

## Notice of a public meeting of Executive

**To:** Councillors Douglas (Chair), Kilbane (Vice-Chair), Kent, Lomas, Pavlovic, Ravilious, Steels-Walshaw and Webb

**Date:** Tuesday, 22 April 2025

**Time:** 4.30 pm

**Venue:** West Offices - Station Rise, York YO1 6GA

### **A G E N D A**

#### **Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any decisions made on items\* on this agenda, notice must be given to Democratic Services by **4:00 pm on Tuesday 29 April 2025**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

#### **1. Apologies for Absence**

To receive and note apologies for absence.

#### **2. Declarations of Interest**

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

- (1) *Members must consider their interests, and act according to the following:*

| <b><i>Type of Interest</i></b>  | <b><i>You must</i></b>   |
|---|--|
| <i>Disclosable Pecuniary Interests</i>  | <i>Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.</i>  |
| <i>Other Registrable Interests (Directly Related)</i><br><b>OR</b><br><i>Non-Registrable Interests (Directly Related)</i> | <i>Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.</i>   |
| <i>Other Registrable Interests (Affects)</i><br><b>OR</b><br><i>Non-Registrable Interests (Affects)</i>                   | <i>Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being:<br/>(a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and<br/>(b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.<br/>In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a</i> |

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|  | <i>dispensation.</i> |
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- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*

### 3. **Minutes** (Pages 7 - 14)

To approve and sign the minutes of the Executive meeting held on 11 March 2025.

### 4. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the Executive.

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on 16 April 2025.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

### 5. **Forward Plan** (Pages 15 - 18)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

**6. Introduction of a citywide Public Space Protection Order (PSPO) to cover: Street Urination & Defecation, Dog Fouling & Control** (Pages 19 - 62)

This report seeks approval for adoption of the PSPO in full, based on the results of recent public consultation, which have demonstrated strong support for each of the proposed provisions.

**7. Local Development Scheme** (Pages 63 - 92)

This report seeks approval for an interim Local Development Scheme (Annex B), which supersedes all previous versions and sets out a planning work programme for the Council from March 2025.

**8. Murton Neighbourhood Plan Examiner's Report and Decision Statement** (Pages 93 - 224)

This report presents the conclusions of the Examination in the Inspector's Report (Annex B) and recommends Executive to endorse the Examiner's recommendations to enable the Neighbourhood Plan to proceed to Referendum, as set out in the Decision Statement (Annex C).

**9. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Robert Flintoft

Contact details:

- Telephone – (01904) 555704
- E-mail – [robert.flintoft@york.gov.uk](mailto:robert.flintoft@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

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## City of York Council

## Committee Minutes

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| Meeting                | Executive  |
| Date                   | 11 March 2025  |
| Present                | Councillors Douglas (Chair), Kilbane (Vice-Chair), Lomas, Pavlovic, Ravilious, Steels-Walshaw and Webb   |
| Officers in Attendance | Debbie Mitchell – Director of Finance<br>Frances Harrison – Head of Legal<br>Martin Kelly - Director of Children, Families and Education<br>Michael Cavan - Head of Children's Resources<br>Michael Jones – Assistant Director of Housing<br>Pauline Stuchfield – Director of Housing and Communities<br>Lindsay Tomlinson - Head of Democratic Governance |
| In Attendance          | Councillor Fenton  |
| Apologies              | Councillors Kent   |

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**Part A Minute****81. Apologies for Absence (16:32)**

Apologies were received from Cllr Kent.

Apologies was also received from Cllr Ayre who attends Executive as a non-voting member and was substituted by Cllr Fenton.

**82. Declarations of Interest (16:33)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

**83. Minutes (16:33)**

Resolved: That the minutes of the Executive meeting held on 21 January 2025 be approved and then signed by the Chair as a correct record.

**84. Public Participation (16:34)**

It was reported that there had been 5 registrations to speak at the meeting under the Council's Public Participation Scheme.

Alison Semmence from York CVS outlined the history of the work undertaken in developing the York Poverty Truth Commission's charter and asked that the Council adopt the charter.

Gwen Swinburn spoke on the proposed changes to the Council's scrutiny functions following the scrutiny review. She welcomed the proposal from scrutiny for three committees and suggested that the new structure start with reviewing a full forward plan, departmental plans and strategies, and forward plans for major procurement.

Kate Parkin stated that the York Poverty Truth Commission's charter would help make York a healthier and safer place. By embedding the charter, she noted that it would build kindness into the Council's work and support the health of those in poverty.

