

Murton Parish Neighbourhood Plan Clarification Note response

This note forms a combined response from Murton Parish Council and City of York Council, to the Examiners Clarification Note. It is split in to 2 sections: a) Response from Murton Parish Council to the questions on policies and the representations received: and b) Response from the City of York Council on the current progress on the examination of the emerging City of York Local Plan.

a) Answers from the Parish Council to questions in the Examiner's Clarification Note

Policies

Policy ENV1

Examiners comment: *The policy takes a positive approach towards the designation of Local Green Spaces. It is carefully underpinned by the details in Appendix G.*

No response required from Murton Parish Council.

Policy ENV2

Examiner's comment: *The policy takes a positive approach towards heritage assets. The approach towards non-designated heritage assets is underpinned by the details in the Village Design Statement.*

No response required from Murton Parish Council.

Policies ENV5 and ENV6

Examiner's question: *The approach taken in these policies is very appropriate. Nevertheless, do they bring any added value to their topic areas beyond existing national and local planning policies?*

Response from Murton Parish Council: *We appreciate the reason for the questions. Indeed, we have been concerned throughout that in our interpretation of the National and Local plans, we do not simply repeat policies that can be easily applied to our Parish. In the case of ENV5, we wanted to emphasise the importance many attach to the building environment we have inherited and the wish of many that we pass on*

this good fortune. For example, we mention chimney stacks for one historian alerted us to some really good examples. Further, we were seared by some poor examples of planning which we suffered 20 years ago which remain in the collective memory.

ENV6 is another interesting example. We did not have a separate policy for flood management in any of our drafts. The subject was dealt with in conjunction with other environmental issues. It was only after the Consultation (and two years of new and more widespread flooding!) that it was apparent that we really did need to emphasise flood management and give it its own policy. For example, we are now getting reports of households on the edge of the village finding it difficult to obtain house insurance. In making the decision to have a separate policy, we were encouraged to do so by the CYC group which has been helping us.

Policy EMP1

Examiner's question: The policy takes a positive approach towards employment development. However, given the overall structure and content of the policy is the word 'only' necessary?

Response from Murton Parish Council: The word 'only' was used to emphasise that we wanted to encourage employment in those three named areas and nowhere else. We would like to retain the word.

Policy HAC1

Examiner's question: The policy takes a positive approach towards housing development. However, given the overall structure and content of the policy, and the current extent of the Green Belt, is the word 'only' necessary?

Response from Murton Parish Council: As above. It is to emphasise our desire to encourage development in specific places which can be readily identified.

Policy HAC 3

Examiner's question: This first sentence of the policy reads as a statement of fact or intent rather than as a land use planning policy. It would be helpful if the Parish Council elaborated on its intentions. Could the matter be addressed as an additional community action?

Response from Murton Parish Council: We understand the Inspectors concern. Is this any better?

'The Parish Council will work with the City of York Council to help in the development of existing and new community facilities providing that

- the existing community value of the facilities are retained or enhanced*
- they do not lead to significant adverse impact on traffic congestion and safety; and*
- they do not cause a significant adverse impact on the amenities of nearby residents.'*

Policy TRA1

Examiner's question: Is the added value of this policy beyond existing national and local planning policies the identification of the three pressure points?

Response from Murton Parish Council: The draft Local Plan proposes a significant housing development, ST7, amounting to over 800 houses. There are two exits, one into Stockton Lane and the other into Murton Way. There is little doubt that both exits will encourage the use of the three lanes in the Parish, already burdened with through traffic as described at some length in the Plan. This was the purpose in naming these lanes in the policy.

Policy DC1

Examiner's question: This matter reads as a community action rather than as a land use policy. I am minded to recommend accordingly. Does the Parish Council have any comments on this proposition?

Response from Murton Parish Council: We are anxious to get our fair share of the developer contributions and wonder whether demotion to a community action will make this less likely.

The Community Actions

Examiner's comment: The Actions are both appropriate and locally-distinctive to the neighbourhood area.

No response required from Murton Parish Council.

Representations

Examiner's question: *The representations made on the Plan are very positive and do not lead me to ask any specific questions. Nevertheless, does the Parish Council wish to comment on any of the representations made to the Plan?*

Response by Murton Parish Council: *The only representation which we wish to comment on, given the encouraging and positive tone of the others, is that from the Private Individual.*

Due to an oversight, our comments on the Murton Arms (formerly the Bay Horse) which were drafted prior to the sale of the property to the present owners, remained uncorrected. We apologise for this.

