

# **Upper and Nether Poppleton Neighbourhood Plan 2016-2036**

**A report to York City Council on the Upper and  
Nether Poppleton Neighbourhood Plan**

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## **Executive Summary**

- 1 I was appointed by the City of York Council in January 2017 to carry out the independent examination of the Upper and Nether Poppleton Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 3 February 2017.
- 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 strategic housing growth whilst retaining the status and role of the York green belt. It also includes positive policies for the protection of its conservation areas and securing good design.
- 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**  
**16 May 2017**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Upper and Nether Poppleton Neighbourhood Plan 2016-2036 ('the Plan').
- 1.2 The Plan has been submitted to City of York Council (CYC) by both Upper Poppleton Parish Council and Nether Poppleton Parish Councils in their joint 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 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.
- 1.5 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 assist in the determination of 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 Councils, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and the Parish Councils. 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 30 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.

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 bullet point above in paragraphs 2.6 to 2.10 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 a Strategic

Environmental Assessment was prepared for the Plan. In its representations on the Plan CYC commented that there were administrative errors in the submitted SEA. I came to the same conclusion. To remedy the administrative errors the SEA was corrected and was made available for consultation for the prescribed period. This process generated additional or new representations that were received during the original Regulation 15 consultation exercise. They are listed in paragraph 4.9 of this report.

- 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. In particular, the SEA work and the preparation of the Plan itself have been produced in tandem. The SEA also assesses reasonable alternatives to the submitted Plan insofar as they exist.
- 2.8 As part of the preparation of the Plan CYC has published a Habitat Regulations Screening Report. 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. These conclusions are supported by Natural England and other local planning authorities.
- 2.9 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 two 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 is 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.
- 2.10 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*

2.11 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.

2.12 Having addressed the matters identified in paragraph 2.11 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 and the Habitats Regulations Screening Report.
- the representations made to the Plan.
- 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 National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 2 February 2017. 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 two parish councils. 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 two pre-submission versions 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 engagement with statutory consultees
  - The engagement of interested parties, groups and businesses
  - The use of social media and the development of a website
  - The production of leaflets, newsletters and placing articles in the church and community centre magazine
  - The holding of public meetings
  - Organising special meetings with key landowners, businesses, developers and schools
- 4.4 The Consultation Statement provides very useful information on the purpose and need for two separate pre-submission consultation exercises. The first was held in January to March 2015 and the second in May to July 2016. The first consultation process sought to:
- Involve as much of the community as possible
  - To organise events at key points
  - To engage with as many people as possible

The second consultation process sought refine the consultation process and to address the comments of Historic England and CYC on the need for Strategic Environmental Assessment. In detail, it sought to ensure that:

- Scoping was undertaken
- A SEA was produced
- The comments from the first consultation were addressed

It is on this basis that the community has been fully and exhaustively engaged for over two years.

- 4.5 It is clear to me 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 in general, and Policy PNP 1 in particular. 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 23 January 2017. This exercise generated 25 comments from various persons and organisations. The following statutory bodies or businesses made comments:
- Barry Otley
  - John Crabb
  - Vivian Crabb
  - Prudence Bebb
  - Dan Sellers
  - Nigel Thompson
  - Dianne Davies
  - Barry Clarke
  - Jane Gwyer
  - Stephen Otley
  - Natural England
  - Martin and Kae Walker
  - North Yorkshire County Council
  - York City Council
  - Historic England
  - A J Suckling
  - British Sugar
  - Janet Hopton
  - Cobalt plc

- Environment Agency
- Miller Homes
- Wyevale Garden Centres
- Roger Blackhouse
- Avant Homes
- Luigi's Restaurant
- Andrew Frazer

4.9 As identified in paragraph 2.6 of this report additional consultation was carried out to correct administrative errors to the submitted SEA. This process generated the following new or additional comments from the following persons and organisations:

- B&SC Latts
- Barry Otley
- Coal Authority
- Environment Agency
- Peter Hindle
- Indigo Planning (Wyevale Garden Centre)
- Natural England
- North Yorkshire County Council
- Dr and Mrs S Robson
- Miss L M Bleasdale
- Stephen Otley
- Stephen Winston

