further development on “windfall” or infill - sites which are not identified in the Plan.

Proposals and Assessment of Potential Sites for Housing

8.13.10 In assessing the suitability of potential sites for residential development the plan takes account of:

- the local requirement for additional housing over the next twenty years, as identified in the City of York Local Plan Publication Draft, (February 2018)
- the need to maintain the identity and style of the villages and the community spirit within the Parish
- the need, as identified by residents in our survey, in Rufforth to encourage young families to the village in order to ensure the sustainability of facilities and services such as the Primary School, the village shop, the village hall and the Church
- the importance (ranked highest of all in our survey) of protecting the Green Belt and the open character of the countryside in the Parish and preventing the coalescence of communities and maintaining a green barrier between Knapton and the City of York
- priority to be given to homes of 2 to 3 bedrooms suitable for young families or older people downsizing
- any development must have no adverse impact on an already stretched sewerage and drainage system
- suitable traffic access, with appropriate consideration for all health and safety issues, must be available and in the main existing roads and cul-de-sacs should be utilised
- design of housing must meet the standards set out in the Village Design Policy
- sufficient off road parking to be provided

8.13.11 The process for selecting potential sites was as follows:

Landowners in the Parish were written to asking them to submit any potential sites for consideration. Any such sites were subjected to a vigorous review. Firstly, did the site meet with the requirements of the Plan's Interim Draft Green Belt Policy i.e. is it within the interim village envelopes as defined in this Plan? If the answer was no, the site was rejected. Sites that passed this initial requirement were assessed against a set of criteria based on those used in the City of York Draft Local Plan 2014 and are detailed in Appendix IX.

Allocated Site RK H1

8.13.12 This Plan is fully supportive of the housing proposals relating to the Parish of Rufforth with Knapton as set out in the City of York Local Plan Publication Draft, (February 2018), namely Middlewood Close (RK H1) (See Fig. i) below).

Allocated Site RK H1 - The Plan supports the proposal for approximately 28 houses on this site at the end of Middlewood Close and on land extending behind the primary school and behind houses on the northern side of Middlewood Close (see Fig i below) subject to the following:

- **Properties to be predominantly 2, 3 and small 4 bedroom houses.**
- **Adequate off-road parking or garaging to be provided thus obviating the need for residents parking on the roads.**
- **A rear pedestrian entrance to the school to be provided to encourage parents to use this new access and thus alleviate the current parking pressure at school opening and closing times in Middlewood Close and Yew Tree Close. New perimeter fencing will be required.**
- **Attenuation tanks for both sewerage and surface water to be constructed to ensure pressure on the existing system is not increased and hopefully reduced.**
- **Covenants to be sought on properties to prevent further paving over of gardens.**

Figure i) Site RK H1



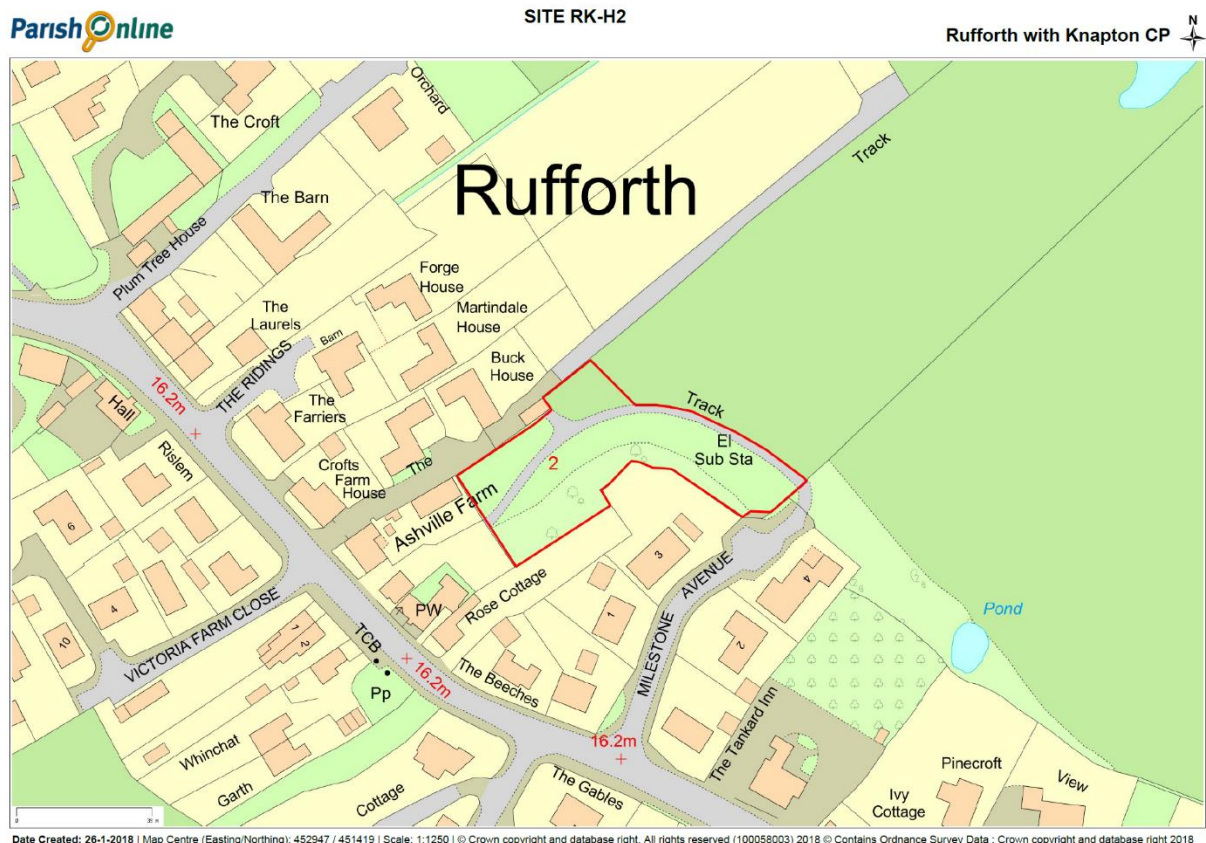
Allocated Site RK H2

8.13.13 We include one additional site, that at the end of Milestone Avenue (RK H2) (See Fig. j) below). The landowner has agreed to lease land to the Parish Council to enable the construction of a footpath/cycle path linking the end of Milestone Avenue with the existing cycle path around Harewood Whin, and will accommodate properties to consist broadly of 3 terraced cottages, 2 three-bedroom detached houses and 4 bungalows with adequate off-road parking/garaging for the cottages and visitors.

Allocated Site RK H2 - The Plan supports proposals of approximately nine properties on land at the end of Milestone Avenue (see Fig j below), converting the existing track to a road which in turn would form the site boundary, subject to the following:

- Adequate off-road parking or garaging to be provided thus obviating the need for residents parking on the roads.
- Suitable measures to be taken to ensure that the development adds no further pressure to the sewerage and drainage system.

Figure j) Site RK H2



Allocated Site RK H3

8.13.14 In Knapton the Plan would support very limited in-fill development within the interim village envelope as defined in the Plan. The site RK H3 at the junction of Back Lane and Main Street has been included in the City of York Local Plan Publication Draft, (February 2018). However, a planning application for the site has already been submitted and refused at the October 2016 planning committee meeting on the grounds of the site being in the Draft Green Belt. It seems likely that this site will remain in the emerging Local Plan and the Draft Green Belt boundary redrawn accordingly. As the site is within the interim village envelope, as defined in the Neighbourhood Plan, it is proposed to leave it in the Plan as an allocated site pending the outcome of a decision on the Green Belt Boundary in the York Local Plan.

Allocated Site RK H3 - The site is within the interim village envelope of Knapton as defined in the Plan and the Plan supports its residential development in principle subject to the following:

- ***A maximum of 4 to 5 properties.***
- ***Access should be on to Main Street.***
- ***Any houses should be of a size and type commensurate with other residential properties in the village of Knapton.***
- ***The development should comply with the standards as set out in the Neighbourhood Plan Design Policy.***
- ***Rooflines should be no higher than surrounding properties.***
- ***Adequate off-road parking to be provided to avoid the need for any on road parking.***

Figure k) Site RK H3



Other sites

8.13.15 Sites at Wheatlands, Chapelfields and three further sites in Rufforth were also put forward. These were assessed in line with the site selection criteria and details of all the assessments can be found in Appendix IX.