A response to the issues raised in the representation:

Comment: *The Murton Arms pub was closed after New Years Eve 2016 and has deteriorated since. It now requires urgent repairs to maintain its appearance and prominence in the centre of the village. Some work has been done to it and it is hoped an alternative use for the ground floor may be achieved, such as a café / coffee shop.*

MPC response: According to official records¹, the final closure was January 2018. The photographs in a brochure published recently shows the property in good condition². However, this is not really relevant, given the Appeal Inspector's report (reference 1) which must be our guide.

Comment: *The reference in the Neighbourhood Plan to the Murton Arms (formerly Bay Horse) is inaccurate and needs amending as it is inaccurate or anecdotal - in particular paragraph 118 of the Submission version of the Plan and Appendix A (Murton Parish Neighbourhood Plan: Its context and data) - 'Social venues and amenities' (para A8.2: 4.7.2). It is wrong to say there are no play facilities for children - for example, Murton Park, Beetle Bank Farm.*

¹ APP/C2741/W/21/3284784. The planning application: 21/00396/FUL

² <https://www.mcbeathproperty.co.uk/wp-content/uploads/2024/12/York-Murton-Arms-201124-new-format-1.pdf>

MPC response: Paragraph 118 in the Submitted version (not the Submission version) is indeed inaccurate as it referred to the previous owner, not the present owners. We have apologised above for this oversight.

When we wrote that there were no play areas for children, we were referring to community-based facilities. We now refer explicitly to Policy ENV7 and paragraphs 87 and 88. However, it could also be pointed out that there are no footpaths to these venues for long distances and that the two lanes are hazardous to walk due to fast traffic. Nevertheless, Policy ENV7 is a very important statement.

Comment: *The section relating to Murton Arms is written in a style of someone lamenting the loss of their village pub and is one sided, quoting inaccurate facts. Concerned about reference to being owned by a property company, loading the landlords with unsustainable costs' - with no evidence to support the comment and should be removed. Whilst it is true to say the pub's future is uncertain, it should make reference to the ways its future is being considered for the benefit of the community.*

MPC response: We agree that we do not have written evidence about the cost and the phrase has been removed. As for the future, we rely on the Inspectors report (reference 1) which insists that its future at the moment is as a pub.

Comment: *No reference in the Plan to the Brew York Handley Tap on Outgang Lane (0.4 miles) or The Derwent Arms, in Osbaldwick Village (1.2 miles).*

MPC response: The various arguments, such as this, are dealt with in the Appeal (reference 1) and it may not be appropriate to repeat them in the Plan. It is important to distinguish between a village pub and a facility serving beer and other drinks. It might also be of interest to know that the Handley Tap and Derwent Arms are only accessible from the village itself via an unlit and (in summer) often inaccessible pavement, due to poorly maintained hedges. The Handley Tap is 1 mile from the Murton Arms while the Derwent Arms is 1.3 miles.

Suggested replacement text for the neighbourhood plan:

Justification for Policy HAC3

116. The NPPF supports planning policies which aim to promote social interaction and community cohesion.

117. There is a paucity of community facilities in the Parish. At present there is only one community space, space@stjames, created in 2016 by the village in collaboration with the Osbaldwick and Murton PCC and the Murton Parish Council. It is available for a wide variety of activities, organized by a committee mainly drawn from the village. There are also two other facilities not organised by the community. One is Murton Park (paragraphs 87 and 88 and Policy ENV7) and the other is Beetle Bank Farm (Appendix A, paragraph A 6.9) both offering play facilities for children.

118 The building known as the Murton Arms (formerly the Bay Horse) consists of a pub, **on the ground floor**, and living accommodation **above**. At the moment, the pub is closed and is the subject of a Planning Appeal decision ³ preventing it from being converted into further living accommodation, a decision supported by the Parish Council.

³ APP/C2741/W/21/3284784. The planning application: 21/00396/FUL



The village pub was built in the 1780s and was called the Bay Horse from 1844 to 2016. The photographs were taken at the beginning and towards the end of the last century.

[Please note that these photos will overlap side by side]

119. There are no community facilities at all for the households on the southern boundary of the Parish and it is there that there is the greatest demand with many good ideas which are not possible to implement for a lack of suitable space. The suggestions include clubs (book exchange, cake club, running club, craft classes, exercise classes, group dog walking) and ideas for occasional events (bonfires, picnics, fetes, walks).