## 5 The Plan Area and the Development Plan Context

### *The Plan Area*

- 5.1 The Plan area covers the parishes of Upper Poppleton and Nether Poppleton. It was designated as a neighbourhood area on 13 October 2014. The Plan area is located to the immediate north west of York. It is a very interesting and challenging area within which to prepare a neighbourhood plan. A significant proportion of its area (mainly to the west) is rural in character and is largely in agricultural use. The main east coast railway line sits in the extreme eastern part of the Plan area and the Northern rail line from York to Leeds runs through the southern part of the area and serves Poppleton station. The eastern and northern boundaries of the Plan area are defined by the River Ouse.
- 5.2 The general accessibility of the Plan area is further emphasised by the York Ring Road (A1237) in its south-eastern part and by the A59 (York to Harrogate and beyond) in its southern part. The recently-opened Poppleton Bar park and ride site is located to the immediate south of the A59. It has added further to the capacity of the City's impressive park and ride network. There are significant amounts of relatively recent new commercial and residential developments in the quadrant of land within the Plan area to the south and east of the York Ring Road. The principal elements of built development sit within the villages of Upper and Nether Poppleton.
- 5.3 The two separate and yet related settlements of Upper Poppleton and Nether Poppleton sit in the heart of the Plan area. They have their separate and distinctive conservation areas. In practical terms the two historic settlements have now become combined as more recent development has occupied the space that previous sat between them. Nevertheless, the built-up form of the settlement has retained its separate character areas. The newer development sits comfortably within this context.

### *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 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 Whilst the emerging Local Plan is making good progress it remains some way from adoption. Following its approval for consultation purposes in June 2016 consultation took place on the Preferred Sites Consultation version of the Plan between July and September 2016. Since that time CYC has been assessing the impact of the release of the Sub National Household Projections on the levels of development within the City's administrative area. In addition, it has been addressing the potential impact of the Ministry of Defence announcement on the disposal of a number of military sites in the country. This has the ability to impact on its own assessment of reasonable alternative development sites.
- 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 Plan area on 3 February 2017.
- 5.10 I initially looked at the residential and commercial areas to the south and east of the York Ring Road. I saw the variety of commercial uses and car showrooms. I took the opportunity to look at the two proposed housing allocations (H1 and H4) in this part of the Plan area. I looked in particular at the relationship between H1 and the remainder of the larger emerging housing proposal to the south that sits outside the Plan area. In looking at site H4 I saw its relationship to the school to its north and understood better the purpose of Policy PNP 8A in the submitted Plan.
- 5.11 I then drove into Poppleton village. On the way, I looked at the park and ride site and the adjacent parcel of land proposed for employment use.
- 5.12 In the village I attended a clarification meeting that I had organised with CYC and the Parish Council. Information about that meeting is described in paragraph 3.3 of this report.
- 5.13 Thereafter I drove to the Green in Upper Poppleton. Due to the pleasantness of the day I was able to complete the tour of the village on foot. At various points during my visit I looked at the various identified elements of green infrastructure (PNP 2).

- 5.14 I was able to see the pleasant and vibrant heart of Upper Poppleton with its various shops, pubs and community buildings. They were being extensively used and contributed significantly to the sense of community as described in the Plan. I then walked to the Blairgowrie housing site (H3) in Main Street. I saw its overgrown condition and how it contrasted with the otherwise well-maintained nature of the public and private realms in the Plan area. I then carried on along Main Street to the school, the Community Centre and to the proposed play area (R2/PNP 9B). I then carried on round to the open spaces at the northern end of the village overlooking the River Ouse. I appreciated the view into the surrounding agricultural hinterland.
- 5.15 I then walked round the eastern side of the village and looked at the Millennium Green in Church Lane, the land reserved for recreational open space off Millfield Lane and then the proposed housing site to the south of Long Ridge Lane (H2).
- 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.

## 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 four 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 Poppleton 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
  - 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
  - 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 the ministerial statements of March, May and June 2015.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out clear ambitions for new development whilst at the same time maintaining the distinctiveness of the village in its agricultural setting and its 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 village.
- 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 to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies to promote new residential development. In doing so it recognises the contribution that it will make to meeting the objectively assessed housing needs of the City. It also provides a positive context for employment related development. In the social role, it safeguards land for future educational use and proposes a buffer strip between the school and proposed new housing. It also includes policies for a new play area and for new recreational open space. 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. It also promotes a range of green infrastructure. It includes positively worded policies for its conservation areas and seeks to protect the wider character of the village by a continued application of its Village Design Statement

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the 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 Councils 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 (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 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 1-3)*

- 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.
- 7.9 Its Introduction and background sets out some detail on the production of the Plan and its complicated planning policy context. It helpfully describes its Vision Statement. In doing so it articulates how the Plan seeks to deliver sustainable development that is relevant to its context and setting. Section 2 describes the strategic context within which the Plan has been prepared. It usefully ties the submitted Plan into the wider development plan. Section 3 then summarises the detailed policies that sit in the remainder of the Plan. They flow naturally from the vision and objectives.