8.13.16 In summary, the plan proposes, allowing for some infill, the building of some 40 additional homes over the period of the Plan with the majority of these being 2, 3 and small 4 bedroom houses suitable for young families. This represents an increase of around 10% in the total households in the Parish thus making a sensible contribution to local and national housing needs and to the sustainability of services and facilities in the Parish.

8.14. RE-USE OF BUILDINGS

8.14.1 It is important that the re-use of buildings does not have an adverse effect on the Green Belt's openness or prejudice its purposes. It is therefore necessary to consider the impact of the proposed re-use in comparison with the existing use of the building. The buildings to be re-used must be permanent and of substantial construction, and be capable of the change without major reconstruction.

8.14.2 Within the Parish of Rufforth with Knapton demand potentially exists for the conversion of farm buildings to residential use, often in relatively remote locations. Proposals for residential conversion of farm buildings must be sympathetic to the original structure and setting of the building, be of permanent and substantial construction and meet the criteria defined in Policy Rwk 10. Proposals for residential conversion that would result in the building taking on a modern domestic appearance which could be seen as detrimental to the visual character of the locality will not be supported.

8.14.3 In accordance with Policy Rwk 03 any proposals for conversion that would damage or have significant adverse effects on any listed building or a building of historic interest will not be supported.

Policy No Rwk 14 – Re-use of buildings

Outside defined settlement limits planning permission for the re-use of buildings within the Green Belt will be supported provided:

- ***The re-use does not have a materially greater impact than the present use on the openness of the Green Belt.***
- ***The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction.***
- ***The proposed re-use will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension.***
- ***The form, bulk and general design of the buildings are in keeping with their surroundings and sympathetic to the character of the building.***
- ***Any residential buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building.***
- ***There is already a clearly defined curtilage.***

8.15. INFILL

8.15.1 The minimum housing provision for the Parish for the period 2016 to 2032 has been met but it is accepted that there may be a case for limited windfall or infill development.

Policy No. RwK 15 - Infill - Development proposals for small scale 'windfall', will be supported, provided it is within the Interim village envelopes as defined in the Plan and provided that it:

- *Meets the criteria as set out in the Housing Policy above.*
- *Reflects the size, character, appearance and level of service provision and infrastructure in the settlement in which it is to be located and the wider Parish.*
- *Is appropriate to the Green Belt status of the villages.*
- *Informal building lines will be maintained and new infill should not be so intensive as to change the open weave or character of the villages.*
- *Does not reduce garden/green space to an extent where it would significantly adversely affect the rural character of the villages, or the amenity of the proposed occupiers of the new development or adjacent properties/uses.*

Barn conversions for residential use will be considered in specific circumstances, such as:

- *Any conversion must be within the dimensions of the existing building and be of a similar style.*
- *The building to be converted should be an agricultural building which has been in use for its intended purposes for a considerable period of time and is now redundant for that purpose.*
- *The criteria as stated for infill development should apply.*

8.16. SMALL SCALE COMMERCIAL ENTERPRISES

8.16.1 The Plan aims to encourage to a thriving rural economy which provides a level of employment for local people whilst at the same time protecting the Green Belt which is of such importance to the community.

Policy No. RwK 16 - Small Scale Commercial Enterprises– Agricultural development, change of use and conversion of existing buildings will be supported subject to the following criteria:

- *The proposed use should provide opportunities that meet local employment needs and be of a scale and type commensurate with a rural environment.*
- *There is no significant increase in air or noise pollution.*
- *There is no significant adverse impact of traffic movement, with regard to HGVs, or on road or pedestrian safety.*
- *Conversions are within the dimensions of the existing building and of a style sympathetic to existing buildings and the surrounding countryside.*
- *There are no significant adverse impacts on drainage.*
- *Generally, respects the character of its surroundings and Green Belt Location by way of its scale and design, is compatible with the surrounding landscape, and safeguards residential amenity and road safety.*

8.16.2 Agricultural buildings for both livestock production and to support arable farming are considered as appropriate development within the Draft Green Belt and will be supported dependant on the scale, design and exact location.

8.16.3 The Plan supports appropriate farm and rural diversification activity. In particular, barn conversions for office use or small units for small or "start-up" ventures will be encouraged subject to the criteria detailed above.

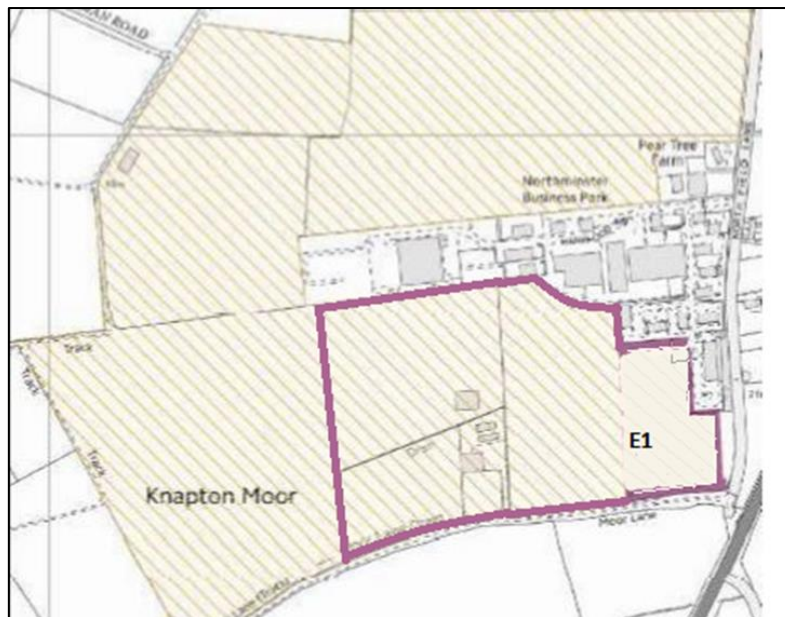
8.16.4 The Plan allows for the small-scale expansion of existing operations providing the criteria above are met. It is noted that these operations may be within the Interim Draft Green Belt and therefore any expansion must

be within the existing site curtilage and buildings must be of a size and nature commensurate with existing buildings on the site.

8.16.5 Change of use for existing commercial premises should only be agreed where the proposed new use meets the above criteria.

8.16.6 Site RK E1 – Northminster Business Park - It is noted that the City of York Local Plan Publication Draft (February 2018) proposes a major extension of Northminster business park (ST19). The land is prime agricultural land, approximately 50% of which is classified as grade 1. Planning policy states that prime agricultural land should not be used for development as it is essential for crops and would be lost forever. In addition, there are major access and traffic issues, particularly bearing in mind other significant proposed developments in the vicinity, affecting the A59/ A1237 junction.

Fig. L) Site RK E1- Northminster Business Park.



8.16.7 It is recognised that an extension to an already flourishing business park would offer significant employment opportunities for the wider area. However, it is felt that this development is too large and does not meet our definition for small scale commercial enterprises. Had the proposal been on a significantly smaller scale (as originally presented in the 2016 consultation), subject to certain specific criteria we would not have objected to proposals providing that:

- Development on the site provides suitable site access, ideally via Hackness Road and a sustainable transport approach.
- The site would require appropriate screening, as Knapton and the A1237 are part of the Draft Green Infrastructure Corridor around the City of York. Current high trees/hedging would serve this purpose. It will be important to ensure that the roofline does not protrude above the appropriate screening, again to prevent a negative impact on the green area.
- Care would need to be taken when planning unit type, to ensure there is not a detrimental impact on congestion accessing to the site. Types identified – B1b (business use for high technology), B1c (light industry), B2 general industry, B8 warehousing.

8.17. HAREWOOD WHIN

8.17.1 It is accepted that Waste Management is normally outside the remit of a Neighbourhood Plan. However, the Harewood Whin Waste Management site has for many years, due to its scale, had a major impact on the environment of the Parish and the lives of residents. It is recognised that Harewood Whin has been classified as a strategic waste management site in the emerging Minerals and Waste Joint Plan (being produced by the City of York Council, North Yorkshire County Council and the North York Moors National Park Authority) and in the City of York Local Plan Publication Draft (February 2018). Both of these Plans note that Harewood Whin is within the Green Belt and that any further expansion is therefore constrained.

8.17.2 The Landfill site at Harewood Whin was opened in 1988 following a prolonged period of protest and concerns by residents and a Public Inquiry. It was expected to have a lifespan of 20 years but since its inception many planning applications have been passed both extending the time period and allowing additional activities.

