

City of York Council

MURTON NEIGHBOURHOOD PLAN: POST- EXAMINATION DECISION STATEMENT

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to City of York Council of the independent examination of the Murton Neighbourhood Plan ("the Plan") by independent Examiner Andrew Ashcroft, which was submitted to the Council on 1st April 2025.

This decision statement, the independent Examiner's Report and the submission version of the Murton Neighbourhood Plan and supporting documents can be viewed on the Council's website: <https://www.york.gov.uk/planning-policy/murton-neighbourhood-plan> in line with the current arrangements in the Council's update Statement of Community Involvement.¹

1.0 BACKGROUND

- 1.1 Under the Town and Country Planning Act 1990 (as amended), City of York Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's Report have been considered and accepted and that subject to making the recommended modifications (and other minor modifications) the Plan may now be submitted to referendum.
- 1.3 The Murton Neighbourhood Plan area was designated by the Council as a Neighbourhood Area on 23rd July 2015. The Plan covers the entire parish of Murton, situated to the east of the City of York. In 2021, the parish had a population of 655 inhabitants. It is entirely within the Local Planning Authority's area.

¹ <https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=67005>

- 1.4 Murton Parish Council undertook pre-submission consultations on the draft Plan in accordance with Regulation 14. Consultation on the Pre-Submission Version took place between 6th April and 18th May 2021.
- 1.5 Following the submission of the Murton Neighbourhood Plan to the Council in October 2024, the Council publicised the draft Plan and representations were invited in accordance with Regulation 16. The Submission consultation took place between 6th November 2024 and 10th January 2025.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Andrew Ashcroft, (BA (Hons), MA, DMS, MRTPI), with the consent of Murton Parish Council, to undertake the independent examination of the Murton Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2 The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area. Clarification on a number of issues was sought from the Qualifying Body, and the City of York Council during the Examination process.
- 2.3 The Examiner's Report was formally submitted to the Council on 1st April 2025. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum.
- 2.4 Following receipt of the Examiner's Report, legislation requires that the Council consider each of the modifications recommended, the reasons for them, and decide what action to take. The Council is also required to consider whether to extend the area to which the referendum is to take place.

3.0 DECISION AND REASONS

- 3.1 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, the Council, has decided to accept all of the Examiner's recommended modifications to the draft Plan. These are set out in Table 1 below.
- 3.2 The Council considers that, subject to the modifications being made to the Plan as set out in Table 1 below, the Murton Neighbourhood Plan meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) is compatible with the Convention rights and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

- 3.3 The submitted version of the Murton Neighbourhood Plan will be modified to reflect the required modifications, for it then to proceed to referendum.
- 3.4 The Examiner recommended that the Neighbourhood Plan should proceed to referendum based on the boundary of the Neighbourhood Plan, as designated by the City of York Council on 23rd July 2015.
- 3.5 This decision was made at a meeting of the Council's Executive on 22nd April 2025.
- 3.6 This decision statement is dated 22nd April 2025.

Other information:

The Neighbourhood Plan document will be updated to incorporate all the modifications required and re-titled Referendum Version. The date for the referendum and further details will be publicised shortly once a date is set by the Council.

Table 1: Examiner's Recommended Modifications

Murton Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
ENV2 – Green Infrastructure	Recommendation 1	Replace the opening element of the first part of the policy with: 'Development proposals should be designed to respect the natural environment of Murton Parish. Development proposals should take account of the following elements of the natural environment:'	Agree with the modifications for the reasons set out in the Examiners Report.
ENV3 – Historic Environment	Recommendation 2	<p>Replace the policy with:</p> <p>'Development proposals should preserve or enhance the historic character of the Parish and setting of the historic village through high quality, creative, site-specific design in line with the Murton Village Design Statement.</p> <p>The Plan identifies the following buildings as non-designated heritage assets:</p> <p>[List the assets from the final part of the policy]</p> <p>The effect of an application on the significance of the identified non-designated heritage assets should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'</p> <p><i>At the end of paragraph 75 add: 'The final part of the policy identifies the series of unlisted properties in the village as non-designated heritage assets.'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
ENV4 - Design	Recommendation 3	Replace the opening element of the policy with:	Agree with the modifications for the

		'Development proposals should ensure that their designs, landscaping, and planting create an attractive, locally-distinctive, and well-functioning environment, with a positive sense of place. As appropriate to their scale, nature and location development proposals should.'	reasons set out in the Examiners Report.
ENV5 – Alterations and Extensions	Recommendation 4	<p>Replace the policy with:</p> <p>'Extensions to buildings should be designed and landscaped to complement, and not over-dominate, the original building. Alterations to buildings should take account of their architectural and building characteristics and use appropriate and authentic materials. Original features, such as chimney-stacks, should be retained. The reinstatement of missing historical features will be supported.</p> <p>Where buildings are proposed for conversion to new uses, evidence of their former historic use should be retained wherever practicable.'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
ENV6 – Flood Risk Management	Recommendation 5	<p>Replace the policy with:</p> <p>'Development proposals should respond positively to their impact on surface water management and, where appropriate, demonstrate that they have a surface water management plan which shows that the risk of flooding both on and off site is minimised and managed. The management of surface water run-off from new development should incorporate sustainable drainage techniques and wherever practicable be designed to deliver wildlife benefits.</p> <p>Development proposals which would unacceptably increase the risk of flooding and/or exacerbate existing drainage restrictions will not be supported.'</p>	Agree with the modifications for the reasons set out in the Examiners Report.