7.10 Thereafter individual chapters of the Plan provide detail on specific topic areas. Where appropriate they include detailed policies. 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 PNP1: Green Belt

7.11 This policy reflects the importance of the Green Belt both to the design and 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 4.1.1 to 4.1.5 of the submitted Plan set out its strategic approach on the Green Belt. In summary, the Plan proposes:

- 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 Nether and Upper Poppleton;
- 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 provided counsel’s advice on the ability or otherwise of a neighbourhood plan to define Green Belt boundaries. It 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 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 historical 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 has not yet been done. 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 the CYC does not have a formally 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 appeal decisions. Plainly these circumstances will be clarified once the emerging Local Plan is adopted. Whilst significant progress has now been made on this matter it is not at a sufficiently-advanced stage to provide any clarity or certainty for this examination. The different timescale for the production of the local plan is likely to have implications on the review of any made neighbourhood plan.
- 7.20 I recommend a series of modifications to this policy to reflect this somewhat 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 times 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.
- 7.21 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**

**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 in an identical format to that displayed on the Proposals Map associated with the Fourth Set of Changes Development Control Local Plan (2005)*

*In 4.1.1 delete 'and it is.... land allocations plan*

*Delete 4.1.2*

*In 4.1.3 insert 'general extent of' between 'The' and 'Green'. At the end of the paragraph add 'There is an important area of open land between the City of York and the villages of Nether and Upper Poppleton. At its narrowest point this is in the order of 600metres in extent.*

*Delete 4.1.5*

*In 4.1.8 delete all the text after the first sentence*

*Insert new paragraphs to read:*

*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 York City 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. 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 times 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.*

#### Policy PNP 2A: Green Infrastructure

- 7.22 This policy recognises the importance of green corridors and green wedges both in the wider City and within the Plan area. In the case of Upper Poppleton and Nether Poppleton they help to retain the distinctive characteristics of the two individual settlements. The supporting text highlights a significant area of green infrastructure along the river banks in Nether Poppleton. I looked at this area and the area off Church Lane as part of my visit to the Plan area.
- 7.23 This policy is both appropriate and distinctive to the Plan area. It is accompanied by Policy PNP 2B. The former policy protects the green infrastructure. The latter policy resists development that would harm these areas. For clarity for the decision-maker I recommend that the policies are combined and that elements of supporting text are repositioned from the Plan into the supporting text

#### **Replace policies PNP 2A and 2B as follows:**

**The green infrastructure within and surrounding Upper Poppleton and Nether Poppleton as shown on the Policies Map will be safeguarded. Proposals for their enhancement will be supported.**

**Development that would harm the integrity or appearance of the green infrastructure will not be supported**

*Reposition 'Green infrastructure...equestrian routes' to the end of paragraph 4.3.6*

#### Policy PNP 2B: Green Infrastructure

- 7.24 I have recommended in Policy PNP 2A that the two green infrastructure policies are combined.

#### **Delete Policy**

#### Policy PNP 3: Conservation Areas

- 7.25 This policy sets out a policy context for the control of development within the two conservation areas in the Plan area. I saw both of these areas as part of my visit. The policy makes appropriate references to paragraphs 126-141 of the NPPF. The

policy is usefully underpinned by the existing conservation area character assessments for the two areas produced by CYC.

- 7.26 I recommend two related modifications to the policy. The first more fully connects it to primary legislation on this matter (the Town and Country Planning Conservation Areas and Listed Buildings Act 1990). The second makes a sharper reference to the two character assessments reproduced in Appendix C of the Plan. The combined effect of these modifications will be to give the necessary clarity to the decision maker.

**Insert new first paragraph to read:**

**All proposals for development in the Upper Poppleton and Nether Poppleton Conservation Areas should preserve or enhance their special character or appearance.**

**In the existing part of the policy remove the underlining of ‘within’, replace ‘must’ with ‘should’ and replace ‘in the ... references)’ with ‘in the conservation area character assessments for the relevant conservation area as included at Appendix C of this Plan.’**

