

Appendix 2
Earwick Parish Neighbourhood Plan
Draft Plan Consultation Analysis Version 2

FEBRUARY 2018

No.	Policy/Section	Respondent	Summary of Comments	Response	Amendment to Plan
1	GENERAL	Stockton-on-the-Forest PC	Stockton-on-the-Forest thanks you for the information and wish you good luck with your endeavours.	This is welcomed.	No change.
2	GENERAL	Natural England	Natural England does not have any specific comments on this draft neighbourhood plan.	That you do not have any specific comments on this draft neighbourhood plan is noted.	No change.
3	GENERAL	City of York Council	We appreciate the amount of hard work that the Parish Council has put into this process to produce a locally representative document, detailing the issues, which affect Earswick. We also recognise that the absence of an up-to-date adopted York Local Plan and the timing of the emerging Local Plan may have proved problematic for you and we appreciate work undertaken in this	This general support for the Plan and the consultation process is welcomed. We also welcome your appreciation that we have taken on board the comments that CYC submitted in response to the draft Plan.	No change.

			<p>respect.</p> <p>We would like to continue to work closely with you to move this Plan forward in tandem with the production of our Local Plan resulting in the creation of two sound plans that fit together and serve the best interests of the people, environment and economy of Earswick and York as a whole.</p> <p>We appreciate that you have taken on board the comments that we submitted in May 2017 in response to your draft submission documents and we are satisfied that this repeated pre-submission consultation has been undertaken in line with the Neighbourhood Planning (General) Regulations 2012 (as amended).</p>		
4	GENERAL	Historic England.	We note the content of the draft Plan.	This is noted.	No change.
5	GENERAL	Yorkshire Branch of the CPRE	We are delighted to have received your recent letter regarding your Neighbourhood Plan 2017-37 CPRENY are particularly supportive	The general support for the Plan and particularly Section 6 is welcomed.	No Change

			<p>of the following:</p> <p>6. In order to achieve these aims, the Plan includes a number of development related policies that seek to:</p> <ul style="list-style-type: none"> - Protect the draft Green Belt - Ensure that development is carefully controlled and takes place on sustainable brownfield sites; - Protect the countryside and special landscape; - Protect open spaces that are important to the community and/or wildlife; - Ensure that development is of a type and scale appropriate to the character and infrastructure provision; - Encourage development that meets local needs; <p>Where we can support and assist your PC we shall do our very best to do so.</p>		
6	General	Environment Agency	Having considered the nature of the policies in the Plan as currently written, we consider that it is unlikely that significant negative impacts on environmental	Your comments that the policies in the Plan will have more positive outcomes on the environmental characteristics is noted and	No change

			characteristics but prove to have more positive outcomes, that fall within our remit and interest will result through the implementation of the plan.	welcomed.	
7	POLICY ENP 1: WINDFALL HOUSING DEVELOPMENT		No Comments Received.		
8	POLICY ENP 2: HOUSING MIX	Bellway Homes.	<p>Bellway Homes is currently promoting land to the “East of Strensall Road, Earswick” for residential development of approximately 350 houses. The previous assessment of the site from City of York Council within “Further Sites Consultation Appendix 6: Safeguard Land Assessment June 2014” confirms:</p> <p>“The site presents an opportunity to consider the longer term size and shape of Earswick and the possibility of enhancing/reinforcing service provision in the village”.</p> <p>We note that that the Earswick</p>	<p>Your comments relate almost entirely to an outdated version of the draft City of York Local Plan (2014), which has now been superseded by a new draft, City of York Local Plan Pre-Publication Draft (November 2017).</p> <p>The draft Neighbourhood Plan is in complete accordance with the emerging City of York Local Plan which no longer has any land designated as “safeguarded”. In addition the Local Plan does not propose to allocate any land within Earswick for future development.</p> <p>It is considered that the emerging City of York Local Plan provides for</p>	No Change.