One mentioned a general feeling of being left out and wanting opportunities for mothers and babies to meet and activities for children and the elderly (Consultation Statement).

Interpretation of Policy HAC3

120. This policy allows and enables new community facilities to be developed, or existing community facilities to adapt to changing needs. Any loss of existing facilities and amenities would be resisted by the policy.

Suggested replacement text for Appendix A:

A8 Community facilities

A8.1 (4.7.1) Community facilities are a) places for people to come together, b) amenities that support daily life, and c) public transport for accessing the city and vital services (health, schools, etc). Murton Parish has very few of these facilities, although there are differences between the remoter village and the southern periphery that has easier access to neighbouring areas.

Social venues and amenities

A8.2 (4.7.2) In the Parish as a whole, there is no village hall, no public telephone box and no playing fields.

The future of the Murton Arms (formerly the Bay Horse), the village pub for many generations, has become uncertain. The ground floor was closed as a pub in January 2018 and is the subject of a Planning Appeal decision⁴ preventing it from being converted into further living accommodation, a decision supported by the Parish Council.

There is a cafeteria in the York Auction Centre, a café and meeting room in Murton Park, mainly for visitors and a café in Beetle Bank Open Farm. As described in the Neighbourhood Plan (paragraph 117), there are children's play areas in both Murton Park and in Beetle Bank Open Farm.

4.7.3 One new development in the village has been the installation of a kitchenette and WC in the church in mid-2016 which now enables social groups and clubs to meet. This has been a village initiative with the support of the Osbaldwick and Murton Parochial Church Council and Murton Parish Council.

⁴ APP/C2741/W/21/3284784

b) Answers from the City of York Council to questions in the Examiner's Clarification Note

Examiner's question: *What is the current progress on the examination of the emerging Local Plan? Is there an anticipated timetable for its adoption?*

Response from CYC: The emerging City of York Local Plan was submitted for examination on 25th May 2018, and hearing sessions were conducted over 5 phases. Phase 1 took place in December 2019, Phases 2, 3 & 4 took place in summer 2022 and Phase 5 took place in March 2024. The Main Modifications consultation took place from 13th February to 27th March 2023, with a further Main Modifications consultation (covering gypsy & traveller provision / Policy H5) taking place from 18th July to 3rd September 2024.

The Council anticipates taking the Local Plan Inspectors Report to Full Council on 27th February 2025 for adoption (see forward plan [here](#)). The Council will make the Final version of the Inspectors Report available on the City of York Council's website and forward a copy to the Examiner when it is in receipt of the Report.

City of York Council would also like to take this opportunity to suggest further clarifications to the text regarding The Murton Arms:

The Parish Council has suggested the following amended text for the justification to policy HAC3:

*118 The building known as the Murton Arms (formerly the Bay Horse) consists of a pub, **on the ground floor**, and living accommodation **above**. At the moment, the pub is closed and is the subject of a Planning Appeal decision ⁵ preventing it from being converted into further living accommodation, a decision supported by the Parish Council.*

City of York Council suggest a more appropriate wording might read:

118 The building known as the Murton Arms (formerly the Bay Horse) consists of a pub with living accommodation. At the moment, the pub is

⁵ APP/C2741/W/21/3284784. The planning application: 21/00396/FUL

closed while options for its future use are being considered by the current owners.

Similarly, the Parish Council have suggested the following text in Appendix A:

A8.2 (4.7.2) In the Parish as a whole, there is no village hall, no public telephone box and no playing fields.

The future of the Murton Arms (formerly the Bay Horse), the village pub for many generations, has become uncertain. The ground floor was closed as a pub in January 2018 and is the subject of a Planning Appeal decision⁶ preventing it from being converted into further living accommodation, a decision supported by the Parish Council.

City of York Council suggest a more appropriate wording might read:

A8.2 (4.7.2) In the Parish as a whole, there is no village hall, no public telephone box and no playing fields.

The future of the Murton Arms (formerly the Bay Horse), the village pub for many generations, has become uncertain. At the moment, the pub is closed while options for its future use are being considered by the current owners.

Mapping issues:

Finally, the City of York Council would like to reiterate the comments that we made in our response to the Submission Consultation, that we would be happy to assist in providing a Policies Map for the Murton Neighbourhood Plan, if the Examiner thinks that one should be provided in the Neighbourhood Plan.

City of York Council
17th February 2025

⁶ APP/C2741/W/21/3284784