ENV7 – Murton Park	Recommendation 6	Replace the second bullet point with: ‘They accord with Policy GB1 of the City of York Local Plan.’	Agree with the modifications for the reasons set out in the Examiners Report.
EMP1 – Employment	Recommendation 7	Replace the final two parts of the policy with: ‘Development proposals for employment uses in these locations should be of a scale and size so that they can be safely accommodated in the local highways network and safeguard residential amenity. Development proposals in the Green Belt should also meet the requirements of Policy GB1 of the Local Plan.’	Agree with the modifications for the reasons set out in the Examiners Report.
HAC1 – Housing Development	Recommendation 8	Replace the second part of the policy with: ‘In all cases development proposals should <ul style="list-style-type: none"> • be capable of being accommodated in the local highways network; • safeguard the amenities of nearby residents; • accord with Green Belt policies; and • be compatible with any rural employment in the immediate locality or operations of farms and agricultural businesses.’ 	Agree with the modifications for the reasons set out in the Examiners Report.
HAC2 – Houses in Multiple Occupation	Recommendation 9	Replace the final bullet point with: ‘The proposal can be safely accommodated in the local highway network.’ Delete the final part of the policy.	Agree with the modifications for the reasons set out in the Examiners Report.
HAC3 – Community Facilities	Recommendation 10	Replace the policy with:	Agree with the modifications for the reasons set out in

		<p>‘Development proposals for the adaptation or extension of existing community facilities will be supported where the community value of the facility concerned is retained or enhanced.</p> <p>New community facilities will be supported where they can be satisfactorily accommodated in the local highways network and where they safeguard the amenities of houses in the immediate locality.’</p> <p><i>Replace paragraph 118 with: ‘The Murton Arms PH is now closed and its future is uncertain. The current owners are exploring ways in which the property could continue to be used for the benefit of the community, for example in the form of a café or coffee shop.’</i></p> <p><i>Replace the initial parts of Section 8 of Appendix A with:</i></p> <p>‘A8 Community facilities</p> <p><i>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.</i></p> <p><i>Social venues and amenities</i></p> <p><i>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 was the subject of a planning appeal decision preventing it from being converted into further living accommodation.</i></p> <p><i>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</i></p>	the Examiners Report.
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		<p><i>Neighbourhood Plan (paragraph 117), there are children's play areas in both Murton Park and in Beetle Bank Open Farm.</i></p> <p><i>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.'</i></p>	
TRA1 – Traffic and Movement	Recommendation 11	<p>Replace the policy with:</p> <p>'Development proposals should respond positively to the character and the capacity of rural lanes in the parish.</p> <p>Any required highway upgrades which are proposed as part of development proposals should take account of capacity and historic character of the Murton village and its setting.'</p> <p><i>Replace paragraph 125 with: 'While these specific concerns are outside the scope of this Plan, they addressed more generally in Section 8: Community Actions. Although the Parish is not itself contributing significantly towards increasing the housing stock in York, the Parish abuts two significant developments, Land East of Metcalfe Lane (ca 845 dwellings) (ST7) and Land adjacent to Hull Road (ca 211 dwellings) (ST4). Their development will be guided by the relevant policies in the Local Plan Policy</i></p> <p><i>Delete paragraphs 126-129</i></p> <p><i>Add a replacement paragraph 126 to read: 'Policy TRA1 seeks to ensure that development proposals respond positively to the character and the capacity of rural lanes in the parish. It has been designed to complement the approach taken in Policy HAC1 of the Plan on the delivery of new housing in the parish. Where applicable, the</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<i>Parish Council will seek to ensure that the strategic developments identified in the Local Plan which are adjacent to the parish also ensure this outcome.'</i>	
DC1 – Developer Contributions	Recommendation 12	<p>Delete the policy</p> <p><i>Delete paragraphs 131 to 135</i></p> <p><i>Reposition the policy and paragraphs 131 to 135 into the Community Actions using the format used in this part of the Plan.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
Community Actions - general	Recommendation 13	<p><i>At the end of paragraph 141 add:</i></p> <p><i>'The various Community Actions are set out in the remainder of this Section. They are important issues which the Parish Council and the local community wish to achieve. However, they are not land use planning policies and do not form part of the development plan. They are shown in [insert colour] to distinguish them from the land use policies in Section 6 of the Plan.'</i></p> <p><i>Use a different colour for the Community Action boxes to that used for the land use policies.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
Other Matters - General	Recommendation 14	<i>Modification of general text (where necessary) to achieve consistency with the modified policies, to accommodate any administrative and technical changes, and to ensure that the Plan is up-to-date.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Other Matters – The adoption of	Recommendation 15	<i>Update all references in the Plan to the emerging Local Plan so that they refer to the adopted Local Plan.</i>	Agree with the modifications for the reasons set out in

the CYC Local
Plan

the Examiners
Report.