



Selby District Council

**Decision Statement – Appleton Roebuck and Acaster Selby Neighbourhood Development Plan
2017-2027 (ARAS NDP)**

*(Schedule 4B of The Town and Country Planning Act 1990 & Part 5, Regulation 18 of The
Neighbourhood Planning (General) Regulations 2012)*

Date of Publication: 6 October 2017

1.0 Summary

- 1.1 Following an independent examination and as recommended by the Examiner, Selby District Council confirms that it is making modifications to the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan 2017-2027 as set out in Table 1 below.
- 1.2 The Examiner has considered whether the Referendum Area should be extended beyond the Appleton Roebuck and Acaster Selby Neighbourhood Area. The Examiner also concludes that the Neighbourhood Area has no policies or proposals which are considered significant enough to have an impact beyond the designated Neighbourhood Area. The Examiner has recommended that the Neighbourhood Plan should proceed to a Referendum based on the Appleton Roebuck and Acaster Selby Neighbourhood Area approved by the Council on 7 November 2013.
- 1.3 This Decision Statement, the Examiner's Report and the Submission Draft Appleton Roebuck and Acaster Selby Neighbourhood Development Plan 2017-2027 are available to view on the Council's website:
- <http://www.selby.gov.uk/neighbourhood-development-plan-appleton-roebuck-and-acaster-selby-aras>
- The documents are also available to view on the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan website:
- <http://aras-ndp.org.uk/>
- 1.4 Hard copies of the Decision Statement, Examiner's Report and the Submission Draft Appleton Roebuck and Acaster Selby Neighbourhood Plan are available to view at:
- Access Selby, Market Cross Shopping Centre, Selby, YO8 4JS
 - o Opening Times:
 - Monday 9.30am – 4.00pm
 - Tuesday 9.30am – 4.00pm

- Wednesday 10.00am – 4.00pm
 - Thursday 9.30am – 4.00pm
 - Friday 9.30am – 4.00pm
- Local Libraries (during opening hours)
- Selby Library, 52 Micklegate, Selby, YO8 4EQ
 - Barlby Library, Howden Road, Barlby, YO8 5JE
 - Tadcaster Library, Station Road, Tadcaster, LS24 9JG
 - Sherburn In Elmet Library, Finkle Hill, Sherburn In Elmet, LS25 6EA

2.0 Background

- 2.1 Appleton Roebuck and Acaster Selby Parish Council, as the qualifying body, submitted an application to Selby District Council for the whole of the parish of Appleton Roebuck and Acaster Selby which was formally designated on 10 December 2013 as the Appleton Roebuck and Acaster Selby Neighbourhood Area.
- 2.2 The Appleton Roebuck and Acaster Selby Neighbourhood Development Plan was published by Appleton Roebuck and Acaster Selby Parish Council for a pre-submission consultation (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012) for 7 weeks between 6 June 2016 and 24 July 2016.
- 2.3 Following the submission of the Draft Appleton Roebuck and Acaster Selby Neighbourhood Plan to the Council on 5 December 2016, the Plan was publicised and representations were invited. The publicity period ran for six weeks between 21 December 2016 and 15 February 2017.
- 2.4 The Council, with the agreement of Appleton Roebuck and Acaster Selby Parish Council, appointed an independent examiner, Mr Robert Yuille MSc Dip TP MRTPI, to consider whether the Plan meets the 'Basic Conditions' (and other legal requirements) required by legislation and should, therefore, proceed to referendum.
- 2.5 The Examiner's Report was published on the Council's website on 15 September 2017. The Report concludes that, subject to making the modifications recommended by the Examiner, the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan meets the Basic Conditions and other legal requirements and should proceed to Referendum.
- 2.6 Following receipt of the Examiner's Report, the Council is required to consider each of the modifications recommended with the reasons for them and decide what action to take.

3.0 Decision and Reasons

- 3.1 The Examiner has concluded that with the specified modifications, the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan meets the Basic Conditions stated and other legal requirements. These modifications are outlined in Table 1 below.