8.17.3 The current landfill capacity at Harewood Whin will be full by early 2018, but future plans for waste management in the City of York and North Yorkshire areas are centred on a move away from landfill and towards incineration at Allerton Park. Planning permission was granted in May 2016 (16/00357/FULM) for the building of a new waste transfer station and new office building within the current site operating boundary (see fig m) This will take local authority collected waste from the City of York area for onward transmission to Allerton Park. Recycling operations have been transferred from Hessay to Harewood Whin. Green waste will continue to be processed on site and wood will be collected on site for onward transmission for processing. The liquid treatment plant will remain on site but will handle additional volumes in order to fully utilise its capacity. Energy will continue to be produced on site using the gas produced by the landfill operation to generate electricity. Finally planning permission has been granted (variation of condition 1 of 12/01378/FUL) for an extension of landfill to provide a contingency should major issues occur at Allerton Park. However, as this involved diversion of the Foss watercourse details would be reviewed prior to any work being undertaken.

8.17.4 The planning permission (16/00357/FULM) is dependent on alterations being made to the site entrance to prevent HGVs turning right from the site and travelling through Rufforth and a section 106 agreement incorporating:

- Agreement not to implement any previous but unused planning permissions.
- The remaining land between the application site and the B1224 Wetherby Road remaining free from built development.
- CCTV control of the site entrance (to enable management to prevent vehicles entering the site doing so via the village of Rufforth).
- Commuted sum payment to enable the site entrance to be reconfigured to reduce the number of HGV movements through the village of Rufforth (in consultation with the Highway Officers).

8.17.5 An operating agreement has been signed by Yorwaste and the Parish Council setting out in clear and unambiguous terms commitments on site management issues. (see Appendix XII) This will be reviewed and enforced by a formal liaison and review committee consisting of representatives of both organisations and will be the vehicle for consultation on any proposed changes. Any changes to either volumes, or type of material, will be subject to consultation with this committee, even if formal planning permission is not required. Site management should ensure that by a combination of physical means and work instructions HGVs travelling to and from the site must not do so via the village of Rufforth other than in exceptional circumstances as defined by Yorwaste and the Parish Council.

8.17.6 The bulk of the existing landfill area will be reclaimed to the standards laid down in the original planning approval. Once this is completed the Plan supports the provision of a circular footpath and a viewing area. The Plan also supports a solar panel installation (if economic circumstances are favourable) providing its exact

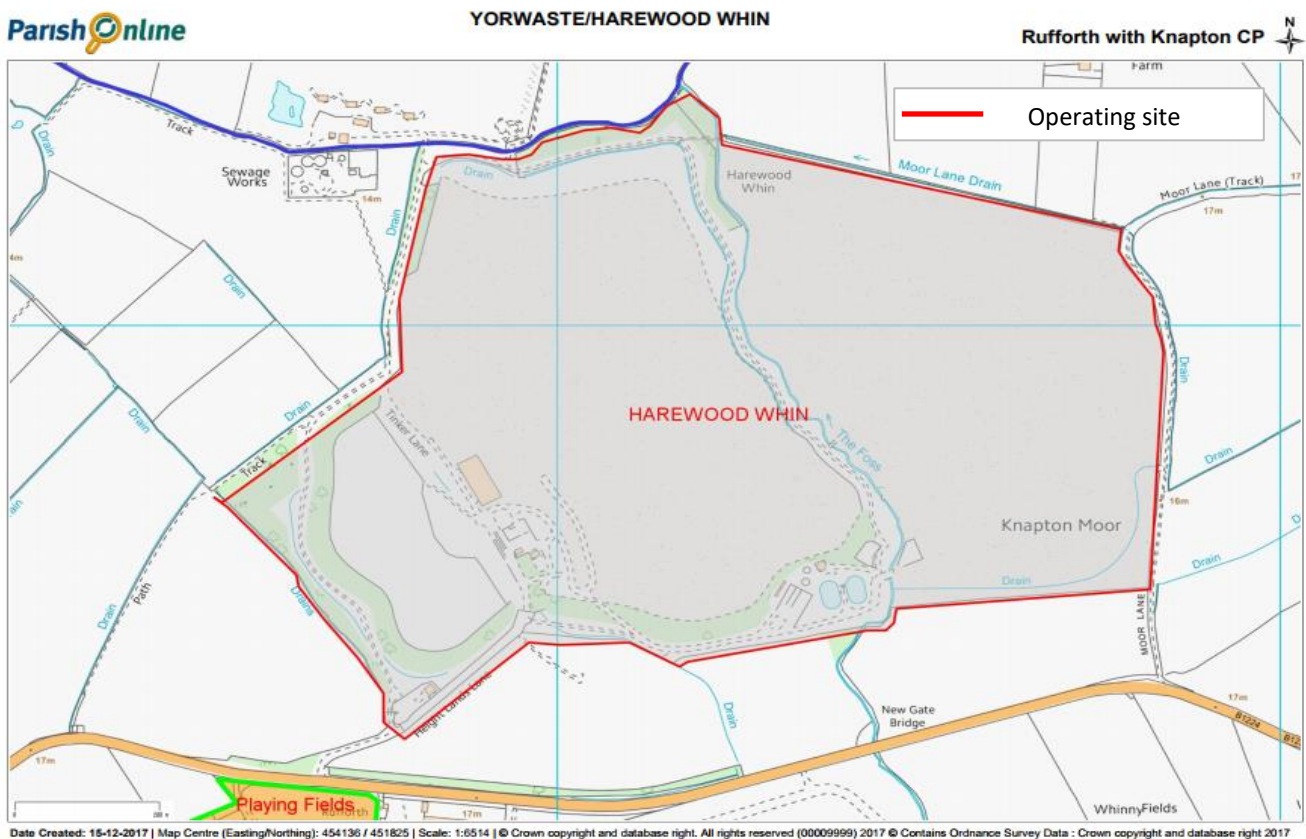
location does not have an adverse effect on the openness and character and setting of the Green Belt. Renewable energy is not considered as appropriate development in the Green Belt (NPPF) but being reclaimed landfill it is considered that special circumstances exist for such a project.

8.17.7 The plan acknowledges that the demands for waste management are constantly changing over time but seeks that the following key operating principles should be adhered to throughout the Plan period.

Policy No. Rwk 17 - Harewood Whin - Operation of Harewood Whin Waste Management Site - All land surrounding the site is in the Green Belt as defined in the City of York Local Plan Publication Draft (February 2018) and this status is vital in protecting the character and setting of the village of Rufforth, and therefore any future development must be within the current operational site footprint. (see fig. m).

- The Yorwaste Liaison Committee will ensure that the Harewood Whin site is operated to the standards set out in this Plan and in the Operating Agreement.
- Any future proposed changes to the operation of the Harewood Whin site will be reviewed by the Yorwaste Liaison Committee.

Fig. m) Yorwaste/Harewood Whin – Operating Site Boundary.



8.17.7 There was some discussion about the processing of Incinerator Bottom Ash at Harewood Whin. We are informed that there is no intention of progressing this proposal and it is our belief that this would be an inappropriate activity for a site situated within the Green Belt and does not meet the criteria of strategic waste management as set out in the Minerals and Waste Joint Plan.

8.18. TRAVELLERS SITE

8.18.1 The City of York Draft Local Plan 2014 included a Travellers' site on a field adjacent to the B1224 (field 818). This has been omitted from the City of York Local Plan Publication Draft (February 2018) as meeting the future needs of Gypsies and Travellers in York can be achieved by identifying 3 additional pitches within the three existing Local Authority sites. We support this decision and the reasons for it. A full explanation of the issues involved can be found at Appendix XI.

8.18.2 The results of the Neighbourhood Plan Questionnaire proved that by far the least acceptable type of development across the Parish is a Travellers' site. It scored 1.3 on the scale of 1 (least preferred) to 10 (most preferred). NPPF Ch. 9 para 89 lists the type of development which may be appropriate in the Green Belt. This list does not include Travellers' sites.

8.18.3 As Travellers' Sites are inappropriate development in the Green Belt and as all land in the Parish outside the Interim village envelopes is in the Interim Draft Green Belt it follows that there are no appropriate locations for a Travellers' Site within the Parish.