Policy PNP 4: Village Design Statement

- 7.27 This policy continues the context set out by the previous policy. In this case, it seeks to roll out the principles set out in the existing Village Design Statement (VDS) throughout the Plan period.
- 7.28 The VDS was adopted as supplementary planning guidance by CYC in August 2003. The VDS is a well-prepared and thorough document that properly takes account of the character of the two villages. A series of 45 design principles sit at the heart of the document. They have served the villages well since 2003.
- 7.29 The VDS was adopted well before the publication of the NPPF in 2012. The latter identifies that the government attaches great importance to the design of the built environment. Paragraph 56 indicates that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’.
- 7.30 Paragraphs 59 and 60 of the NPPF identify that design policies should avoid unnecessary prescription or detail and should not stifle innovation, originality or initiative. The Framework comments however that it is proper to seek to promote or reinforce local distinctiveness.
- 7.31 Having looked at the details of the VDS I am satisfied that they meet these tests in current national planning policy. Nevertheless, the principles in the VDS only apply to the built-up area of the two villages as shown on its pages 10 and 12/13. In the absence of any separate update of this document it would only be appropriate for the VDS to apply within the same geographic area and not throughout the more

extensive neighbourhood area. This is addressed both in the policy in the submitted Plan and in some representations.

- 7.32 I recommend a series of modifications both to the policy and the text in order to bring clarity to this matter. In particular, I recommend that a context to good design is established within the policy and that the wording of the policy refers to outcomes rather than the process of considering guidelines in the VDS. I also recommend the deletion of some paragraphs of text that are either unnecessary or which refer to Green Belt issues.

**Include the following as a new paragraph at the start of the policy:**

**Proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance.**

**In the policy in the submitted Plan replace ‘will be considered...guidelines’ with ‘should respect the Design Guidelines’**

*In 5.11 replace the first sentence with ‘Policy PNP 4 sets out that proposals should respect the Design Guidelines in the Village Design Statement. Proposals that do not follow this approach will not be supported’.*

*Delete 5.13 and 5.14*

Policy PNP 5: Traffic Policy

- 7.33 This policy provides a context within which improved and extended cycle and pedestrian access to and from the Plan area can be developed. The policy is supported by well-written supporting text in Section 6.
- 7.34 The policy meets the basic conditions. Nevertheless, I recommend some modifications to the supporting text both to bring clarity to its connection with the policy and to delete commentary which addresses issues that are for the emerging Local Plan rather than the neighbourhood plan. I also recommend a modification to the policy title so that it has the necessary clarity

*Delete paragraph 6.9 as a free-standing paragraph. Include the following at the end of paragraph 6.8: ‘This approach accords with paragraph 35 of the NPPF. Safe and secure layouts will be required which minimise conflicts between traffic and cyclists and pedestrians’*

*Replace the policy title with ‘Cycle and Pedestrian Access’*

Policy PNP 6A Housing

- 7.35 With Policy PNP 1 this policy sits at the heart of the Plan. It sets out its approach to new housing development. It has three separate components. The first proposes four allocated sites of different sizes. The second provides a policy context for the sub

division of existing dwellings or for single infill dwellings. The third identifies a policy approach to the conversion of existing buildings. I address these issues in turn.

7.36 The first part of the policy identifies four housing sites as follows:

H1: Former British Sugar Site (300 dwellings)

H2: Long Ridge Lane (2 dwellings)

H3: Blairgowrie (replacement dwelling)

H4: Former Civil Service Site (261 dwellings)

I looked at all of the sites on my visit to the Plan area

7.37 Site H1 is located in the extreme south-east of the Plan area and to the east of Millfield Lane. The site is unaffected by the general extent of the York Green Belt. Whilst within the Plan area it is effectively a part of the built-up area of York. The site allocated in the Plan is part of a more substantial housing proposal on the former British Sugar site. It is a brownfield site and its redevelopment for housing purposes will have regard to national policy. I am satisfied that the allocation of that part of the site within the neighbourhood area meets the basic conditions.

7.38 Site H2 is located to the south of Long Ridge Lane in Upper Poppleton. The site is unaffected by the general extent of the York Green Belt. It sits within the established residential context of Long Ridge Lane. I am satisfied that the allocation of the site for residential purposes meets the basic conditions.

7.39 Site H3 is located off Main Street, Upper Poppleton. It contains a derelict dwelling and outbuildings. The site is unaffected by the general extent of the York Green Belt. It sits within the established residential context of Main Street. I am satisfied that the allocation of the site for residential purposes meets the basic conditions. I make specific comments on the site within the context of Policy PNP 6B that addresses this site.

7.40 Site H4 is located in the extreme south-east of the Plan area and to the west of Millfield Lane. The site is within the general extent of the York Green Belt. The submitted Plan identifies that this site has been included in the Preferred Sites Consultation version (2016) of the emerging Local Plan. In this context, it is clear that the submitted plan has attempted to use the same evidence base as the emerging local plan and that there is a close working relationship with CYC. The submitted Plan has adopted a commendable approach towards boosting the supply of housing in the CYC area in general, and the Plan area in particular.

