

# **Murton Parish Neighbourhood Development Plan 2024-2044**

**A report to City of York Council on the Murton  
Parish Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by the City of York Council in January 2025 to carry out the independent examination of the Murton Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 24 January 2025.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It recognises its sensitive location in the Green Belt and proposes the designation of a package of Local Green Spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**1 April 2025**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Murton Parish Neighbourhood Development Plan 2024-2044 ('the Plan').
- 1.2 The Plan was submitted to the City of York Council (CYC) by Murton Parish Council (MPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021, 2023 and 2024. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this results from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance. It recognises its sensitive location in the Green Belt and proposes the designation of a package of Local Green Spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then become part of the wider development plan and be used to determine planning applications in the neighbourhood area.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CYC, with the consent of MPC, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and MPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 42 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Plan's appendices.
- the Basic Conditions Statement.
- the Consultation Statement.
- the representations made to the Plan.
- MPC's responses to the clarification note.
- the City of York Local Plan 2017 to 2033.
- the National Planning Policy Framework (December 2023 and December 2024).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 24 January 2025. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by written representations. I was assisted in this process by the professional way in which the Plan has been developed.

#### *The update of the NPPF in 2024*

3.4 The NPPF was updated on 12 December 2024. Paragraph 239 of the NPPF 2024 sets out transitional arrangements for plan-making. It comments that the policies in the Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.

3.5 On this basis, the examination of the Plan against the basic condition that it should have regard to national policies and advice contained in guidance issued by the Secretary of State is based on the 2023 version of the NPPF. Plainly the Plan was submitted earlier for examination in that context. Where NPPF paragraph numbers are used in this report, they refer to those in the December 2023 version.

3.6 Paragraph 6.2 of this report sets out the full extent of the basic conditions against which a neighbourhood plan is examined.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), MPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a very good example of a Statement of this type. It is commendably concise and focused with the various details set out in a series of appendices.
- 4.3 Appendix 1 of the Statement records the various activities that were held to engage the local community. I am satisfied that the events and engagement were appropriate to the relevant stages of the Plan and took an iterative approach.
- 4.4 The Statement also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (April to May 2021). Appendix 25 of the Statement advises about the extent to which the Plan was refined as an outcome of this process. This helps to explain the way that the Plan has evolved.
- 4.5 In the round, I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. CYC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

### *Consultation Responses*

- 4.6 Consultation on the submitted plan was undertaken by CYC. This exercise generated representations from the following organisations:
  - National Highways
  - Coal Authority
  - North Yorkshire Council
  - North Yorkshire Police
  - CPRE North and East Yorkshire
  - National Grid
  - Natural England
  - Historic England
  - City of York Council

- 4.7 Comments were also received from an individual.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Murton. It covers an area of around 340 hectares on the eastern edge of the City of York between two main roads radiating out from the city, one going to Hull and the other to Scarborough. It was designated as a neighbourhood area on 23 July 2015.
- 5.2 The parish is dissected by the A64. In this context, there are two main areas of defined settlement. One is the village at the heart of the parish, with 139 dwellings. It also includes the industrial buildings and Murton Park to the immediate south of the village. The other is adjacent to the Hull Road on the southern boundary with 119 dwellings.
- 5.3 The village retains much of its eighteenth and nineteenth century character and traditional form with long narrow plots and with development limited to the frontage. It is a designated conservation area. It is bounded by fields on all sides, although the rural gap to the south is quite narrow. The boundary between the village and the surrounding fields is irregular, having been historically determined by field and plot boundaries. The view towards the village from all sides emphasises its rural nature and location. This is heightened in the field adjacent to the Church which brings the countryside into the heart of the village.

### *Development Plan Context*

- 5.4 The City of York Local Plan was adopted in February 2025. It covers the period from 2017 to 2033 and provides up-to-date planning policies.
- 5.5 The Local Plan includes a series of housing and employment allocations. It also identifies the role of the Green Belt (in Policy SS2) which is shown on the Key Diagram.
- 5.6 The Key Diagram also shows the area covered by the Industrial Estate, the Auction Centre, and Museum of Farming on Murton Lane as one of the City's urban areas.
- 5.7 The following other policies in the Local Plan have had a bearing on the preparation of the submitted Plan:
  - Policy SS8: Land Adjacent to Hull Road;
  - Policy SS9: Land East of Metcalfe Lane;
  - Policy H1: Housing Allocations;
  - Policy H8: Houses in Multiple Occupation;
  - Policy EC5: Rural Economy
  - Policy HW1: Protecting Existing Facilities
  - Policy HW2: New Community Facilities.
  - Policy D4: Conservation Areas
  - Policy D5: Listed Buildings;
  - Policy D7: Non-designated heritage assets
  - Policy GB1: Development in the Green Belt



- 5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies.

