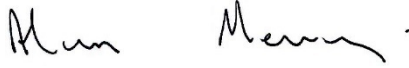
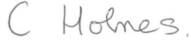




DECISION RECORD	Decision Record No.	FP01.03.2023
<p>Record of decisions made by the Executive Director of Planning and Economic Regeneration (PER) under delegated powers.</p>		
<p><b>What Decision is required:</b></p>		
<p>To approve the Decision Statement for the Barmby Moor Neighbourhood Plan (2022-2037) (BMNP).</p> <p>The Neighbourhood Plan has been through the following stages with the most recent being examination of the Plan by an independent Examiner.</p> <ul style="list-style-type: none"><li>• Barmby Moor Neighbourhood Area formally designated in March 2016</li><li>• ERYC Consultation and Publication of the BMNP (Regulation 16) September -November 2022</li><li>• Examination of BMNP November 2022-January 2023</li><li>• Examiner’s Report published (Regulation 18) – 10 February 2023</li></ul> <p>Barmby Moor Neighbourhood Plan 2022-2037 (BMNP) has been the subject of an independent examination, and the Examiner has recommended that the BMNP is in conformity with the NPPF, subject to modifications and can proceed to referendum. The Council decides whether to accept the Examiner’s recommendations in a decision statement, in accordance with paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990. The BMNP can then be given considerable weight when considering planning applications.</p> <p>The referendum of the BMNP will take place on a date agreed with Barmby Moor Parish Council. A neighbourhood plan that is successful at referendum automatically becomes part of the development plan and carries full weight, unless the Council make a subsequent decision not to adopt it.</p> <p>Delegated authority is provided in accordance with Cabinet resolution (14 March 2017 minute 5703 refers). It was recommended to Council that:</p> <p><i>‘...the current delegation to the Director of Corporate Strategy and Commissioning ‘to determine neighbourhood planning area applications in consultation with the relevant portfolio holder’ be deleted and replaced with the following delegation to the Director of Planning and Economic Regeneration ‘to exercise the Council’s powers in relation to neighbourhood planning in accordance with the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, in consultation with the relevant Portfolio Holder(s)’.</i></p>		

Prepared by:	Heloise Wood Planning Officer	Date	01/03/2023
		Ext	1701
Director approval:	Claire Hoskins Acting Director of Asset Strategy	Date:	01/03/2023
		Ext	3900
Executive Director approval	Alan Menzies Executive Director of Planning & Economic Regeneration	Ext	1600
Decision:	Approved	Not approved	
Signed:	 Alan Menzies, Director of PER	Date:	01/03/2023
Portfolio Holder Approval	Councillor Claire Holmes Planning, Infrastructure and Housing	Ext	
Decision:	Approved	Not approved	
Signed:	 Councillor Claire Holmes, Portfolio Holder	Date:	01/03/2023

**East Riding of Yorkshire Council**  
**Barmby Moor Neighbourhood Plan (2022-2037) – Decision Statement**  
**Date of Publication – 01 March 2023**

**Background**

1. On 22 March 2016 East Riding of Yorkshire Council formally designated the area shown at Appendix A as the Barmby Moor Neighbourhood Area.
2. Following the submission of the Draft Barmby Moor Neighbourhood Plan (2022-2037) (BMNP) to East Riding of Yorkshire Council, the plan was publicised, and representations were invited. The publicity period ended 7 November 2022.
3. East Riding of Yorkshire Council appointed an Independent Examiner, Andrew Ashcroft BA (Hons) MA, DMS, MRTPI to examine whether the BMNP met the ‘basic conditions’ as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the BMNP should proceed to a referendum.
4. The Examiner’s Report (27 January 2023) recommended a number of modifications to the BMNP. These are required to ensure the BMNP complies with the basic conditions and other relevant statutory provisions, and so that the draft plan as modified can be submitted for referendum. It concludes by stating:

*“On the basis of the findings in this report, I recommend to the East Riding of Yorkshire Council that subject to the incorporation of the modifications set out in this report that the Barmby Moor Neighbourhood Development Plan should proceed to referendum.”*

**Recommendations, Decisions and Reasons**

5. The Neighbourhood Planning (General) Regulations 2012, Regulation 18, requires the local planning authority to outline what action needs to be taken in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
6. The Council’s outstanding concerns, as noted in the submitted written statement related to BMNP Policy F3 on affordable housing. The policy states that rural exception sites for modest development of affordable housing (up to 10 dwellings) will be supported where they meet six criteria. The Examiner’s report notes that the policy (F3) brings distinctive value to national and local planning policies on this matter and it meets the basic conditions.
7. Having considered the recommended modifications, as set out in the Examiner’s Report and the reasons for them, East Riding of Yorkshire Council has agreed to accept these modifications are made to the BMNP in accordance with paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990. The Council confirms that subject to the Examiner’s proposed specific modifications, the BMNP will proceed to referendum for the following reasons.

The Neighbourhood Plan:

- will be compatible with the European Convention of Human Rights;
  - will not breach, and is otherwise compatible with, European Union obligations;
  - is not likely to have significant effect on a European designated site or a European Offshore Marine site either alone or in combination with other plans or projects;
  - taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State and would contribute to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained on the Development Plan for the area (East Riding Local Plan);
  - meets the basic conditions; and
  - has undergone consultation in accordance with the requirements of the Regulations.
8. The Council also agrees with the Examiner's recommendation that the referendum of the Neighbourhood Plan should be based on the designated Neighbourhood Area approved by the Council on 22 March 2016 (see Appendix A).
9. To meet the requirements of the Localism Act 2011, a referendum which poses the question, 'Do you want East Riding of Yorkshire Council to use the Barmby Moor Neighbourhood Plan (2022-2037) (as amended) to help it decide planning applications in the Barmby Moor Neighbourhood Area<sup>1</sup>?' will be held in the area formally designated as the Barmby Moor Neighbourhood Area.
10. The date on which the referendum will take place is to be agreed with Barmby Moor Parish Council and published in an information statement and notice of referendum.

This Decision Statement, the Examiner's Report, including the proposed modifications and the BMNP can be viewed on East Riding of Yorkshire Council's website ([www.eastriding.gov.uk/BMNP](http://www.eastriding.gov.uk/BMNP)). The documents are also available for inspection at the following locations:

- Pocklington Customer Service Centre; and
- Beverley Customer Service Centre.

For any questions please contact the Forward Planning Team on (01482) 391701 or e-mail [Foward.planning@eastriding.gov.uk](mailto:Foward.planning@eastriding.gov.uk)

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<sup>1</sup> Neighbourhood Planning (Referendums) Regulations 2012 (As amended)



Barmby Moor Neighbourhood Area