7.41 Nevertheless for the same reasons as I have set out within the context of Policy PNP 1 it is not within the remit of the neighbourhood plan to allocate land within the general extent of the Green Belt for residential purposes. This is properly a role for the emerging Local Plan. This position is further reinforced given the current lack of certainty over the allocation of housing sites in that Plan. The Preferred Sites Consultation was approved by the Council for public consultation. At this point the document does not represent the Council's position in relation either to levels of housing and employment growth or to the draft portfolio of sites identified to meet

that need. Within this context several other sites within the Plan area are also being promoted for residential development and have been highlighted as part of the representation process.

- 7.42 On this basis I recommend a modification to this part of the policy to delete reference to site H4. For clarity to all parties I emphasise that I have made this recommendation simply on the basis of national policy and the processes that follow. In doing so I make no comments on the appropriateness or otherwise of this site coming forward as a housing allocation in the emerging Local Plan. That will properly be a judgement for the City Council. The City Council will also come to its own judgement on the other sites currently within the general extent of the Green Belt that are being promoted for residential development. Ultimately the Local Plan will be subject to its own examination based on the tests of soundness.
- 7.43 The second element of the policy provides support for the subdivision of existing dwellings or for the construction of a single infill dwelling within a domestic curtilage. I am satisfied that the general approach adopted by the policy is appropriate. Nevertheless, its detailed wording lacks the clarity to confirm to the principles set out in the NPPF. It also overlaps with the final element of the policy which refers to the settlement limit as applied in the VDS (see PNP 4). I recommend a modification that combines these elements and provides clarity on policy wording. I also recommend that the components of Policy PNP 6 C are incorporated into this policy. In effect that policy in the submitted Plan provides the criteria that will allow this wider policy to be applied.
- 7.44 The third element of the policy is in relation to the conversion of existing buildings with heritage value and worthy of retention. This element of the policy will apply throughout the plan area. I recommend modifications to the policy so that it complies with national policy in general, and corresponds with my recommended modifications to Policy PNP 1 in particular. My recommendations also take account of changes to the General Permitted Development Order in 2015 that provides a degree of flexibility for such works to proceed without the need for planning permission.
- 7.45 As submitted the policy addresses a series of unrelated issues in one policy. Whilst they will contribute towards the delivery of housing in the Plan area they will do so in different ways. On this basis, I recommend that the component parts of the policy are separated into separate policies. This will bring both clarity and certainty to decision makers and investors alike.

**Replace the policy with three separate policies as follows:**

**Policy PNP 6A – Development within Upper Poppleton and Nether Poppleton**

**Within the settlement limit of the two villages as shown on the Policies Map proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property will be supported where the proposals are:**

- **In character with the surrounding development;**
- **Designed to safeguard the amenities of existing residential properties;**

- Designed to provide appropriate elements of garden and amenity space; and
- Designed to provide appropriate levels of parking and vehicular access to City of York Council standards at the time of the application.

#### **Policy PNP 6B – Conversion of Existing buildings to residential use**

Insofar as planning permission is required the conversion of buildings of permanent and substantial construction to residential use will be supported provided that it can be demonstrated that the conversion of the building will not generate a demand for a replacement building in the future and is in accordance with Green Belt policy in the National Planning Policy Framework.

#### **Policy PNP 6C**

The following sites as shown on the Policies Map are allocated for residential use:

**H1: Former British Sugar Site Millfield Lane**

**H2: Land at Long Ridge Lane Upper Poppleton**

**H3: Land at Blairgowrie, Main Street Upper Poppleton**

*Delete paragraphs 7.10 to 7.13*

#### **Policy PNP 6B Housing**

- 7.46 This policy addresses the Blairgowrie site. It is a particularly sensitive site off Main Street in the heart of the village. Paragraphs 7.1.2 to 7.1.5 provide particular commentary on its position within the conservation area and its wooded nature.
- 7.47 I recommend a series of modifications to ensure that the policy meets the basic conditions. In particular, it needs to reflect the need for proposals to preserve or enhance the character or appearance of the conservation area.

**Replace the policy as follows:**

#### **Policy PNP 6D**

**Proposals for the redevelopment of the existing buildings on the Blairgowrie site will be supported subject to the following criteria:**

- They preserve or enhance the character or appearance of the Upper Poppleton conservation area;
- The replacement buildings are of a similar scale, location and mass to the existing buildings; and
- The existing mature trees and landscaping elements of the site are protected and used as an integral part of the layout and design.

#### **Policy PNP 6C Housing**

- 7.48 This policy addresses proposals for the subdivision of existing properties and for new properties within domestic curtilages.
- 7.49 As mentioned in paragraph 7.43 I have recommended that the policy is combined with Policy PNP 6A.