Jamie McPherson spoke about his work as a Poverty Truth Commissioner and the challenges of homelessness. He stated that the York Poverty Truth Commission's charter would help people get the right support.

Flick Williams raised concerns regarding central governments plans to change access to Personal Independent Payments which she said would make some of the poorest people in society poorer, it would make it harder for people who are disabled to get into work, and could lead to 700,000 premature deaths. She asked what the Council's response would be to these proposed changes.

The Executive Leader confirmed she would write to Flick Williams regarding her concerns.

**85. Forward Plan (16:51)**

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

**86. Fostering Framework (16:51)**

The Director of Children, Families and Education introduced the report as officers outlined the proposals for a new Fostering Fees Framework. It was confirmed that the proposed changes would make the Council competitive in the foster care market and improve recruitment and retention of foster carers. It was also confirmed that the new framework would better reflect the different level of care provided, as currently 90% of foster carers in York are set at the highest level.

The Executive Member for Children, Young People and Education thanked foster carers for all their work and asked that anyone interested in foster care to get in touch with the Council. He explained that the Council was seeking to improve services for young people and noted that these changes with the additional investment that would be putting into foster care would provide a long term improvement for foster care in York.

Resolved:

- i. To introduce the proposed new skills and fee levels for Foster Carers in York.

Reason: To deliver a framework that is fair and equitable across all foster carers and support children and young people in care.

**87. Residential Retrofit – grant funding opportunities to accelerate delivery (17:09)**

The Assistant Director for Housing introduced the report, noting the Council's objectives to reducing carbon emissions, reduce poverty, and improve the health of residents in the city. He confirmed that the Council had received two grants to support retrofit work, one of £2 million pound for support in private sector housing and £1.4 million for work on Council housing

which the Council was proposing to include an additional £1 million of funding.

The Executive Member for Housing, Planning and Safer Communities welcomed these successful bids for funding and stated that this was an endorsement of the work the Council was undertaking on retrofitting homes. He noted the importance for retrofit work in supporting people out of poverty, addressing climate change, and developing construction skills in the city.

Resolved:

- i. Delegated authority to the Director of Housing and Communities in consultation with the Director of Finance, and Director of Governance, to accept funding offered by the Department of Energy Security and Net Zero for the Warm Homes: Local Grant programme and to sign the memorandum of understanding to enable delivery of the works;
- ii. Delegated authority to the Director of Housing and Communities in consultation with the Director of Finance, and the Director of Governance, to procure a partner to the deliver the Warm Home: Local Grant programme, including entering into the delivery contract with the successfully procured new partner for April 2025 to March 2028 or March 2030 if funding is provided beyond 31 March 2028;
- iii. Delegated authority to the Director of Housing and Communities in consultation with the Director of Finance, and the Director of Governance, to accept funding offered by the Department of Energy Security and Net Zero for the Warm Homes: Social Housing Fund programme and to sign the memorandum of understanding to enable delivery of the works;
- iv. Delegated authority to the Director of Housing and Communities in consultation with the Director of Finance, and the Director of Governance, to procure a partner to the deliver the Warm Home: Social Housing Fund project, including entering into the delivery contract with the successfully procured new partner for April 2025 to March 2028.

Reason: To deliver the council's ambitions for minimising the

energy bills of those residents facing financial challenges, supporting health and wellbeing, building the local green economy, and retrofit supply chains, and reducing carbon emissions in the city and to ensure the provisions of the Subsidy Control Act 2022 are complied with.

**88. Adoption and implementation of the York Poverty Truth Commission's Charter for Organisation Standards (17:24)**

The Director of Housing & Communities outlined the work undertaken by the York Poverty Truth Commission and outlined the Charter for Organisational Standards developed by the commission. She noted that these standards would seek to build kindness into the Council's work, policies, and decision making.

The Executive Leader noted that she had took part in the work of the commission as a civic commissioner. She stated that the work to develop the charter had been rewarding and welcomed the opportunity to adopt and embed the proposed standards.

The Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion explained that embedding empathy and kindness into everything the Council does was something to stive for. She noted that it was important to bring to light these sometimes hidden challenges faced by residents in the city and that when you deliver inclusive work, policies, and decision making it improves what the Council does for everyone.

Resolved:

- i. Noted the work of the York Poverty Truth Commission and the council to date in promoting and implementing the Organisational Standards;
- ii. Formally adopted the Charter for Organisational Standards developed by the York Poverty Truth Commission; and
- iii. Approved a published six-monthly monitoring report for the Executive Member for Finance, Performance, Major Projects, Human Rights, Equality and Inclusion.