8.19. DEVELOPERS CONTRIBUTIONS

8.19.1 Development can bring significant benefits to the local community, including new homes and jobs. It can also have negative impacts, for example, where additional demand is placed on facilities and services which are already at or near capacity. Planning obligations (also known as Section 106 agreements) may be used to secure infrastructure or funding from a developer. For example, a planning obligation might be used to secure a financial contribution towards improving existing recreational facilities or affordable housing. However, planning obligations can only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

8.19.2 A new system is also being introduced alongside the use of planning obligations. This is known as the Community Infrastructure Levy (CIL) and it will require developers to make a payment to the City of York Council based on the size and type of development that is proposed. The proceeds of the levy will then be used to provide the infrastructure necessary to support growth across the district. A proportion of these CIL receipts will automatically be devolved to the relevant Parish Council for allocation to neighbourhood priorities. This proportion is set at 25% in areas where there is a Neighbourhood Plan in force. At this time the City of York Council is still considering whether to replace Section 106 agreements with CIL.

8.19.3 Through the preparation of the Plan, the Parish Council, in conjunction with the community and other stakeholders, has identified a small number of priority projects for which to secure funding (either in whole or in part) through the use of planning obligations.

8.19.4 The following areas should be priorities for any developer's contributions:

- Improvements and enhancement of Cycle paths.
- Sustainable drainage and sewerage systems (including the currently stretched infrastructure).
- Improvements in educational provision (potentially additional classroom facilities may be required at primary school to accommodate needs of additional families).
- Traffic management issues.
- Mobile and broadband communications.
- Community amenities.

RUFFORTH with KNAPTON NEIGHBOURHOOD PLAN

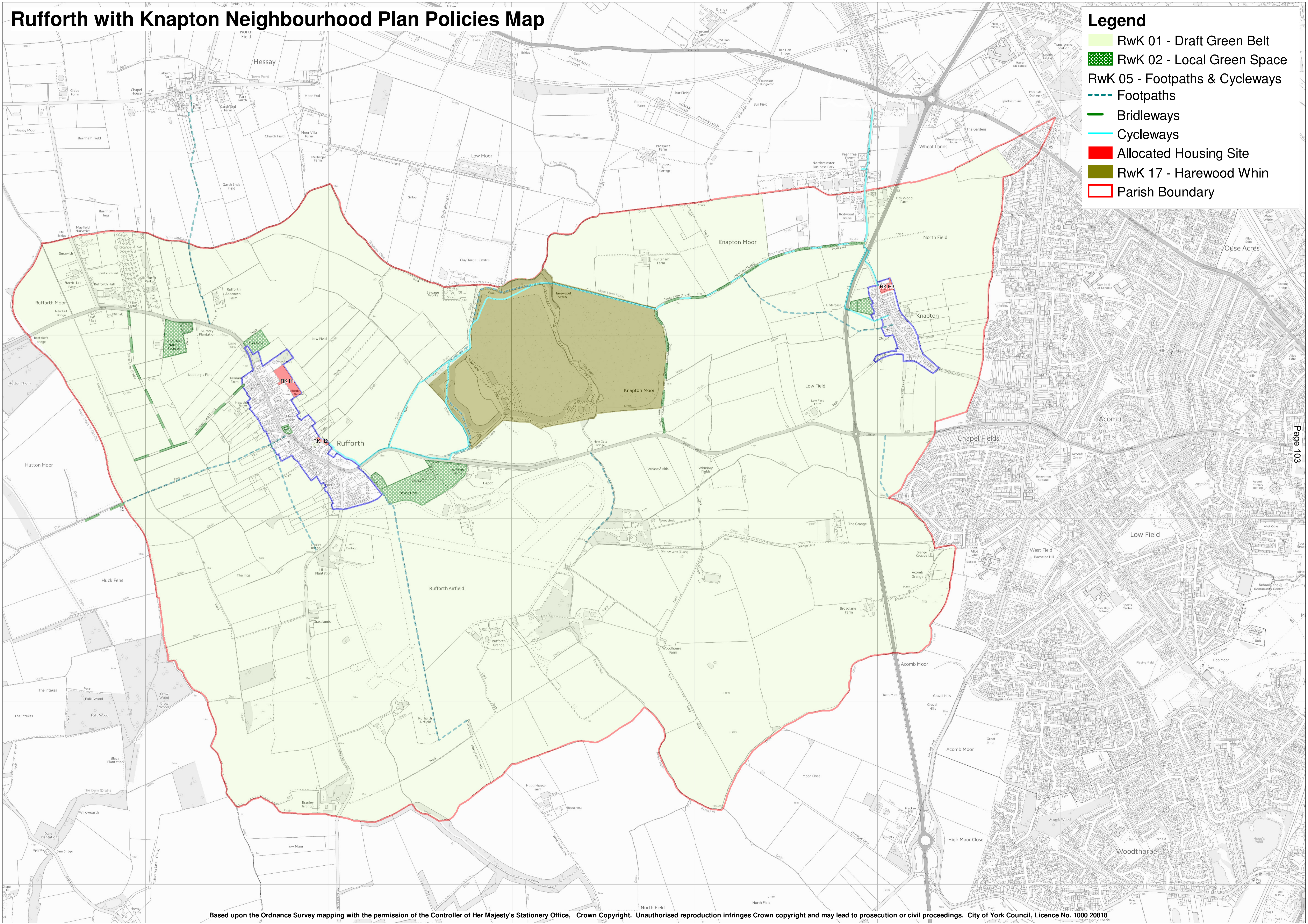
GLOSSARY OF TERMS

CIL	Community Infrastructure Levy
CYC	City of York Council
HGV	Heavy Goods Vehicle (Usually over 7.5 Tonnes GVW (Gross Vehicle Weight))
LDF	Local Development Framework
NP	Neighbourhood Plan
NPG	Neighbourhood Planning Group
NPPF	National Planning Policy Framework
SEA	Strategic Environment Assessment
Section 106	Definition 'A legally binding conditions imposed upon a development'
SLI	Site of Local Interest
SuDS	Sustainable Drainage Systems
TPO	Tree Preservation Order

Rufforth with Knapton Neighbourhood Plan Policies Map

Legend

- RwK 01 - Draft Green Belt
- RwK 02 - Local Green Space
- RwK 05 - Footpaths & Cycleways
- Footpaths
- Bridleways
- Cycleways
- Allocated Housing Site
- RwK 17 - Harewood Whin
- Parish Boundary



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'Better Decision Making' Tool
Informing our approach to sustainability, resilience and fairness

The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

Part 1 of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

Part 2 of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

Please complete all fields (and expand if necessary).

Introduction

Service submitting the proposal:	Strategic Planning
Name of person completing the assessment:	Anna Pawson
Job title:	Development Officer
Directorate:	Economy and Place
Date Completed:	06/09/2018
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed?
	Rufforth with Knapton Neighbourhood Plan - Examiner's Report

1.2	What are the main aims of the proposal?
	The Rufforth with Knapton Neighbourhood Plan aims to manage change in the villages and wider designated area, ensuring that future development should be sympathetic, unobtrusive and in keeping with its rural environment and surroundings. The main purpose of the report is to request that Members agree the recommendations of the Examiner and allow the Rufforth with Knapton Neighbourhood Plan to proceed to referendum.

1.3	What are the key outcomes?
	To ensure that the Rufforth with Knapton Neighbourhood Plan can be progressed.

Section 2: Evidence

	What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)
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2.1	The Neighbourhood Plan uses the Local Plan evidence base to support its policies.
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	What public / stakeholder consultation has been used to support this proposal?
2.2	Previous consultation responses received as part of the Pre-Submission Consultation (7th July to 18th August 2017) and the Submission consultation (19th March to 2nd May 2018) have shaped policy formation.

	Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)
2.3	The Neighbourhood Plan has been developed alongside an emerging City of York Local Plan. The residents, businesses and people with a land interest in the Rufforth and Knapton area will also be consulted on as part of the Local Plan process.

Part 1

Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents.
This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

Equity and Local Economy

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	Impact positively on the business community in York?	Positive	A policy in the neighbourhood plan supports small scale commercial enterprises. In so far 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.
3.2	Provide additional employment or training opportunities in the city?	Neutral	A policy in the neighbourhood plan supports small scale commercial enterprises. In so far 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.
3.3	Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?	Neutral	There are no specific policies relating to individuals from disadvantaged backgrounds.