### **Delete Policy**

#### Policy PNP 6D

- 7.50 This policy addresses the former British Sugar site. It is partly within the Plan area. The majority of the wider site lies within the built-up area of York to the immediate south and east. The site is already the subject of an on-going planning application. This is reflected in the supporting text in the submitted Plan (paragraphs 7.5-7.9). It is clear that the community has had the opportunity to understand the relationship between these separate and yet related proposals
- 7.51 I recommend a modification to ensure that the policy meets the basic conditions. The modification provides clarity for the decision-maker in the determination of planning applications on the site. I also recommend a series of modifications to the supporting text both to reflect accurate figures on the likely yield of the wider site and to retain appropriate flexibility for CYC in its role as the local planning authority in determining the current planning application and any subsequent proposals.

### **Replace the policy as follows:**

#### **Policy PNP 6E**

**Proposals for the residential development of the former British Sugar Site will be supported subject to the following criteria:**

- **They include a mix of housing types;**
- **They provide amenities, outdoor sport and recreational facilities; and**
- **They provide a principal access point off the Boroughbridge Road**

*In the second sentence of paragraph 7.6 replace '1100' with 'approximately 1140' Replace the third sentence of this paragraph with 'The exact number of dwellings on the wider site will be determined through the planning application process and its associated masterplan'.*

*Replace the final sentence of paragraph 7.8 with 'Millfield Lane will provide a secondary access into the site'.*

#### Policy PNP 7A: Business and Employment

- 7.52 This policy provides a context for on-going business development on the various business parks in the Plan area. It continues the Plan's positive approach towards the promotion of sustainable development.
- 7.53 The policy has a particular focus on car parking provision. It contrasts the parking facilities at Northminster Business Park with those at the York Business Park. I saw the contrasts myself when I visited the Plan area.

- 7.54 The approach in the policy is appropriate given the existing circumstances and the strategic importance of the Business Park in particular. I recommend a modification to the policy so that it specifies the scale and nature of the parking standards. This will bring clarity all round.

**Replace the policy with:**

**Proposals for new business development on established business parks in the Plan area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the application.**

Policy PNP 7B: Business and Employment

- 7.55 This policy proposes the allocation of the Poppleton Wyevale Garden Centre for employment uses. The site sits within the general extent of the Green Belt as identified in the 2005 Plan.
- 7.56 The policy has attracted an objection from the land owners who wish to promote its development for residential purposes. CYC also advises that the approach adopted in the submitted Plan has now been overtaken. The Local Plan Preferred Sites Consultation (July 2016) now includes this site as a housing site.
- 7.57 The consideration of this policy overlaps significantly with policies PNP 1 (Green Belt) and PNP 6 (Housing). The submitted Plan has proactively sought to bring forward sustainable development and has used common evidence with the City of York Council to do so. Nevertheless, national policy is clear that it is the role of the Local Plan to identify the spatial extent of the green belt. In this case, the Garden Centre site is within the general extent of the Green Belt as identified in the 2005 Plan. In any event the 2016 Preferred Sites Consultation version of the Plan was for consultation purposes. As such it does not represent City of York Council policy. On this basis, I recommend the deletion of the policy.

**Delete Policy**

Policy PNP 8A: Education

- 7.58 This policy sets out to safeguard land for a future school playing field expansion together with other ancillary uses. It is supported by helpful evidence in Section 9 of the Plan. In particular, it will play an important role in the life of the community given the levels of housing development proposed in the submitted Plan (as recommended to be modified earlier in this report). It will also be an important element of the Plan in the event that additional housing comes forward within the Plan area as a result of the adoption of the emerging Local Plan. It will represent a key component of the delivery of the social dimension of sustainable development in the Plan area.
- 7.59 The policy approach meets the basic conditions. I recommend a factual change to reflect wider changes in the Plan with regards to the identification of a Policies Map. I also recommend that the policy title is modified to identify its purpose.

**Replace 'land allocations map' with 'policies map'**

*Modify policy title to read 'Safeguarding of land at Manor Academy'*

Policy PNP 8B: Education

- 7.60 This policy continues on from Policy PNP 8A. In this case, it safeguards a strip of land to the immediate south of the school to act as a buffer between it and the housing site (H4) proposed in the submitted Plan. The approach reflects the ongoing proposals to develop the housing site. It would have clear and obvious benefits.
- 7.61 I have recommended the deletion of housing site H4 in paragraph 7.42 of this report. The promotion or otherwise of that site for housing purposes will be a matter for the local plan. Within this context, I am content that policy PNP 8B can continue to remain within the neighbourhood plan. In the event that development comes forward on the site within the Plan period it will have a clear land use purpose. In the event that development is not proposed on the site shown as H4 in the submitted neighbourhood plan the policy could then be deleted on the first review of the Plan. Plainly in that scenario the buffer concept would be irrelevant.
- 7.62 Within the context of my recommended modifications to policy PNP 6 (H4) I recommend corresponding modifications to this policy and its supporting text.