Reason: To commit to and promote the work of the PTC and secure ongoing delivery and monitoring of the work into the future.

**89. Review of the City of York Council Scrutiny Function (17:37)**

The Head of Democratic Governance introduced the report and the 12 recommendations which had been considered by the Council's Corporate Services, Climate Change and Scrutiny Management Committee.

The Chair of Corporate Services, Climate Change and Scrutiny Management Committee welcomed the review of scrutiny functions at the Council. He noted that the survey of Councillors showed a need for improvements and that this offered the opportunity to get back to the basics of scrutiny. He welcomed the opportunity for a working group to develop the proposals in the recommendations, noting the need for this to be Councillor owned and Councillor lead. He confirmed that Corporate Services, Climate Change and Scrutiny Management Committee supported the recommendations, outside of recommendation 8 which there was not a consensus on the number of Scrutiny Committees and recommendation 3, which the Committee did not support the move to having named substitutes for meetings.

The Executive Leader agreed with the Corporate Services, Climate Change and Scrutiny Management Committee's suggestions to not adopt recommendation 3. In relation to Recommendation 8 she proposed the Council reduce the number of Councillors on Scrutiny Committees to 9 and to move to 3 Committees, an overarching Scrutiny Committee (including calling-in functions), a Place Committee, and a People Committee (to include Housing). It was proposed these changes take effect at the 2025 Annual General Meeting and be reviewed in 12 months. Finally, she noted that the working group to be established in accordance with recommendation 1 be a cross-party working group.

Resolved:

- i. Noted the work of the Scrutiny Review.

Reason: To seek Full Council's approval for changes to how Scrutiny operates at the Council.

## **Part B Minute – Recommendations to Council**

### **90. Review of the City of York Council Scrutiny Function (17:37)**

The Head of Democratic Governance introduced the report and the 12 recommendations which had been considered by the Council's Corporate Services, Climate Change and Scrutiny Management Committee.

The Chair of Corporate Services, Climate Change and Scrutiny Management Committee welcomed the review of scrutiny functions at the Council. He noted that the survey of Councillors showed a need for improvements and that this offered the opportunity to get back to the basics of scrutiny. He welcomed the opportunity for a working group to develop the proposals in the recommendations, noting the need for this to be Councillor owned and Councillor lead. He confirmed that Corporate Services, Climate Change and Scrutiny Management Committee supported the recommendations, outside of recommendation 8 which there was not a consensus on the number of Scrutiny Committees and recommendation 3, which the Committee did not support the move to having named substitutes for meetings.

The Executive Leader agreed with the Corporate Services, Climate Change and Scrutiny Management Committee's suggestions to not adopt recommendation 3. In relation to Recommendation 8 she proposed the Council reduce the number of Councillors on Scrutiny Committees to 9 and to move to 3 Committees, an overarching Scrutiny Committee (including calling-in functions), a Place Committee, and a People Committee (to include Housing). It was proposed these changes take effect at the 2025 Annual General Meeting and be reviewed in 12 months. Finally, she noted that the working group to be established in accordance with recommendation 1 be a cross-party working group.

Recommended:

- i. That Council endorse the proposed actions as set out in Annex B in respect of Scrutiny Review Report recommendations 1-2, 4-7 and 9-12, noting that a cross-party working group will be established to lead on and oversee the work;
- ii. To recommend that, in respect of recommendation 8 of the Scrutiny Review Report, Full Council resolves to implement a revised Scrutiny structure, comprising an overarching Scrutiny Committee (including calling-in functions) with nine seats, a Place Committee with nine seats, and a People Committee (to include Housing) with nine seats. These changes to take effect at the 2025 Annual General Meeting and will be reviewed in 12 months;
- iii. To recommend to Council that Recommendation 3 of the Scrutiny Review Report is not adopted.

Reason: To seek Full Council's approval for changes to how Scrutiny operates at the Council.

Cllr Douglas, Chair

[The meeting started at 4.32 pm and finished at 5.56 pm].

**Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 6 May 2025**

| Title and Description  | Author   | Portfolio Holder                          |
|--|--|---|
| <p><b>Contract Award: Hyper Hubs</b></p> <p>The Executive will be asked to</p> <p>a) approve the direct award of the design and build contract for Union Terrace HyperHub to Evo Energy Ltd. and to delegate authority to the Director of Environment, Transport and Planning, in consultation with the Director of Governance and the Head of Procurement, to take such steps as are necessary to determine the provisions of and enter into the resulting contracts; and</p> <p>b) approve the direct award of the design and build contract for the Askham Bar Hyper Hub to Evo Energy Ltd, subject to the suitable resolution of outstanding legal conditions in respect of the site and to delegate authority to the Director of Environment, Transport and Planning, in consultation with the Director of Governance and the Head of Procurement, to take such steps as are necessary to determine the provisions of and enter into the resulting contracts; and</p> <p>c) approve a waiver of Rules 11.4 and 11.5 of the Council’s Contract Procedure Rules in relation to the award of the construction contracts for Union Terrace HyperHub and Askham Bar HyperHub, as permitted to do so under Rule 26.1 of the Contract Procedure Rules.</p> | <p>Stuart Andrews,<br/>Transport Systems<br/>Project Manager</p> | <p>Executive Member<br/>for Transport</p> |

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| <p><b>Housing Annual Report</b></p> <p>Purpose of Report: This report will provide an overview of the housing landlord service over the previous 12 months and set priorities for the coming year.</p> <p>The Executive will be asked to: Note recent performance and agree an action plan for delivery in the next year which responds to tenant feedback, stock condition survey results, existing service level performance, and the Regulator of Social Housing Consumer Standards.</p> | <p>Michael Jones,<br/>Assistant Director<br/>of Housing</p> | <p>Executive Member<br/>for Housing,<br/>Planning and Safer<br/>Communities</p> |
|---|---|---|

**Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 3 June 2025**

| Title and Description   | Author  | Portfolio Holder   |
|---|---|--|
| <p><b>The York Business Improvement District - Ballot for 2026-2031</b></p> <p>The Executive will be asked to:</p> <ul style="list-style-type: none"> <li>a) Support the ballot of all businesses in the BID geography</li> <li>b) Request that the Leader of the Council casts the Council's ballot votes</li> <li>c) Note the content of the proposed BID Business Plan</li> <li>d) Approve the Council's minimum Service Level Agreements for the City Centre, discharged through the elected BID</li> <li>e) Note the progress achieved by the current York BID as a key City partner in supporting the City Centre economy.</li> </ul> | <p>Garry Taylor,<br/>Director of City<br/>Development</p>   | <p>Deputy Leader of<br/>the Council and<br/>Executive Member<br/>for Economy and<br/>Culture</p>                           |
| <p><b>Housing Annual Report</b></p> <p>Purpose of Report: This report will provide an overview of the housing landlord service over the previous 12 months and set priorities for the coming year.</p> <p>The Executive will be asked to: Note recent performance and agree an action plan for delivery in the next year which responds to tenant feedback, stock condition survey results, existing service level performance, and the Regulator of Social Housing Consumer Standards.</p>   | <p>Michael Jones,<br/>Assistant Director<br/>of Housing</p> | <p>Executive Member<br/>for Housing,<br/>Planning and Safer<br/>Communities</p>  |
| <p><b>Finance and Performance Outturn</b></p> <p>to provide members with the year-end position on both finance and performance. Members will be asked to note the report.</p>   | <p>Debbie Mitchell,<br/>Director of Finance</p>             | <p>Executive Member<br/>for Finance,<br/>Performance, Major<br/>Projects, Human<br/>Rights, Equality<br/>and Inclusion</p> |

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| <b>Treasury Management 2024/25 Outturn</b><br><br>To provide members with an update on the treasury management position. Members will be asked to note the report.   | Debbie Mitchell,<br>Director of Finance | Executive Member<br>for Finance,<br>Performance, Major<br>Projects, Human<br>Rights, Equality<br>and Inclusion |
| <b>Treasury Management Quarter 4 Prudential Indicators</b><br><br>To provide the annual treasury management review of activities and the actual prudential and treasury indicators. Members will be asked to note the issues and approve any adjustments as required to the prudential indicators or strategy. | Debbie Mitchell,<br>Director of Finance | Executive Member<br>for Finance,<br>Performance, Major<br>Projects, Human<br>Rights, Equality<br>and Inclusion |



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|----------------------|---|
| <b>Meeting:</b>      | Executive   |
| <b>Meeting date:</b> | 22/04/2025  |
| <b>Report of:</b>    | James Gilchrist, Director of Environment, Transport & Planning              |
| <b>Portfolio of:</b> | Cllr M Pavlovic, Executive Member for Housing, Planning & Safer Communities |

**Decision Report:** Introduction of a citywide Public Space Protection Order (PSPO) to cover Street Urination and Defecation, Dog Fouling and Dog Control.