			<p>Neighbourhood Plan Pre-Submission Draft version 2, and in particular the justification set out within the “Housing Development” section of the plan, directly discourages all residential development as unsustainable within Earswick, and contradicts the efforts to match the projected economic and residential growth targets for both Earswick and the City of York, as set out in the Council’s emerging Local Plan. as such, we request that the land to the “East of Strensall Road, Earswick” be allocated within the Earswick Neighbourhood Plan as a site for housing development, or alternatively it is designated as Safeguarded Land for future development.</p>	<p>sufficient land to meet the City’s housing requirement.</p> <p>Therefore It is not considered that there is a compelling case for the Plan to make provision for housing allocation. The Parish is not considered to be a suitable or sustainable location for significant housing development. It is considered that windfall housing developments will make proportionate provision for housing growth.</p> <p>Further, the absence of any significant objections to the amount of development proposed indicates general support for the approach set out in the Plan. It is recognised that the Local Plan will determine the final Green Belt boundaries for Earswick and the wider City as part of a City-wide review.</p>	
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9	POLICY ENP 3: FLOOD RISK & CLIMATE CHANGE	York Consortium Drainage Boards	<p>Many thanks for the opportunity for the Internal Drainage Board to participate in this consultation process.</p> <p>The Board's position is that it is always seeking that, wherever possible, the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or, to outfall directly into a watercourse in the Board area.</p> <p>The Board believes that, in an area where drainage problems could exist, development should not be allowed at any location until the Planning Authority is satisfied that surface water drainage has been satisfactorily provided for. And any approved development should not</p>	<p>We are pleased that the Board supports that the risk of flooding should be reduced and that wherein an area where drainage problems could exist, development should not be allowed at any location until the Planning Authority is satisfied that surface water drainage has been satisfactorily provided for. We also note that the Board does not consider that development within Flood Zone 3 is desirable or sustainable in the longer term. This is a view shared by the Plan.</p>	<p>Para. 117 has been extended to include the views of the York Consortium of Drainage Boards that development within Flood Zone 3 is not desirable or sustainable in the longer term.</p>

			<p>adversely affect the surface water drainage of the area and amenity of adjacent properties.</p> <p>In addition, the Board does not consider that development within Flood Zone 3 is desirable or sustainable in the longer term.</p>		
10	POLICY ENP 4: GREEN BELT	Resident 1	<p>The adoption of a totally new Green Belt policy ENP4 (covering matters about which residents were not consulted during local NP surveys) without explanation, justification or context.</p> <p>Given the unfortunate manner in which the NP was unveiled and has been progressed, the inclusion of a new Green Belt policy ENP4 has led to resident speculation about your intentions.</p> <p>The new policy ENP4 may be connected with the statement in your recent Newsletter that you are plagiarising Poppleton Parishes' NP to improve the chances of Earswick's plan passing Inspector scrutiny? However, suspicions are harboured the policy has more to do with facilitating fracking, park and ride and industrial</p>	<p>The inclusion of a specific Green Belt policy has been the subject of much consideration. Initially, it was unclear whether the national rules governing the preparation of neighbourhood plans would allow the inclusion of a Green Belt policy. It was only after the Poppleton NP passed examination where we certain that the NP and NPs more generally in York could include one due to special circumstances. It was recognised that the inclusion of such a policy represented a major change, and this was one of the primary reasons it was determined to repeat the consultation on the draft plan. It was agreed to align the text and policy with that contained in the Poppleton Neighbourhood Plan, as this successfully passed an independent examination and was viewed as good practice. It was</p>	<p>Para. 134 has been extended to include reference to the fact that there are additional planning controls that apply to certain types of development in the Green belt that are outside the remit of neighbourhood Plans.</p>