**Replace ‘and any.... might occur’ with ‘and development to the south which may arise following the adoption of the City of York Local Plan.’**

*Modify title to read ‘Safeguarding of land for buffer strip to south of Manor Academy’*

*Replace paragraph 9.4 with the following:*

*There has been a dialogue between the Academy and the owners of the land to the south. In the event that this land comes forward for development as part of the adoption of the City of York Local Plan general agreement has been reached to safeguard a strip of land along the boundary as a buffer zone. This will be in the common interest of both parties. Policy PNP 8B safeguards the land concerned for this purpose. The need or otherwise for the policy can be reviewed once the Local Plan has been adopted.*

*Delete the map and italic text at the top of page 45*

Policy PNP 9A: Community Facilities

- 7.63 This policy proposes the development of land adjacent to the Poppleton Tigers Junior Football pitch as recreational open space. The supporting text (paragraph 10.1) indicates that it is likely to be developed as a cricket pitch and outdoor playing area.
- 7.64 The site falls within the general extent of the York Green Belt. Nevertheless, the use proposed is consistent with the Green Belt.
- 7.65 I recommend a modification to the policy so that its location is clear in the policy itself. In line with other modifications I recommend that the title of the policy is modified so that it is site-specific rather than general. This will bring clarity to all concerned.

**Replace the policy with the following:**

**Land to the north of the Poppleton Tigers Junior Football Ground, Millfield Lane, as shown as R1 on the Policies Map, will be reserved for development as a recreational open space.**

*Replace the title of the policy with ‘Land to the north of the Poppleton Tigers Junior Football Ground, Millfield Lane’*

Policy PNP 9B: Community Facilities

- 7.66 This policy proposes the development of land adjacent to the Community Centre as a play area for children of all ages. I saw the site on my visit to the Plan area. I saw that the site concerned was part of a wider playing field. I also understood the reference to the ages of children. The existing equipped play area was very well used by children on their way home from school. The policy will contribute towards the achievement of the social dimension of sustainable development in the Plan area.
- 7.67 I recommend that the policy is modified so that it reserves the land for this purpose. I also recommend that the age comment is removed from the policy itself. The matter is adequately addressed in the supporting text. In line with other modifications I recommend that the title of the policy is modified so that it is specific rather than general. This will bring clarity to all concerned.

**Insert ‘as shown as R2 on the Policies Map’ after ‘Centre’.**

**Replace ‘should...developed’ with ‘is reserved for development’ and delete ‘for children...ages’.**

*Replace the title of the policy with ‘Land adjacent to the Community Centre’*

Policy PNP 10A: Environmental Policy

- 7.68 This policy sets out to protect and manage woodlands both to maintain habitat and to sustain biodiversity. It overlaps with policy PNP 10 B which takes a similar approach to hedgerows. Specific areas for protection are shown on the Policies Map. These are mainly located to the east of the various properties in Station Road. They sit within the general extent of the Green Belt. The policies are a combination of policy and procedural guidance as operated by CYC.
- 7.69 I recommend that the two policies are combined to bring the clarity to the decision-maker required by the decision-maker. In doing so I recommend that the policy title fully reflects its purpose. I also recommend that the procedural elements are repositioned into supporting text

**Replace policies PNP 10 A and 10 B with:**

**Woodland areas and hedgerows within the Plan area will be safeguarded. Development proposal should take account of existing wooded areas and hedgerows. The hedges within the areas shown on the Policies Map are particularly important and their removal will not be supported**

*Change policy title to ‘Protection of Wooded areas and hedgerows’*

*Reposition policies PNP 10A and 10B into the supporting text as paragraph 11.15. Add at the end of this new paragraph ‘Policy PNP 10 provides a context for the*

*delivery of these important objectives. The Policies Map identifies key areas to the east of the residential properties in Station Road.'*

Policy PNP 10B: Environmental Policy

- 7.70 I have recommended in the previous paragraph that this policy is combined with PNP 10A.