Health & Happiness

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	Improve the physical health or emotional wellbeing of staff or residents?	Positive	The Neighbourhood Plan includes policies and community actions to protect local green space, to improve the network of footpaths and cycleways and to protect the playing fields in Rufforth the recreation ground in Knapton and the allotments in both Rufforth and Knapton.
3.5	Help reduce health inequalities?	Positive	The Neighbourhood Plan includes policies and community actions to protect local green space, to improve the network of footpaths and cycleways and to protect the playing fields in Rufforth the recreation ground in Knapton and the allotments in both Rufforth and Knapton.
3.6	Encourage residents to be more responsible for their own health?	Positive	The Neighbourhood Plan includes policies and community actions to protect local green space, to improve the network of footpaths and cycleways and to protect the playing fields in Rufforth the recreation ground in Knapton and the allotments in both Rufforth and Knapton.
3.7	Reduce crime or fear of crime?	Neutral	There are no policies which specifically relate to crime.
3.8	Help to give children and young people a good start in life?	Positive	The Neighbourhood Plan includes a policy to protect local green space which includes Rufforth playing fields and Knapton recreational field.

Culture & Community

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help improve community cohesion?	Positive	The production of a Neighbourhood Plan should help improve community cohesion by bringing people together with a shared goal of improving their neighbourhood.
3.10	Improve access to services for residents, especially those most in need?	Positive	The Neighbourhood Plan includes policies and community actions to improve the network of footpaths and cycleways and to protect the valued community amenities in the Parish.
3.11	Improve the cultural offerings of York?	Neutral	There is a heritage policy which seeks to protect and preserve the historic character and features of the villages.
3.12	Encourage residents to be more socially responsible?	Neutral	No specific reference.

Zero Carbon and Sustainable Water

Does your proposal?		Impact	What are the impacts and how do you know?
3.13	Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?	Positive	There is a design policy in the Neighbourhood Plan which suggests that proposals have regard to design principles and sources of alternative energy such as solar panel are sympathetically installed.

3.14	Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?	Neutral	No specific reference.
3.15	Provide opportunities to generate energy from renewable/low carbon technologies?	Positive	There is a design policy in the Neighbourhood Plan which suggests that proposals have regard to design principles and sources of alternative energy such as solar panel are sympathetically installed.

Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Neutral	The Neighbourhood Plan has a section on Harewood Whin which is a Waste Management Site within the Parish. The supporting text highlights that recycling operations have been transferred from Hessay to Harewood Whin.

Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Mixed	The Neighbourhood Plan includes policies and community actions to improve the network of footpaths and cycleways and to support measures to reduce reliance on the motor vehicle which requires an improved availability and frequency of public transport and in particular bus services.
3.18	Help improve the quality of the air we breathe?	Mixed	The Neighbourhood Plan includes policies and community actions to improve the network of footpaths and cycleways.

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Minimise the environmental impact of the goods and services used?	Positive	No specific reference

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to support local and sustainable food initiatives?	Positive	The supporting text to Draft Green Belt highlights that agricultural land in the Parish is grade 3 or higher and should be protected. Food security may become an important issue as a result of Brexit. Allotments in Rufforth and Knaption are protected in the <i>Community Amenities and Local Green Space policies</i> .

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	Maximise opportunities to conserve or enhance the natural environment?	Positive	There is a section in the Neighbourhood Plan on Green Infrastructure and a policy which aims to protect the Parishes green spaces.
3.22	Improve the quality of the built environment?	Positive	There is a heritage policy which seek to protect and preserve historic character and features of the villages in addition the Neighbourhood Plan includes a design policy which supports new development where they bring forward high quality traditional design.
3.23	Preserve the character and setting of the historic city of York?	Positive	The supporting text in the Draft Green Belt section refers to the historic character and setting of York.
3.24	Enable residents to enjoy public spaces?	Positive	There is a section in the Neighbourhood Plan on Green Infrastructure and a policy which aims to protect the Parishes green spaces.

3.25	Additional space to comment on the impacts		

Part 1

Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

Equalities

Will the proposal **adversely impact** upon 'communities of identity'?
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life indicators
4.1 Age	Positive	None deemed likely	N/A
4.2 Disability	Neutral	None deemed likely	N/A
4.3 Gender	Neutral	None deemed likely	N/A
4.4 Gender Reassignment	Neutral	None deemed likely	N/A
4.5 Marriage and civil partnership	Neutral	None deemed likely	N/A
4.6 Pregnancy and maternity	Neutral	None deemed likely	N/A
4.7 Race	Neutral	None deemed likely	N/A
4.8 Religion or belief	Neutral	None deemed likely	N/A
4.9 Sexual orientation	Neutral	None deemed likely	N/A
4.10 Carer	Neutral	None deemed likely	N/A
4.11 Lowest income groups	Neutral	None deemed likely	N/A
4.12 Veterans, Armed forces community	Neutral	None deemed likely	N/A

Human Rights

Consider how a human rights approach is evident in the proposal

	neutral	What are the impacts and how do you know?
4.13 Right to education	neutral	None deemed likely
4.14 Right not to be subjected to torture, degrading treatment or punishment	neutral	None deemed likely
4.15 Right to a fair and public hearing	neutral	None deemed likely
4.16 Right to respect for private and family life, home and correspondence	neutral	None deemed likely
4.17 Freedom of expression	neutral	None deemed likely
4.18 Right not to be subject to discrimination	neutral	None deemed likely
4.19 Other Rights	neutral	None deemed likely

4.20

Additional space to comment on the impacts

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Part 1

Section 5: Developing Understanding

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, economic, and equalities concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

Taking into consideration your responses about <u>all of the impacts</u> of the project in its <u>current form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?	
5.1	Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the area it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.

What could be changed to improve the impact of the proposal on the <u>One Planet principles</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.2	No improvements considered necessary.

What could be changed to improve the impact of the proposal on <u>equalities and human rights</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.3	No mixed or negative impacts on equality and human rights are considered likely.

Section 6: Planning for Improvement

What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)	
6.1	The community has been widely consulted on the content of the Plan. Members are being asked to agree the Examiner's recommendations which include progressing the Plan to referendum. Therefore, the community will have the final say when they vote in the referendum whether or not to agree with the final Plan.

6.2 What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? Please include the action, the person(s) responsible and the date it will be completed (expand / insert more rows if needed)	
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Action	Person(s)	Due date

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6.3	Additional space to comment on the impacts

Part 2

Section 1: Improvements

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.

1.1	<p>For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?</p>
	<p>Given the wide ranging policy areas covered in the plan and the process taken so far in preparing the plan there are inherent links and good understanding of the one planet principles and equalities.</p>

1.2	<p>What changes have you made to your proposal to increase positive impacts?</p>
	<p>No changes considered necessary.</p>

1.3	<p>What changes have you made to your proposal to reduce negative impacts?</p>
	<p>No negative impacts anticipated.</p>

1.4	<p>Taking into consideration everything you know about the proposal <u>in its revised form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</p> <p>Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.</p>
	<p>Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the neighbourhood it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.</p>

1.5	<p>Any further comments?</p>
	<p></p>





Local Plan Working Group**20 September 2018**

Report of the Corporate Director for Economy and Place

(The Local Plan is the portfolio of the Leader and the Executive Member for Economic Development and Community Engagement)

Supplementary Planning Documents to support the emerging York Local Plan**Summary**

The purpose of this report is to provide details of Supplementary Planning Documents (SPDs) referred to in the Local Plan and to prioritise their production to aid development management decisions. This report asks Members to consider the SPDs to be produced and recommend to Executive the SPDs to deliver as a priority.

Recommendation

1. Members are recommended to accept option 1:
 - (i) Consider the SPDs identified in this report and accept Officers' recommendations 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

Background

2. In the absence of an adopted statutory development plan, development management decisions are necessarily made on a case by case basis, having regard to material planning considerations, including national

policy, ministerial statements, emerging policy (and the evidence base underpinning those policies). CYC presently also takes into consideration planning guidance adopted by CYC (available on the CYC website) in relation to the following: Affordable Housing, Open Space, Developer Contributions to educational facilities, Houses in Multiple Occupation, House Extensions and alterations and the sub-division of dwellings which were prepared to align with the 2005 draft Local Plan.

3. It is recommended that following the submission of the Local Plan (2018) for examination, the Council now starts preparation of draft SPDs to align with the 2018 Submission Local Plan, which would be capable of being a material consideration in development management decisions if adopted by the Council, and would update the current interim planning guidance documents.
4. Whilst such interim draft SPDs would not have the same status as formal SPDs, and thus be afforded less weight, it is considered they will aid in providing consistency, clarity and fairness to all parties in the planning process, particularly if they have been afforded the same level of consultation and scrutiny as required by the 2012 Regulations, pending adoption of the Local Plan policies.
5. Such an approach is not without risk, and there have been cases where the consideration of interim planning policy in development management decisions has been challenged [*R (Skipton Properties Ltd) v Craven District Council [2017] EWHC 534 (Admin)*]¹. However, it is considered appropriate having regard to the particular circumstances in York and the stage that the emerging Local Plan has reached, together with the extensive up to date evidence base that underpins the Local Plan policies, that such an approach is taken.