*Visit to the neighbourhood area*

- 5.9 I visited the neighbourhood area on 24 January 2025. I approached it from the A166 and Murton Lane to the south. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network (including the A64).
- 5.10 I looked initially at Murton Park. I saw its range of facilities and its broader use by the local community, including school parties. I also saw the significance of the Derwent Valley Light Railway.
- 5.11 I also took the opportunity to look at the range of commercial uses in this part of the parish, including the Auction Centre.
- 5.12 I then looked at the village centre. I saw the significance of the Church and the green spaces (proposed as a Local Green Space) around the crossroads. I also looked carefully at the proposed other buildings of importance.
- 5.13 I then drove along Moor Lane to look at the northern part of the parish. In doing so I saw the proposed local green spaces off Moor Lane.
- 5.14 I then drove to the western side of the neighbourhood area off Hull Road. This part of the visit highlighted the contrasts which exist in the parish.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - not breach and be otherwise compatible with the assimilated obligations of the European Union (EU) obligations and European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Murton Parish Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the City of York Local Plan;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on a range of development and environmental matters. It has a focus on designating local green spaces and improving the quality of design associated with new development. It also proposes the designation of four local green spaces.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. It also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies on Murton Park (Policy ENV7), and employment uses (Policy EMP1). In the social dimension, it includes policies on local green spaces (Policy ENV1), and community facilities (Policy HAC3). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on the historic environment (Policy ENV3), and on design (Policy ENV4). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in the York administrative area in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*Strategic Environmental Assessment*

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, CYC prepared a screening report (July 2024). It is thorough and well-constructed and reaches the following conclusions:

*'This screening report has explored the potential effects of the Murton Parish Neighbourhood Plan with a view to determining the likely requirement for an environmental assessment under the SEA Directive. Based on the SEA Screening Assessment set out in Figure 3 above, it is concluded that there are unlikely to be significant environmental effects.'*

*'Having taken all the policies in the Plan into account, in accordance with the topics cited in Annex 1(f) of the SEA directive, this screening opinion has concluded that a full SEA is not required.'*

*Habitats Regulations Assessment*

- 6.15 CYC also prepared a screening report on habitats regulations assessment in July 2024. It assesses the impact of the Plan on five protected sites as identified in its Table 3.
- 6.16 The assessment in section 3 of the report advises that none of the policies in the submitted Plan are identified to have likely effects on the integrity of the protected sites. The report also identifies that no cumulative effects because of the Plan are identified. In conclusion, the report comments that it is not necessary to continue to an Appropriate Assessment as part of the preparation of the Plan.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns about the way in which these matters have most recently been addressed. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

*Human Rights*

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full

and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with, the ECHR.

*Summary*

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and MPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land. It also includes a series of Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Actions are addressed thereafter.
- 7.6 For clarity, this section of the report comments on all the Plan's policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial parts of the Plan (Sections 1 to 5)*

- 7.8 The Plan is well-organised and presented. It has been prepared with attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 Section 2 sets out the broader context in which the Plan has been prepared. It comments about the NPPF, the three dimensions of sustainable development, and the importance of the City of York Local Plan. Paragraph 9 describes the Plan period.
- 7.10 Section 3 comments about how the Plan has been prepared. It overlaps with the Consultation Statement. The map on page 9 identifies the neighbourhood area.
- 7.11 Section 4 describes the four aims of the Plan as follows:
- Ensure that the parish is a sustainable settlement, offering a balanced mix of uses, including a range of employment and community facilities;
  - Maintain Murton's distinctive character as a rural settlement on the edge of York;
  - Allow Murton to adapt to meet current and future needs; and
  - Ensure that any new development has a strong sense of place, creating safe, convenient, and sustainable environments.

- 7.12 Section 5 provides information about the neighbourhood area. The interesting and comprehensive details help to set the scene for the policies.
- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### ENV1 Local Green Space

- 7.14 This policy proposes the designation of four local green spaces (LGSs). The LGS Report (Appendix G) assesses the proposed LGSs against the criteria in the NPPF.
- 7.15 I looked at the proposed LGSs carefully during the visit. I noticed their different sizes and land uses. Based on all the evidence, I am satisfied that the proposed LGSs meet the various tests in paragraphs 105 and 106 of the NPPF. Whilst the allotments in Moor Lane are slightly outside the village, I am satisfied that they are in reasonably close proximity to the community (as required by NPPF paragraph 106a).
- 7.16 The policy takes the matter-of-fact approach in paragraph 107 of the NPPF and I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