**Delete**

Policy PNP 11: Climate Change and Renewable Energy

- 7.71 This policy addresses a series of building efficiency and environmental matters. In particular, it requires that all new development should comply with or exceed the Building Regulations with regards to energy conservation and the use of renewable energy technology. Agents acting for British Sugar draw my attention to the legislative requirement only to comply with the Building Regulations. In addition, the policy provides no information on the extent to which proposals should exceed those Regulations.
- 7.72 It is now government policy that building sustainability and energy efficiency matters are controlled by the Building Regulations. In this context, it would be contrary to national policy to require higher standards (however defined) than those set out in the Building Regulations.
- 7.73 I can see however that the local community values these matters highly and has taken the time and trouble to capture them in its submitted Plan. On this basis, I recommend that the policy is transposed into a non-land use policy and which would not form part of the development plan. As recommended for modification it would provide a supporting context within which innovative schemes could come forward as and when promoted by a developer

*Identify the policy as a non-land use proposal by use of a different colour or other identification*

*Replace 'Any new.... with or' with 'New developments that'*

*Insert 'will be particularly supported' after 'energy technology'*

*Replace 'and should...following: - 'with 'Developers may also wish to consider'*

Policy PNP 12: Minerals Extraction and Waste

- 7.74 This policy addresses the need for the restoration and reinstatement of a site to the north east of Dutton Farm to the west of the villages. Its principal focus is on the need for tree planting and landscaping given its location in the Green Belt
- 7.75 Minerals issues are excluded development and are not within the remit of a neighbourhood plan. Nevertheless, I am satisfied that these circumstances do not apply to this policy given its focus on tree planting and the re-establishment of wild life habitats. Neither CYC nor North Yorkshire County Council have made any representations to the policy to the extent that it addresses excluded development.
- 7.76 I recommend modifications to the policy so that its purpose and geographic coverage is clear and to ensure that it avoids any reference to excluded development

**Replace the policy with the following:**

**Proposals for the restoration and reinstatement of land at Dutton Farm as shown on the Policies Map should respect its location within the general extent of the York Green Belt. Proposals should include details of indigenous tree planting and landscaping and details of initiatives to re-establish wildlife habitats**

*Modify title to read 'Tree planting and landscaping at land to the north-east of Dutton Farm'*

General Comments

- 7.77 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 councils 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 2036. 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 Poppleton 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 remains 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 Poppleton Neighbourhood 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 13 October 2014.

- 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. It has been a complicated examination given the range of issues that are addressed in the Plan in general, the context provided by the development plan and the need to address the identification of the Green Belt within the Plan area.

**Andrew Ashcroft**  
**Independent Examiner**  
**16 May 2017**

## **Appendix 1**

### **Notes of Clarification Meeting**

#### **Tithe Barn, Poppleton 3 February 2017**

##### Attendees:

Edie Jones	Upper Poppleton Parish Council
Robert Langford	Upper Poppleton Parish Council
Don Simpson	Nether Poppleton Parish Council
Peter Powell	Nether Poppleton Parish Council

Martin Grainger	City of York Council
Rebecca Harrison	City of York Council
Alison Cooke	City of York Council
Rachel Macefield	City of York Council

Andrew Ashcroft	Independent Examiner
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##### *Purpose of the Meeting*

AA advised that the purpose of the meeting was to address a series of factual matters that had been sent to all parties in advance of the meeting. The meeting was not an opportunity to debate any elements of the Plan or to consider any of the representations received.

##### *Process Information*

AA advised the meeting on the examination process and its likely duration. He also advised on the particular aspects of the Plan that he had already looked at earlier in the morning and was intending to look at in the remainder of the unaccompanied visit.

### *Strategic Matters and the Development Plan*

The CYC team submitted a comprehensive report on:

- The Regional Spatial Strategy for Yorkshire and Humber
- The City of York Draft Local Plan incorporating the fourth set of changes Development Control Local Plan (2005)
- The emerging City of York Local Plan
- The role and status of green belt policies as applied on a day to day basis
- The relationship between the submitted neighbourhood plan and the emerging Local Plan

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

### *The submitted SEA*

CYC advised AA on its concerns about the submitted SEA. Whilst the SEA was addressing the critical components of such a study it contained a series of administrative errors.

AA agreed that in the circumstances it would be appropriate for the SEA to be amended. Once this had taken place it was also agreed that separate consultation should take place on this amended document.

AC agreed to liaise with EJ and AECOM to ensure that this took place. AA would be advised when the revised consultation process was to take place.

### *Policy 12 Land to the north east of Dutton Farm*

CYC provided its comments on the extent or otherwise to which this policy was 'excluded development'.

Andrew Ashcroft

Independent Examiner

Poppleton Neighbourhood Plan

9 February 2017