Supplementary Planning Documents

6. Supplementary Planning Documents ('SPDs') are intended to add further details to policies within a Development Plan Document such as

¹ This judge in this case upheld that the interim guidance regarding affordable housing should be dealt with through the Local Development Document (LDD) and could not be implemented through a guidance note or SPD given that the subject matter fell within the categories in Regulation 5(1)(a) of the 2012 Town and Country Planning Regulations. He said that this was an objective test to be determined by the Court and could not be avoided by the Council calling their guidance an 'approach' or by stating that it was not 'policy'. Mr Justice Jay found that the guidance covered 'development and use of land' that the Council wished to 'encourage' (being either affordable housing or residential development including affordable housing) and so fell within Regulation 5(1)(a)(i), and/or it was guidance which set out 'development management policies' that would be used to determine planning applications and so fell within Regulation 5(1)(a)(iv).

a Local Plan. They can be used to provide further guidance for development on specific sites or on particular issues such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the Development Plan itself.

7. SPDs are intended to expand on high level 'strategic' policies contained within DPDs such as the emerging York Local Plan in order to guide development management officers, developers and development site landowners and their professional consultants. An SPD does not set policy itself but provides a framework for the implementation of policy.
8. An SPD must be produced under the provisions of the Planning and Compulsory Purchase Act 2004 and the Town and country Planning (Local Planning) England, Regulations 2012, and in accordance with the National Planning Policy Framework (NPPF). These regulations set out the process that the production of a SPD must follow which includes a requirement for the SPD to not be in conflict with an adopted Development Plan Document, to contain a reasoned justification of the policies contained within it and that before a SPD can be adopted it must prepare a statement setting out how the Local Planning Authority has consulted on the SPD, a summary of the main issues raised and how those issues have been addressed.

Draft Interim Supplementary Planning Document

9. The Local Plan was submitted for examination on 25th May 2018 but until such time as there is an adopted development plan in York, any draft SPD (even if consulted upon and approved by the Council to inform development management decisions) would only have the status of interim planning guidance and not have the same legal status of formal SPD in that decision making process. A draft SPD would be capable of being a material planning consideration, but the weight that could be attached to it would be more limited than that of formal SPD.
10. We currently have a number of draft SPDs including the Sub-division of Dwellings Draft SPD and the Houses in Multiple Occupation Draft SPD. Such draft SPDs seek to provide a framework for implementation of those policies within the Local Plan that has been submitted for examination. In the event that changes are made to any of the Local Plan policies through the examination process, SPDs will need to be reviewed to align with those policies.

11. In order to produce a draft interim SPD and for it to be adopted by the Council as interim planning guidance it is recommended that it be considered by Local Plan Working Group and Executive prior to undertaking a city wide consultation in line with the requirements of the adopted Statement of Community Involvement (SCI, 2007). Following the consultation a report would be brought back to LPWG and Executive with the final draft interim SPD along with an accompanying statement detailing the comments received, a summary of main issues raised and how these issues have been taken into account. The draft interim SPD would then be published on the Council's website and would be capable of being a material consideration in planning decisions.
12. Once the Local Plan policies are formally adopted, it is anticipated that the preparation and consultation already undertaken to create the interim SPDs, (subject to reviewing whether any changes made to the Local Plan during the examination process affect the relevant SPDs in which case further changes and consultation would be required), will enable such SPDs to be adopted in accordance with the 2012 Regulations.

Proposed Interim Draft SPDs

13. The submitted Local Plan sets out that a number of SPDs will be produced in order to support and add detail to the Local Plan policies themselves. The following list indicates those SPDs that are currently referenced in the Local Plan:
 - Strategic Site SPDs (for each of the strategic development sites);
 - Sustainable Transport for Development;
 - Health and Well-being;
 - Cultural Well-being;
 - Green Infrastructure;
 - Affordable Housing;
 - Gypsy and Travellers and Travelling Showpeople;
 - Lower Derwent Valley;
 - Low Emission;
 - Sustainable Design and Construction;
 - Managing Environmental Quality;
 - Local Heritage List;
 - Self Build and Custom Build Housing; and
 - The review of existing draft SPDs including HMOs, Sub-division of dwellings and house extensions.

14. Following the submission of the Local Plan the Forward Planning Team has started to look at the progression of draft interim SPDs to help support the Local Plan strategic policies and to provide a more detailed framework to assist in the decision making process. Officers consider that given the other key priorities for the Forward Planning Team over the next 6 months which include the Local Plan examination, the progression of a number of neighbourhood plans and the waste and minerals plan examination, along with policy advice on planning applications that it is unable to progress more than two draft SPDs within existing resources.
15. We have therefore identified which SPDs officers consider to be of the highest priority to progress, subject to Member agreement. The initial view is that in order to provide a more consistent framework for planning decisions it would be helpful to progress the Affordable Housing Draft SPD and Green Infrastructure Draft SPD. Both these SPDs have also been highlighted previously by members as being key priorities in order to support the Local Plan policy position.
16. The Affordable Housing Draft SPD would seek to provide additional detailed guidance for developers on the affordable housing targets for development and an explanation of the site viability process. It would build on the policy framework of policy H10 (Affordable Housing) of the submitted Local Plan. In order to acknowledge changes in national policy the SPD would include clarification on tenure provision, transfer values and the application of vacant building credit. It will also consider inclusion and space standards, and the calculation of off site financial contributions where appropriate.
17. It is anticipated that the Green Infrastructure Draft SPD would identify for protection and enhancement a connected network of green and blue infrastructure across the city. The SPD would sit beneath and help to implement the Local Plan policies setting out requirements for new development and best practice planning guidance to help inform decision making, explaining how green infrastructure should be a guiding principle for the design of new development and in planning for sustainable development. The production of this SPD also responds to Members request "*That Officers be instructed to prepare a report for a future Executive meeting providing a wider re-assessment of green space across the council's holdings*" as instructed at Executive Call-in on 23rd November 2017.

18. It is envisaged that the SPD would set out a clear vision for delivering a range of benefits including enhancing the physical, social and mental health of residents, making York a better place to live, work, invest, learn and play and seeking to join existing and new communities together by enhancing existing and creating new green links across the city. It would seek to address the need for a long term strategic investment framework and mechanisms for delivery identifying issues and opportunities for future management, creation and enhancement of green infrastructure assets.

Consultation

19. The production of SPDs will require city-wide consultation to be undertaken as set out in the Council's adopted Statement of Community Involvement. The Forward Planning Team will work with the Communications Team in order to undertake effective consultation and engagement.

Options

- (i) Consider the SPDs identified in this report and accept Officer's recommendations to progress interim SPDs to inform development management decisions in advance of the adoption of the York Local Plan prioritising two draft 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

- (ii) Consider the SPDs identified in this report and advise alternative SPDs which should be identified as priorities for the Council to progress as interim SPDs to inform development management decisions in advance of the adoption of the York Local Plan.

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

- (iii) Consider the SPDs in this report and advise Officers to not progress any SPDs in advance of the Local Plan.

Reason: To avoid potential risks of implementation prior to the adoption of the Local Plan.

Options Analysis

20. Officers have considered the production of SPDs to aid decision-making and have identified that it would be most helpful to progress the Affordable Housing Draft SPD and Green Infrastructure Draft SPD in order to update the current interim guidance. Both these SPDs have also been highlighted previously by members as being key priorities in order to support the Local Plan policy position. Although officers have highlighted that the risk experienced elsewhere in the adoption of interim guidance, it is considered that the evidence base underpinning these topics and the advanced stage of the Local Plan provides robust rationale for their implementation. Officers therefore recommend to Members to progress Option 1.
21. Members can also identify alternative SPDs for officers to prioritise as per option 2. This report identifies for Members consideration the SPDs set out in the Local Plan and existing draft SPDs which could be subject to review. As above, Members have previously expressed that Affordable Housing and Green Infrastructure as key priorities. Members should be aware that the preparation of SPDs is subject to the Examination of the Local Plan and available resources. In identifying more than two priority SPDs, the process of preparation may be elongated to allow all priorities to be actioned simultaneously or incur financial costs in relation to staffing.
22. Option 3 allows Members to choose to not progress any SPDs prior to the adoption of the Local Plan. This option takes consideration of the potential risk of implementing interim guidance prior to the adoption of the Local Plan as detailed under paragraph 5 of this report.