#### ENV2 Green Infrastructure

- 7.17 The policy seeks to protect the natural environment of the Parish which the Plan advises includes the rural character of the Parish and the landscape setting of the village. Whilst the Plan advises that the policy cannot identify every element of green infrastructure in the neighbourhood area, it otherwise includes trees, woods, hedges, ditches, green field margins, flora, and fauna.
- 7.18 In general terms I am satisfied that the policy takes a positive and non-prescriptive approach to green infrastructure and has regard to Section 15 of the NPPF. The three matters highlighted in the first part of the policy are locally-distinctive to the parish.
- 7.19 In this broader context, I recommend that the initial part of the policy is simplified by the removal of the element about not causing harm to the natural environment (and which is satisfactorily addressed in the second part of the policy). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**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:’**

#### ENV3 Historic Environment

- 7.20 The Plan advises that the context to this policy is that the village and the conservation area contain a relatively large number of buildings and spaces that should be protected from harmful development. It also advises that it is essential that new development should be based on an analysis of the local context and be informed by that analysis.

- 7.21 The ambition of the policy is very appropriate. However, I recommend that the opening element of the policy is modified so that it sets out requirements for development proposals rather than commenting that planning permission will be granted. This acknowledges that other development plan policies will have a bearing on the outcome of planning applications. In addition, the element on listed buildings does not bring any added value beyond national and local planning policies. As such I recommend that this element of the policy is deleted.
- 7.22 The element of the policy on buildings which make a positive contribution to the historic character of the village derives from the Village Design Statement (and which is supplementary planning guidance). I looked at a selection of the proposed assets and can readily understand the local judgement made about the buildings. However, the resulting policy element is general in its nature and does not have regard to paragraph 209 of the NPPF (on non-designated heritage assets). I recommend that the policy element is modified to address this matter. I also recommend that the buildings concerned are identified as non-designated heritage assets in accordance with national policy. Finally, I recommend consequential modifications to the supporting text.
- 7.23 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘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.**

**The Plan identifies the following buildings as non-designated heritage assets:**

**[List the assets from the final part of the policy]**

**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.’**

*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.’*

**ENV4 Design**

- 7.24 The Plan advises that this policy should be read with other policies including Policy HAC1 and that it applies to all kinds of development in the parish. The policy helpfully avoids any kind of stylistic prescription and creative, and innovative design solutions are encouraged. The supporting text also comments that designs that incorporate low or zero carbon use are encouraged.



- 7.25 In general terms the policy has been well-considered. In the round it is a positive local response to Section 12 of the NPPF.
- 7.26 In this broader context I recommend that the opening element of the policy is modified so that it sets out requirements for development proposals rather than commenting that planning permission will be granted. This acknowledges that other development plan policies will have a bearing on the outcome of planning applications. I also recommend that the context to the list of criteria in the policy is applied in a proportionate way. This acknowledges that development proposals will not necessarily engage each of the matters listed in the policy.
- 7.27 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the opening element of the policy with:**

**‘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:’**

ENV5 Alterations and Extensions

- 7.28 This policy has a focus on alterations and extensions. It comments that alterations to buildings must take account of their architectural and building characteristics and use appropriate and authentic materials. It also advises that original features, such as chimney-stacks, must be retained.
- 7.29 Based on MPC’s response to the clarification note, I am satisfied that the policy is locally-distinctive and adds value to local policies on these matters. I recommend that elements of the policy are combined so that the wider approach taken flows more naturally and can be applied by CYC through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘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.**

**Where buildings are proposed for conversion to new uses, evidence of their former historic use should be retained wherever practicable.’**

ENV6 Flood Risk Management

- 7.30 The policy responds to local concerns about flooding in the neighbourhood area. The policy comments that development proposals should not increase the risk of flooding and/or exacerbate existing drainage problems. It also comments that the management

of surface water run-off from new development should incorporate sustainable drainage techniques and should be designed to deliver wildlife benefits, where possible.

7.31 In general terms the policy takes a positive approach to this matter and has regard to Section 14 of the NPPF. However, in this broader context, I recommend the following modifications to bring the clarity required by the NPPF and to allow CYC to be able to apply its approach through the development management process:

- the reversal of the order of the two elements of the policy;
- the requirement for development proposals to respond positively to their impact on surface water management rather than more simply 'considering' the matter; and
- ensuring that the final part of the recast policy is worded in a way which can be applied through the development management process.