## Subject of Report

1. To seek approval for adoption of the PSPO in full, based on the results of recent public consultation, which have demonstrated strong support for each of the proposed provisions.
2. The results of the consultation supplement the evidential basis for the PSPO's introduction as set out in a previous report (see Annex C).

## Benefits and Challenges

3. Introduction of the PSPO will allow for the following benefits:
  - A reasonable, proportionate and staged enforcement approach to be taken in respect of these offences, consistent with the council's Corporate Enforcement Policy.
  - A more cost effective and efficient way of working, by reducing the number of prosecution case files needed to be prepared, reviewed, and presented at court.
  - Raise the dog fouling fine to a more appropriate level, given that it is currently less than that of littering and dog fouling is the more harmful offence.

- Support York's Purple Flag status to provide a safe, well-managed and vibrant Night-Time Economy, given that street urination contributes towards alcohol-related anti-social behaviour in the city centre.
- Enforcement of higher-volume offences such as dog fouling and street urination is challenging. However, council enforcement officers will continue to work with partners, including North Yorkshire Police and York BID Rangers who are able to provide evidence to support council enforcement action. In addition, council officers will take an intelligence-led approach to enforcement, targeting known hot-spot areas at key times.

## **Policy Basis for Decision**

4. The proposal directly responds to the council's vision to establish the conditions for the city to be healthier city. It supports the Council Plan strategic priorities Health Generating City for All, and Cutting Carbon, Enhancing the Environment for all. It will positively contribute towards the City Centre vision, to be a family friendly and welcoming city and the Joint Health and Wellbeing Strategy 2022-2032.

Ensuring that a Fixed Penalty Notice (to discharge liability for prosecution) option is available for these offences significantly reduces the likelihood of cases progressing to court, where higher fines and costs would be imposed, therefore contributing to Affordability. In terms of Human Rights, the proposed PSPO aims to address the unreasonable behaviour of individuals rather than place unreasonable restrictions on the behaviour of entire sections of the community.

## **Financial Strategy Implications**

5. The proposal will introduce a more efficient way of working. It will reduce the officer time required to prepare, review and present cases to court across both the Neighbourhood Enforcement and Legal Services teams.
6. The proposal will increase the dog fouling fine.
7. It is possible that the number of Fixed Penalty Notices for Street Urination and Defecation will increase as enforcement agencies,

including North Yorkshire Police, feel the ability to discharge liability for prosecution is more proportionate for non-aggravated offences.

8. There will be cost implications for signage which will need to be sited along main arterial routes into the city and in public spaces. It is proposed to use lamp-post stickers where possible.

## **Recommendation and Reasons**

9. To adopt the PSPO in full. The results of the public on-line consultation, to which there were 1026 respondents, demonstrate strong support for each provision as below:
  - Street urination & Defecation      83.07% for, 16.93% against
  - Dog Fouling                              96.8% for, 3.18% against
  - Dog Control                              91.62% for, 8.38% against.

## **Background**

10. At the Executive Member for Housing, Planning & Safer Communities Decision Session of the 13<sup>th</sup> of November 2024 approval was given to proceed to the public consultation stage of the process to introduce the PSPO. The report presented at that meeting set out the evidential basis for its proposed introduction (See Annex C).
11. PSPOs were introduced under the Anti-Social Behaviour, Crime & Policing Act 2014. They can prohibit activities and/or require certain things to be done by people engaged in specified activities in a defined public area. Restrictions are placed on the behaviour of everyone in that locality, allowing for some exemptions. Breach of a PSPO is an offence, enforced by Fixed Penalty Notice in the first instance. The FPN for breach of PSPO is currently £100 (£75 early repayment within 10 days). The maximum fine on summary conviction is £1000.
12. Councils must be satisfied that there is an evidence base to justify the introduction of PSPO requirements. The local authority should be satisfied on reasonable grounds that the anti-social behaviour in

question is of an unreasonable, persistent, and continuing nature and has a detrimental impact on the quality of life of those in the locality

13. Before introducing a PSPO, there are requirements under S.72 (4) of the Anti-Social Behaviour Crime and Policing Act 2014 to consult with:

(a) the chief officer of police, and the local policing body, for the police area that includes the restricted area.