Next Steps

23. Following Members recommendations to Executive and Executive agreement, the Forward Planning will commence production of the SPDs agreed.

Implications

24. The following implications have been assessed:

- **Financial** – The work on the Local Plan is funded from specific budgets set aside for that purpose. The production of SPDs will require resources to prepare the SPD, including research, development and consultation thus incurring financial costs, which will need to be funded for the duration of their development.
- **Human Resources (HR)** – The production of an SPD and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within EAP.
- **Equalities** – An Equalities Impact Assessment, including the Better decision-making tool, is attached as annex A
- **Legal** – The procedures which the Council is required to follow when producing a Supplementary Planning Document (SPD) derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012. The Council also has other legal duties including compliance with the Duty to Co-operate.
- **Crime and Disorder** – N/a
- **Information Technology (IT)** – N/a
- **Property** – N/a
- **Other** – None

Contact Details

Author:

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Local Plan Project Officer
Tel: 551467

Chief Officer Responsible for the report:

Neil Ferris
Corporate Director of Economy and Place

Executive Members Responsible for the Report:

Cllrs I Gillies, K Aspden and P Dew

Report Approved



Date 03/09/18

Specialist Implications Officer(s):

Alison Hartley, Senior Solicitor, Planning, Tel: 553487

Wards Affected:

All

Background Reports

None

Annexes:

Annex A: Better Decision Making Tool

Abbreviations:

SPD – Supplementary Planning Document
DPD – Development Plan Document
LPWG – Local Plan Working Group
SCI – Statement of Community Involvement

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'Better Decision Making' Tool

Informing our approach to sustainability, resilience and fairness

The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

Part 1 of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

Part 2 of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

Please complete all fields (and expand if necessary).

Introduction

Service submitting the proposal:	Strategic Planning
Name of person completing the assessment:	Alison Cooke
Job title:	Development Officer
Directorate:	Economy and Place
Date Completed:	12th September 2018
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed?
	SUPPLEMENTARY PLANNING DOCUMENTS TO SUPPORT THE EMERGING YORK LOCAL PLAN
1.2	What are the main aims of the proposal?
	The report presents the Supplementary Planning Documents (SPDs) set out in the Local Plan and seeks to prioritise 2 SPDs regarding Affordable Housing and Green Infrastructure. This report also sets out the process for progressing SPDs as interim and adopted guidance in line with the Town and Country Planning Regulations (2012, as amended).
1.3	What are the key outcomes?
	This report aims to brief Members on the productions of Supplementary Planning Documents (SPDs). SPDs aid planning decisions by providing more detail to the policies set out in the Local Plan. Each SPD focuses on a specific topic to provide further clarity for applicants and decision-makers. Each SPD will also be subject to formal consultation and adoption by the Council as planning policy to be considered in addition to the Local Plan in line with the Town and Country Planning Regulations 2012 (as amended).

Section 2: Evidence

2.1	<p>What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)</p> <p>The Local Plan sets out the overarching strategic policies to be considered in more detail by the SPDs. Each of these policy areas is underpinned by relevant evidence base as set out in the Local Plan. In undertaking the SPD, further research will be undertaken to inform the detailed approach. This will be presented within or alongside the draft SPDs through public consultation. Where applicable, the SPD may be subject to Sustainability Appraisal incorporating Strategic Environmental Assessment which will identify key sustainability issues, the impacts of the SPD and suggest mitigation where required.</p>
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2.2	<p>What public / stakeholder consultation has been used to support this proposal?</p> <p>The Local Plan process has been subject to several consultations, the latest of which was the Regulation 19 Publication Draft Local Plan consultation held between 21st February- 4th April 2018. Following this consultation and Members agreement at Council (17th May 2018) the Local Plan was submitted to the Secretary of State for public examination. We have been appointed two planning inspectors who will proceed with an examination in public in the form of public hearings wherein registered parties can contribute to the debate. The outcomes of examination will inform the content of SPD should amendments be made to applicable strategic policies.</p> <p>In line with the regulations, SPDs are also subject to their own formal consultation prior to their adoption as formal planning policy. Each SPD will therefore be subject to a citywide consultation enabling members of the public and interested parties to comment and inform their contents.</p>
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2.3	<p>Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p> <p>Supplementary Planning Documents provide more detail to policies set out in the Local Plan. The outcomes of Local Plan examination will inform the content of SPD should amendments be made to applicable strategic policies. Although SPDs can become interim guidance prior to adoption of the Local Plan, further consultation would be required post Local Plan adoption to enable the SPD to be fully adopted planning policy guidance.</p>
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Local Plan Working Group

20 September 2018

Report of the Corporate Director for Economy and Place

(The Local Plan is the portfolio of the Leader and the Executive Member for Economic Development and Community Engagement)

York Local Plan Update**Summary**

The purpose of this report is to brief Members in relation to the housing issue raised in the Planning Inspectors' letter received on 24th July 2018 regarding York's objectively assessed housing need (OAHN) and to update Members in relation to the release of new relevant population statistics.

Recommendation

1. Members are asked to note the update report.

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

Background

2. As Members are aware, the Local Plan was submitted for examination on 25th May 2018. We have been appointed two planning Inspectors, Simon Berkeley and Andrew McCormack, to undertake the Examination of the plan and determine whether the plan is 'sound' against the tests of soundness set out in the National Planning Policy Framework (NPPF).
3. The Inspectors wrote to the Council on the 24th July 2018 setting out their initial observations in relation to the plan. Key issues raised were in relation to housing, green belt and infrastructure. The Council wrote back to the Inspectors on 8th August to acknowledge their letter and state the intention to respond in more detail in early September. Officers

are currently preparing this response and intend to submit this to the Inspectors shortly. An update will be provided to members at the meeting.

National Planning Policy

4. Members will be aware that a revised National Planning Policy Framework (NPPF) was released on the 24th July 2018. This is now a material consideration in Development Management decisions. However, transitional arrangements are in place for those councils who have prepared and submitted their plan for examination before the 24th January 2019. Given that City of York Council submitted the plan prior to this date, we are subject to transitional arrangements wherein York's Local Plan will be tested against the original NPPF (2012). References below therefore relate to the NPPF 2012 in line with the transitional arrangements.
5. A key objective of the National Planning Policy Framework (NPPF) is to '*boost significantly the supply of housing*' (Para 47, 2012). It requires that Local Planning Authorities identify the objectively assessed need for market and affordable housing in their areas, and that Local Plans translate those needs into land provision targets. Like all parts of a development plan such housing targets should be informed by robust and proportionate evidence.
6. The NPPF is clear that Local Plans should provide land to meet their objectively assessed need in full, in so far as their area has the sustainable capacity to do so, stating that:
"Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".
7. The outcomes of this work are required to be reported through the preparation of a Strategic Housing Market Assessment (SHMA). This evidence base should consider the most recent household and population projections, taking account of migration and demographic change and addresses the need for all types of housing, including affordable housing and the needs of different groups in the community and housing demand.

Planning Practice Guidance

8. The Planning Practice Guidance (PPG) sets out a framework for undertaking housing and employment need assessments. The York Local Plan was submitted under the transitional arrangements based on the NPPF (2012) and the Planning Practice Guidance (PPG). In relation to the assessment of OAN the PPG is clear that the latest household projections published by the Ministry for Housing, Communities and Local Government (MHCLG) are the starting point estimate of overall housing need. It is clear that the household projections estimate of need may require adjustment to reflect factor affecting local demography and household formation rates not captured in past trends. It also states that *'wherever possible local needs assessments should be informed by the latest information'* but that the assessment of housing need is *'not rendered outdated'* each time new household projections are released.¹
9. The PPG sets out that plan makers should make an assessment of the likely change in job numbers based on past trends and economic forecasts and have regard to the growth in working age population in the housing market area (HMA) and consider making an adjustment to the estimate of housing need where the supply of working age population that is economically active is less than the projected job growth².
10. In relation to market signals PPG states that relevant market signals that should be considered are land prices, house prices, rents, affordability, rates of development and over crowding. It recommends the use of long term trends analysing in the HMA, areas of similar demographic and economic make-up and nationally. It states that *'a worsening trend in any of these indicators will require an upward adjustment to the planned number compared to the household projections'*. It advises that the adjustment should be set at a *'level that is reasonable'*³.
11. Following the publication of the Housing White Paper *'Planning for the right homes in the right places: consultation proposals'* MHCLG consulted on a proposed standard methodology for calculating housing need to inform plan-making in November 2017. This was based on three principles: simplicity, using publicly available data and producing realistic

¹ Paragraph 015, National Planning Practice Guidance

² Paragraph 018, National Planning Practice Guidance

³ Paragraph 020, National Planning Practice Guidance

targets.