7.32 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**'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.'**

**Development proposals which would unacceptably increase the risk of flooding and/or exacerbate existing drainage restrictions will not be supported.'**

**ENV7 Murton Park**

7.33 Murton Park has become a significant heritage and tourist attraction in the area since it opened in 1982. The Plan advises that it is important to allow the facility to continue to meet the needs of visitors and provide new attractions, in keeping with the principles of the development and in line with its location in the Green Belt.

7.34 I looked at the Park during the visit. I saw its scale and its educational uses.

7.35 The policy advises that any new development must complement the existing educational use of the site; and accord with Green Belt policy whilst maintaining its openness and not conflicting with the purposes of including land within the Green Belt. This is an entirely appropriate approach. Given that the Local Plan is now adopted I recommend that the policy refers to the relevant policy on the Green Belt in that Plan rather than the more general approach in the submitted plan.

7.36 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of three dimensions of sustainable development.

**Replace the second bullet point with: ‘They accord with Policy GB1 of the City of York Local Plan.’**

#### EMP1 Employment

- 7.37 The Plan advises that the purpose of this policy is to continue to create a sustainable settlement with a balanced mix of uses, including employment opportunities within, and compatible with, a rural environment and to encourage, where possible, businesses already flourishing in the Parish. The policy identifies locations where new employment uses will be supported.
- 7.38 In general terms this is a good policy which has regard to Section 6 of the NPPF. In this broader context I recommend that the final two parts of the policy are recast to bring the clarity required by the NPPF and to refer directly to the Local Plan policy on the Green Belt. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**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.’**

#### HAC1 Housing Development

- 7.39 The policy allows for limited housing growth through redevelopment, building conversions and urban brownfield locations as part of mixed-use schemes. It also identifies additional opportunities within Murton to deliver some new homes without developing in the Green Belt.
- 7.40 I am satisfied that the policy takes an appropriate approach towards new housing in the parish. It acknowledges the restrictions presented by the extent of the Green Belt. In this broader context it has regard to Sections 5 and 13 of the NPPF.
- 7.41 The second part of the policy properly sets out criteria which will apply to development proposals. Nevertheless, I recommend that this element of the policy is recast so that it has a positive focus (on what development proposals should achieve), rather than the submitted negative approach (on what they should avoid). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of three dimensions of sustainable development.

**Replace the second part of the policy with:**

**‘In all cases development proposals should**

- 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.’**

## HAC2 Houses in Multiple Occupation

- 7.42 The supporting text comments that with the possibility of future expansion of the University of York and with ongoing pressure on available affordable housing in York, the policy seeks to maintain a 'balanced community' within the parish by adding weight to the existing CYC Article 4 Direction on houses in multiple occupation.
- 7.43 In general terms I am satisfied that the policy takes an appropriate approach to this important local issue, and brings a parish dimension to the wider way in which CYC addresses the matter. Within this context I recommend two modifications to the policy to bring the clarity required by the NPPF and to allow CYC to apply its contents through the development management process. The first recasts the final bullet point (on highways issues) so that it has a positive focus. The second is the deletion of the final part of the policy which encourages proposals for change of use from a house in multiple occupation to a traditional dwelling house. As the supporting text comments, such proposals do not need planning permission and therefore a planning policy cannot apply to such proposals.
- 7.44 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the final bullet point with: 'The proposal can be safely accommodated in the local highway network.'**

**Delete the final part of the policy.**

## HAC3 Community Facilities

- 7.45 This policy allows and enables new community facilities to be developed, or existing community facilities to adapt to changing needs. In general terms it takes a positive approach to community facilities, and has regard to Section 8 of the NPPF.
- 7.46 The first paragraph is a statement of intent rather than a land use policy. I recommend that it is recast accordingly.
- 7.47 The second part of the policy properly sets out criteria which will apply to development proposals. Nevertheless, I recommend that this element of the policy is recast so that it has a positive focus (on what development proposals should achieve) rather than the submitted negative approach (on what they should avoid). Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.
- 7.48 I have considered the information submitted by a private individual about the status of the Bay Horse PH. Paragraph 118 sets out MPC's understanding of the matter. I saw the current conditions of the site during the visit.
- 7.49 Based on the representation and MPC's responses to the clarification note, I recommend that paragraph 118 is modified so that it takes a more matter of fact approach to the Bay Horse PH. Plainly the longer-term future of the former public house will find its own level based on relevant planning policies. In this context any

necessary planning applications for a revised package of community uses in the former public house would be assessed against development plan policies, including the modified Policy HAC3.