			<p>developments. A list of carte blanche exemptions exacerbate those suspicions - especially as no attempt has been made in the text of the plan to justify their inclusion.</p> <p>May I suggest a set of clear and unambiguous explanations are needed in the text of the plan in the interests of gaining resident endorsement for the policy. Without such transparency there is potential for challenge and rejection of the NP at future stages in the approval process.</p>	<p>also an approach endorsed by CYC and the consultants helping the Parish Council prepare the Plan. The list of exemptions in the Plan is already permitted in principle under national planning policy rules. A neighbourhood plan cannot amend these. The Policy has been introduced to give stronger protection to the draft Green Belt from inappropriate development.</p> <p>The newsletter distributed to all households in Earswick in November 2017 makes it quite clear why the policy on the Green Belt has been amended.</p> <p>Residents also had the opportunity to attend an open exhibition on the revised Plan on the 15th December 2017.</p> <p>Only a small number of residents (3) have queried this change.</p>	
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11	POLICY ENP 4: GREEN BELT	Resident 2	<p>I wish to register my dissatisfaction with a change that appears to have been made to the EPC Neighbourhood Plan. The change I refer to is at paragraph EPN4 and seems to offer open planning consent for fracking, P&R, engineering and 'right to build community hubs'. As this is a fundamental change to the original NP I believe this should have been given formal consultation. Can you please:</p> <ol style="list-style-type: none"> 1. formally register my objection 2. Provide me with an explanation as to why and how this fundamental change has come about 3. Advise if you will now be taking formal consultation on this significant amendment. 	<p>The inclusion of a specific Green Belt policy has been the subject of much consideration. Initially, it was unclear whether the rules governing the preparation of neighbourhood plans would allow the inclusion of a Green Belt policy. It was only after the Poppleton NP passed examination where we more certain that the NP could include such a policy.</p> <p>It is disputed that the Policy has not been subject to formal consultation. It was recognised that the inclusion of such a policy represented a major change, and this was one of the primary reasons it was determined to repeat the consultation on the draft plan. The draft Plan has been the subject of detailed consultation and publicity. This includes the drop-in consultation event held at the Parish Hall. It is not considered necessary or desirable to undertake further formal consultation on the Plan other than that it is statutorily required. NP rules require that it should be subject to a further round</p>	<p>Para. 134 has been extended to include reference to the fact that there are additional planning controls that apply to certain types of development in the Green belt that are outside the remit of neighbourhood Plans.</p>
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				of consultation at the next (Submission) Stage of the Plan's development.	
12	POLICY ENP 4: GREEN BELT	Resident 3	Policy ENP4 - Green Belt - appears to be a recent addition to Version 2 of the plan and does not include any explanatory note as to why this has been added or specific detail explaining what this relates to and the possible impact for Earswick residents. This newly added policy contains items that are extremely controversial and have seen in other parts of North Yorkshire strong local objections, in particular mineral extraction commonly known as "Fracking" the policy appears to accept without objection such activities in the green belt around Earswick without any consultation with residents. Furthermore this part also makes reference to other engineering operations and local transport infrastructure	The inclusion of a specific Green Belt policy has been the subject of much consideration. Initially, it was unclear whether national rules governing the preparation of neighbourhood plans would allow the inclusion of a Green Belt policy. It was only after the Poppleton NP passed examination where we certain that the NP and NPs more generally in York could include one due to special circumstances. It was recognised that the inclusion of such a policy represented a major change, and this was one of the primary reasons it was determined to repeat the consultation on the draft plan. It was agreed to align the text and policy with that contained in the Poppleton Neighbourhood Plan, as this successfully passed an independent examination and was viewed as good practice. It was also an approach endorsed by CYC	Para. 134 has been extended to include reference to the fact that there are additional planning controls that apply to certain types of development in the Green belt that are outside the remit of neighbourhood Plans.

			<p>which could see major and unsuitable developments forced on us because they have been supported in the Neighbourhood Plan.</p> <p>This also goes against the basic premise of the NP that there will be no further development of the green belt around Earswick.</p>	<p>and the consultants helping the Parish Council prepare the Plan. The list of exemptions in the Plan is already permitted in principle in the Green Belt under national planning policy rules. A neighbourhood plan cannot amend these. The fact they are listed should not be seen as the Plan's support for this type of development. The Policy has been introduced to give stronger protection to the draft Green Belt from inappropriate development.</p>	
13	POLICY ENP 5: LOCAL GREEN SPACES	Resident 1	<p>The inclusion in policy ENP5 of an inaccurate list of Local Green Spaces (when considered against national criteria in paragraph 149).</p> <p>Paragraph 146 refers to green spaces within the built up extent of the village which are included in Policy ENP5. An examination of the listed spaces against national planning policy criteria set out in paragraph 149 reveals that only five of the seven appear to qualify.</p>	<p>The list was developed after detailed consideration and consultation.</p> <p>Each of the sites was assessed against the national criteria as set out in paragraph 77 of the National Planning Policy Framework. We are satisfied that they meet the criteria.</p> <p>We acknowledge, however, that there is inevitably an element of subjective judgement in applying these criteria, particularly in terms</p>	<p>Para. 147 has been extended to be more explicit.</p>

			<p>Two areas do not appear to fulfil the criteria: (1) the privately maintained fenced-off area that lies at the centre of the Earswick Chase development [misleadingly referred to as 'Fosslands Village Green'], and (2) the land to the front of 6 Northlands. The two sites can neither be said to be “valued for open access for sport, recreation and amenity”, nor “an area where community events are held” and should be removed from the list.</p>	<p>of defining what makes a space “demonstrably special”. We have applied the criteria as consistently as we can.</p> <p>We have carried out a review of the two sites you have mentioned and are satisfied that they meet the criteria.</p>	
14	POLICY ENP 5: LOCAL GREEN SPACES	Resident 1	<p>Policy ENP5 goes on to include reference to very special circumstances for approving subsequent development on declared local open spaces “in accordance with City Council and national planning policies”. Those very special circumstances should be detailed in the text in the interests of transparency to avoid the parish becoming a future hostage to fortune.</p>	<p>It is recognised that there is inevitably an element of subjective judgement in applying the reference to “very special circumstances” and “in accordance with City Council and national planning policies”.</p> <p>While we have some sympathy with your statement that those very special circumstances should be detailed, the statement is based on the wording contained in national planning policy which makes reference to “other than in very special circumstances”. It does not,</p>	<p>That the wording of the policy is more closely aligned to the relevant text in the National Planning Policy Framework, specifically “By designating land as Local Green Space local communities will be able to rule out new</p>