12. As reported to LPWG and Executive in January 2018, applied to City of York, the consultation standard methodology indicated a minimum of 1,070 dwellings per annum for the period 2016 to 2026 based on using the 2014 sub-national population projections as a starting point and factoring into the calculation an adjustment for affordability and market signals. A key change compared to York's current method is that the proposed methodology put forward was forward looking; whereas the current target included in the Local Plan has been adjusted to take account of under delivery from 2012 – 2017 by adding this to the future supply.
13. The 2016 based Population projections were released by ONS on 24th May 2018 and will inform the revised household projections to be released later this month. The revised household projections will form the baseline for calculating housing need using the new standard methodology. The general trend shows that the rate of growth across the country is lower than previously forecast and this is expected to translate into the household projections. Specific implications for York are covered in paragraph 19 below.
14. The updated Planning Practice Guidance on the matter of calculating housing need draws Local Authorities' attention to the Government's response to the recent NPPF consultation regarding the standard methodology following the release of the revised NPPF and the updated population projections, as follows:

“A number of responses to this question provided comment on the proposed local housing need method. The government is aware that lower than previously forecast population projections have an impact on the outputs associated with the method. Specifically it is noted that the revised projections are likely to result in the minimum need numbers generated by the method being subject to a significant reduction, once the relevant household projection figures are released in September 2018.

In the housing white paper the government was clear that reforms set out (which included the introduction of a standard method for assessing housing need) should lead to more homes being built. In order to ensure that the outputs associated with the method are consistent with this, we will consider adjusting the method after the household projections are released in September 2018. We will consult on the specific details of any change at that time.

It should be noted that the intention is to consider adjusting the method to ensure that the starting point in the plan-making process is consistent in aggregate with the proposals in Planning for the right homes in the right places consultation and

continues to be consistent with ensuring that 300,000 homes are built per year by the mid 2020s."

Local Plan Housing Need and Inspectors letter

15. At Executive in July 2017 Members agreed a figure of 867 dwellings per annum for the duration of the City of York Local Plan. As the submitted Plan includes provision to meet previous under supply within the 2012 to 2017 period (56 dwellings per annum), this means the plan as submitted includes a sufficient overall supply to meet both these requirement (circa 923 dwellings per annum). Members chose to accept no market signals uplift following consideration of a suggested 10% (SHMA, 2017) concluding that this was *"speculative and arbitrary, rely too heavily on short-term unrepresentative trends ad attach little or no weight to the special character and setting of York and other environmental constraints"*.
16. In their initial observations letter to the Council, the Inspectors ask for clarification on several issues in relation to the Local Plan's approach to York's housing market and objectively assessed housing need, infrastructure requirements and green belt evidence base. Officers are currently preparing a response to all of the questions raised by the Inspectors and intend send this to the programme officer by mid September. The response will be made available on the Councils examination webpage: www.york.gov.uk/localplanexamination.
17. Specifically in relation to the objectively assessed housing need, the Inspectors' acknowledge the production of the SHMA by consultants GL Hearn and the conclusions this report makes in relation to the OAHN. They also note Members conclusions following consideration of this evidence in relation to the market signals adjustment. In response, the Inspectors have asked the Council to *"elaborate on this shortcoming in their evidence"*. The Inspectors have set out a number of approaches for the Council to consider in moving forward with this issue.
18. Officers are currently reviewing the most up to date evidence in relation to market signals for York. This includes the latest figures for house prices, earnings and housing delivery rates as specified by Practice Guidance. The Practice Guidance specifies that *'identified housing needs should be adjusted upwards to support an improvement in affordability where any of the market signals suggest a worsening situation'*.

Updated Population Projections

19. ONS released revised sub national population projections in May 2018 post the submission of the York Local Plan which show a marked discrepancy with the previous 2014 based figures on which our current OAN is calculated. The 2016 based population projections for York show a starting point at 2016 of 206,900 which is substantially lower than that projected in the previous figures of 208, 748. Consequently the projected population at 2027 is reduced (217,000 rather than 224,695) and similarly at 2032 it projects a population of 221,200 as opposed to 231,374. Taken over a 10 year period 2017 to 2027 this would mean that York's population growth is predicted to now be circa 8,800 people over that 10 year time frame rather than the previous figures which projected an increase of 14,200 people.
20. We are aware that the new sub national household projections are anticipated for release this month by ONS (20th September 2018) and that given the downward trend in the population projections that underpin the household projections, that there is likely to be a corresponding downward trend. This could have significant implications for the OAN in the context of the submitted plan which we may need to explore further.
21. Given the release of these new figures we think it is important to consider the implications for the OAN regardless of the market signals issue and we will reflect on these figures, when released, as a matter of urgency.

Next steps

22. We are in dialogue currently with the Local Plans team at the Ministry of Housing, Communities and Local Government (MHCLG) regarding the revised population statistics released and how to consider these in the context of York's Local Plan Examination, particularly in view of the transitional arrangements for Local Plan examinations for those Plans submitted prior to January 2019.
23. We consider that it is important to fully consider the implications of an updated demographic starting point particularly as we are aware that MHCLG are seeking to adjust the previous standard methodology for

OAN given the lower baseline figures in the latest sub-national population projections and consequently, the sub-national household projections.

24. It is clear that there is currently conflicting advice from Local Plan Inspectors on how to apply the standard methodology to Local Plans currently in examination. A recent interim finding by the Inspector in the East Cambridgeshire District Council examination suggested that it would be a 'sound approach' for the standard method to be used to set the OAN for housing in the area. The Inspector reached this view even though the revised NPPF which was introduced on 24th July makes it clear that plans submitted before 24th January 2019 should be examined under the policies set out in the 2012 NPPF.
25. A subsequent interim finding from the Peterborough Local Plan examination appears to contradict the East Cambridgeshire position. There the Inspector concluded that the Council should not have used the standard methodology as the basis for OAN because the Government has recently announced that it is considering revising the standard method in light of the new household projections due to be published shortly which are expected to show a lower rate of household growth. It is in this context that we are seeking further advice from the Local Plans and Housing Planning policy teams at MHCLG.
26. Given the new evidence in relation to OAN, we will also be asking the Planning Inspectors to consider allowing early hearing sessions on the issue of housing need so that the Council and other interested parties can engage in early discussion on this matter, including the new evidence in relation to sub-national population and household projections and that the Council is fully committed to progressing the plan examination as expeditiously as possible in order to achieve an adopted Plan with a 5-year land supply at the earliest opportunity. Officers will consider the implications of the new population and household projections post their confirmed release on the 20th September.

Consultation

27. Should examination hearings commence on issues set out in the Local Plan, a statutory 6 weeks notice period will be given to allow interested parties to attend the meeting. Those able to take part will have registered their interest through the Regulation 19 consultation held between 21st February and 4th April 2018. Our appointed Programme

Officer will ensure participation by registered parties is appropriate for the session.

28. Any modifications made to the plan to make it legally compliant or sound in line with national policy, will be consulted on prior to adoption of the plan. This will be a citywide consultation seeking comments on the changes prior to Members consideration at committee.

Implications

29. The following implications have been assessed:
 - **Financial** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Further work in relation to the matters set out may incur additional costs alongside examination.
 - **Human Resources (HR)** – The production of a Local Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within EAP.
 - **Equalities** – N/a
 - **Legal** – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012. The Council also has other legal duties including compliance with the Duty to Co-operate.
 - **Crime and Disorder** – N/a
 - **Information Technology (IT)** – N/a
 - **Property** – N/a
 - **Other** – None

Contact Details

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Executive Members Responsible for the Report:

Cllrs I Gillies, K Aspden and P Dew

Report
Approved



Date 12/09/18

Specialist Implications Officer(s):

Alison Hartley, Senior Solicitor, Planning, Tel: 553487

Wards Affected:

All

Background Papers

None

Annexes

None

Abbreviations:

HMA – Housing Market Area
OAHN – Objectively Assessed Housing Need
OAN – Objectively Assessed Need
ONS – Office for National Statistics
MHCLG – Ministry of Housing, Communities and Local Government
NPPF – National Planning Policy Framework
PPG – Planning Practice Guidance
SHMA – Strategic Housing Market Assessment

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