- 7.50 I also recommend modifications to Appendix A of the Plan based on the comments from CYC and MPC in the response to the clarification note. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘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.**

**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.’**

*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.’*

*Replace the initial parts of Section 8 of Appendix A with:*

#### **‘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 was the subject of a planning appeal decision preventing it from being converted into further living accommodation.*

*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.’*

## TRA1 Traffic and Movement

- 7.51 The purpose of this policy is to ensure that new development is supported by sustainable transport options and takes account of safety, road capacity and the impact of transport infrastructure on local character.
- 7.52 The policy and supporting text reference the strategic allocations at Land East of Metcalfe Lane (ca 845 dwellings) (ST7) and Land adjacent to Hull Road (ca 211 dwellings) (ST4) which are adjacent to the neighbourhood area, and relevant road junctions. Plainly these were issues which were considered as the Plan was being developed. However, the Local Plan has now been adopted, and as part of this process both CYC and the planning inspectors were satisfied that the wider package of strategic allocations could be developed in a satisfactory way. In these circumstances it is inappropriate for the neighbourhood plan to impose additional criteria on the development of the sites. As such, I recommend that the elements of the policy which relate to junctions around the strategic sites is deleted, and that the issue is addressed more generally in the supporting text.
- 7.53 I recommend that the remainder of the policy is recast so that it comments more generally about the character of rural lanes in the parish. On this basis the policy will complement the approach taken in Policy HAC1 of the Plan which highlights where residential development would be appropriate. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the policy with:**

**‘Development proposals should respond positively to the character and the capacity of rural lanes in the parish.**

**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.’**

*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*

*Delete paragraphs 126-129*

*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 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.’*

## DC1 Developer Contributions

- 7.54 The Plan advises that the purpose of the policy is to alleviate the consequences of development on the infrastructure of the Parish. The policy comments that MPC will prioritise the use of financial contributions, Section 106 agreements, or Community Infrastructure Levy funds to mitigate negative impacts due to development in the parish, or adjacent to the parish, and to improve and enhance community facilities.
- 7.55 As submitted, the policy is a statement of intent (about how developer contributions will be applied) rather than a land use planning policy. I sought MPC's comments on this conclusion. In its response to the clarification note it advised that it is anxious to get its fair share of the developer contributions and questions whether it being addressed as a community action will make this less likely.
- 7.56 I have considered the issue very carefully including MPC's response. On the balance of the evidence I recommend that the policy and the supporting text are deleted and repositioned into the community actions. This is the proper place for MPC's approach to this matter. I am also satisfied that addressing the issue as a community action will not reduce its impact and/or effectiveness.

### **Delete the policy**

*Delete paragraphs 131 to 135*

*Reposition the policy and paragraphs 131 to 135 into the Community Actions using the format used in this part of the Plan.*

## Community Actions

- 7.57 The Plan includes a series of community actions. As paragraph 140 of the Plan comments, they have been identified by the community that need to be addressed through wider partnership working. I am satisfied that the Actions are both appropriate and distinctive to the neighbourhood area.
- 7.58 The Actions are set out in a separate part of the Plan (Section 7). This is best practice. The following Actions are particularly important:
- CA1 Traffic calming;
  - CA3 Car Parking;
  - CA6 Public rights of way, footpaths, and cycleways; and
  - CA7 Allotments.
- 7.59 In this broader context I recommend two modifications to this part of the Plan to bring the clarity required by the NPPF. The first is that the initial part of this section should identify that the Actions are not land use policies and will not form part of the development plan. The second is that the community action boxes are shown in a different colour to that used for the land use policies.

*At the end of paragraph 141 add:*

*'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.'*

*Use a different colour for the Community Action boxes to that used for the land use policies.*

Other Matters - General

- 7.60 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan, to accommodate other administrative matters, and to ensure that the Plan is otherwise up-to-date. It will be appropriate for CYC and MPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*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.*

Other Matters – The adoption of the CYC Local Plan

- 7.61 The Plan has been carefully produced so that it would take account of what was at that time the emerging Local Plan. The Local Plan has now been adopted and in these circumstances, I recommend that the various references throughout the Plan refer to the adopted Plan.

*Update all references in the Plan to the emerging Local Plan so that they refer to the adopted Local Plan.*



## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2044. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It recognises the sensitive location of the parish in the Green Belt, and proposes the designation of a package of Local Green Spaces.
- 8.2 Following the independent examination of the Plan, I have concluded that the Murton Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report, I recommend to the City of York Council that subject to the incorporation of the modifications set out in this report the Murton Parish Neighbourhood Development Plan should proceed to referendum.

### *Other Matters*

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the City of York Council on 23 July 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a timely fashion.

**Andrew Ashcroft**  
**Independent Examiner**  
**1 April 2025**