				<p>however, detail what these special circumstances might be To avoid any future tensions and confusion, it is agreed to align the text more closely with the relevant text in the National Planning Policy Framework, which states “By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances”.</p>	<p>development other than in very special circumstances”.</p>
15	POLICY ENP 6: ECOLOGY & BIODIVERSITY	Natural England	<p>Natural England does not have any specific comments on this draft neighbourhood plan. We refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.</p>	<p>That you do not have any specific comments is noted. We welcome the attached annexe. It contains some useful information and guidance that will strengthen the Plan.</p>	<p>That the policy and supporting text is amended to make more explicit reference to some of the key relevant issues and opportunities that should be considered when preparing a Neighbourhood Plan.</p>

16	POLICY ENP 7: DISTINCTIVE VIEWS		No Comments Received.		
17	POLICY ENP 8: TREES & HEDGEROWS		No Comments Received.		
18	POLICY ENP 9: BUILDINGS & STRUCTURES OF LOCAL HERITAGE INTEREST	Historic England	Earswick contains 1 Grade II Listed Building. Earswick may also include other buildings, sites and areas which are of local historic interest. We would suggest that consideration be given to identifying any local heritage assets or areas which may be worthy of consideration as part of a local list.	The general support for this Policy and the buildings of local heritage and interest is seeks to protect and conserve is noted.	No Change.
19	POLICY ENP 10: PROTECTING IMPORTANT COMMUNITY FACILITIES		No Comments Received.		
20	POLICY ENP 11: ENHANCEMENTS TO TRANSPORT & HIGHWAYS		No Comments Received.		
21	POLICY ENP 12: PROTECTING FOOTPATHS/BRIDLEWAYS & CYCLEWAYS		No Comments Received.		
22	POLICY ENP 13: SAFE AND SECURE PARISH		No Comments Received.		

23	POLICY ENP 14: DEVELOPER CONTRIBUTIONS		No Comments Received.		
24	OTHER	Resident 1	<p>A rush towards submission of the NP (ahead of the approval of York's Local Plan) without any plausible explanation.</p> <p>Timing of the submission:</p> <p>Paragraph 142 confirms that a review of the NP will be necessary in the interests of consistency once York City Council's Local Plan (LP) has been approved. That being the case, logic suggests submission of the NP should be delayed to facilitate dovetailing with LP approvals.</p> <p>Paragraph 98 attempts to justify the decision not to delay production of the NP [until the LP is approved]. However, the statement that there are "a number of reasons" for the decision is not borne out by the sole premiss that is cited. It has been pointed out previously that claims the NP can stave off speculative planning bids are disingenuous: The</p>	<p>While it is accepted that there is a risk that some policies in the Plan may eventually be superseded by the emerging Local Plan, that does not render them unnecessary at this stage as the Local Plan is some way from adoption.</p> <p>While the draft Local Plan is a material consideration in the determination of planning applications, particularly as the existing Local Plan is significantly out of date, the weight attached to it is limited as it is not yet at an advanced stage of preparation and its policies are subject to change before it is adopted.</p> <p>The timescale for the adoption of the Local Plan cannot be certain, and it is probable that the Neighbourhood Plan will be made before the Local Plan is adopted. Its policies would then carry more weight than those of an emerging</p>	Not relevant to the content of the Plan.

			<p>authority of the City Council's LP is required to deal with matters of site identification.</p> <p>The obvious advantages of delaying submission of the NP (aside from the check on consistency) are that account can be taken of: (1) newly revealed proposed additional development sites to meet revised Government housing targets; (2) soon-to-be-announced plans to use 50% of Diamond Wood for the upgrading of the A1237 Strensall Roundabout; and (3) the impact of emerging MoD plans to re-phase the release for development of the Strensall Barracks/Strensall Lines sites.</p> <p>May I suggest it would be in the best interests of residents for the submission of the NP to be delayed until the LP is approved.</p>	<p>Local Plan, including in relation to speculative planning applications.</p> <p>CYC has submitted comments on the policies of the Plan, and many of these relate to the relationship between the Plan and the emerging Local Plan.</p> <p>The timing of further progress on the draft Neighbourhood Plan will be carried out in conjunction and discussion with the City of York Council.</p>	
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