- 3.2 The Examiner's Report has recommended a number of modifications to the Plan in order that it meets the Basic Conditions and other legal requirements. These modifications are set out in Schedule 1 of Table 1 below. In addition there are a number of corrections, clarifications and additions which should be made to the Plan. Whilst not strictly required to meet the Basic Conditions, such modifications correct errors and improve clarity and would benefit the Plan where justified. These are listed within Schedule 2 of Table 1 below.
- 3.3 The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4B to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
- 3.4 For the reasons given by the Examiner the Council is satisfied that subject to those modifications being made to the Plan as set out in Table 1, that the Plan meets the Basic Conditions mentioned in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, and the Council has agreed to accept the modifications made to the draft Plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 in response to the Examiner's modifications.
- 3.5 To meet the requirements of the Localism Act 2011 a referendum which poses the question, '*Do you want Selby District Council to use the Appleton Roebuck and Acaster Selby Neighbourhood Development Plan to help it decide planning applications in the Appleton Roebuck and Acaster Selby Neighbourhood Area?*', as set out in the Neighbourhood Planning (Referendums) Regulations 2012 (as amended), will be held in the area formally designated as the Appleton Roebuck and Acaster Selby Neighbourhood Area.

Table 1 – Schedule of Modifications recommended in the Examiner’s Report

Schedule 1: Modifications to meet the Basic Conditions (and other legal requirements)

Proposed modification number (PM)	Page no./ other reference	Modification	Reason	Selby District Council decision and reasons
PM1	Policies Map	Remove the Local Green Space designation from the ‘Ridge and Furrow Field’.	The Parish Council has confirmed that it is a mistake for the Policies Map to include the ‘Ridge and Furrow Field’ as that site was rejected following the Local green Space Strategy.	Agree to modify the Policies Map to comply with the Examiner’s recommendations.
PM2	Page 21, paragraph 4.3.4	(most at risk) (least at risk)	There is a mistake in paragraph 4.3.4 of the supporting text where flood zone 1 is described as most at risk’ rather than ‘least at risk’. In the interests of accuracy this mistake should be corrected.	Agree to modify the text as indicated to comply with the Examiner’s recommendations.
PM3	Page 29, paragraph 4.5.1	However, Selby District Council’s definition of small scale development’ is 10 houses or fewer. Therefore, this figure has been adopted in order to comply with their policy.	The District Council has confirmed that while it uses various measures of what amounts to small scale development (for example in 5 year housing land supply calculations a small site is considered to be less than 5 dwellings, while in delegation agreements the cut off point for minor applications – a concept analogous to the concept of small scale – is 10 dwellings) there is no	Agree to delete the text as indicated to comply with the Examiner’s recommendations

			formal definition of small scale in the development plan. In the interests of accuracy the reference to the Council having a definition of small scale housing should be deleted.	
PM4	Page 30, Policy H3	b) Car parking spaces must be suitable for the average family sized car unless alternative and accessible car parking arrangements can be made which do not create on street parking. e) <u>b)</u>	The statement that car parking spaces must be suitable for the average family car is neither clear nor unambiguous and should therefore be deleted.	Agree to modify the Policy text as indicated to comply with the Examiner's recommendations.
PM5	Page 31 Policy WB1	Support will be given for the re-use of redundant buildings for new economic use where:	Policy WB1 could be interpreted as limiting the re-use of redundant buildings solely to 'economic' uses as opposed, for example, residential uses. Paragraph 55 of the National Planning Policy Framework (NPPF) does, however, allow for the conversion of redundant or disused buildings to residential use where this would lead to an enhancement of the immediate setting. I see no reason why this should not apply in the Parish. Any ambiguity on this point would be avoided by removing the word 'economic' as shown.	Agree to modify the Policy text as indicated to comply with the Examiner's recommendations.

PM6	Page 31, Policy WB2	b)(Grade 1, and 2 and 3a)	Policy WB2 defines best and most versatile agricultural land as being Grade 1 and 2; the NPPF, on the other hand, defines it as being Grade 1, 2 and 3a. Policy WB2 should be amended to reflect the definition given in the NPPF.	Agree to modify the Policy text as indicated to comply with the Examiner's recommendations.
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Schedule 2: Further Modifications to Correct Errors and to Improve Clarity and Accuracy

Page no./other reference	Modification	Selby District Council decision and reasons
Page 5, paragraph 1.1	Largely arable grassland that surrounds the main settlement. <u>There are in addition substantial areas of floodplain grassland around the confluence of the rivers Wharfe and Ouse."</u>	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Page 25, Policy ELH 2 Appendix 1, Page 38, The Ings, Wildlife of Green Infrastructure Value	Other types of Ancient Woodland and Ancient/Veteran Trees SSSI <u>SINC</u>	Agree to modify the text as indicated to comply with the Examiner's recommendations.
Page 22, third paragraphwider Vale of York regional <u>national</u> character area.	Agree to modify the text as indicated to comply with the Examiner's recommendations.