(b) whatever community representatives the local authority thinks it appropriate to consult.

(c) the owner or occupier of land within the restricted area (unless the land is owned by the LA, or it is not reasonably practicable to do so).

Ward and Parish councils only need to be notified, not necessarily consulted (though there is a wide discretion as to who the Council thinks it is appropriate to consult).

14. The proposed PSPO seeks to supersede the existing 1998 Street Urination and Defecation byelaw in that while the PSPO is in effect, the byelaw has no effect for the duration of the PSPO in the area to which it relates. Once the PSPO expires/is revoked/fails to be renewed, the position reverts to that in the existing byelaw. The byelaw allows for prosecution route only for these offences. Introduction of a Fixed Penalty option will allow for the offences to be treated more proportionately and for a staged approach to enforcement to be taken as advocated by the council's Corporate Enforcement policy. However, a summary conviction will still be sought for repeat offenders and/or aggravating circumstances.
15. The proposed PSPO contains an exception of 'reasonable excuse' which provides officers with a wide discretion for factors such as medical conditions to be considered upon receipt of evidence.
16. The fine for dog fouling is currently restricted under the Dogs (Fouling of Land) Act 1996 to £75. The local fine for Littering has been subject to annual inflationary increases and is currently higher than that of dog fouling. The £100 FPN for breach of PSPO will bring the dog fouling fine to a more appropriate level, comparable to that of Littering, given that dog fouling is arguably the more harmful offence.

17. The introduction of a Dog Control requirement will increase responsiveness when dealing with these offences and aims to encourage owners to keep their dogs under proper control.
18. At present the council has two enforcement options when dealing with Dog Control offences. Option 1 is to apply the court for a civil Dog Control Order. Option 2 is to issue a Community Protection Warning (CPW) followed by a Community Protection Notice (CPN) if offences continue. An FPN is issued on breach of CPN.
19. Option 1 should only be taken for the most serious of offences. It requires the enforcement officer to submit a case file, to be presented at court by Legal Services, incurring Court Hearing charges.
20. Due to the delay between issuing a CPW and CPN, Option 2 doesn't always provide a sufficiently timely, responsive way to deal with dogs whose behaviour is less serious, e.g. repeatedly escaping from a garden and jumping up, growling or aggressively barking at members of the public, causing fear, alarm, or distress.
21. The introduction of the PSPO Dog Control requirement below will provide an intermediate and more timely response:
22. A person in charge of a dog on land to which this order applies, must ensure that the dog is kept under proper control.
23. 'Proper control' means that 'the person in charge of a dog should not allow it to cause fear, alarm, or distress to any person or animal in the vicinity. This includes being permitted to repeatedly behave aggressively towards or make unwanted physical contact with another person or animal'.
24. The proposed PSPO introduces exemptions for: Assistance Dogs, anyone training an Assistance Dog and where the dog is being used by police or other agencies permitted by the council, for official purposes.

## **Consultation Analysis**

25. A public online survey, seeking views on each of the proposed PSPO provisions, ran on the council's website from Monday 2<sup>nd</sup> December 2024 until Friday 7<sup>th</sup> February 2025. Paper copies of the survey were available on request. The survey was promoted via social media, including Facebook, Twitter and Nextdoor. A media release generated articles in York Press and York Mix. See Annex B for survey results.

26. There were 1026 respondents in total to the online survey. There were no requests for paper copies.
27. The 40–55-year age group formed the highest group of respondents at 34.7% (201 respondents) followed by the 65+ age group at 25.4% (147 respondents).
28. There were more female respondents at 58.4% (337 respondents) than male at 37.4% (216 respondents). 0.87% of respondents identified as non-binary (5 respondents).
29. The highest number of respondents at 87.7% (507 respondents) identified themselves as White – English, Welsh, Scottish, Northern Irish, British.
30. 14.1% (81 respondents) identified as disabled.
31. The results of the online survey were as follows:
  - Street Urination & Defecation 83.07% for, 16.93% against
  - Dog Fouling 96.8% for, 3.18% against
  - Dog Control 91.62% for, 8.38% against.
32. Online survey respondents were also able to leave a comment. The following trends have been identified from the comments made:
33. Street Urination and Defecation

In response to the Street Urination and Defecation condition, 162 out of 346 (47%) people who made a comment, mentioned the need for better toilet provision. A selection of the comments is below:

“Due to the lack of public toilets available in the city, I understand why people feel the need to urinate in a quite spot, publicly. If there were more available toilets for tourists and residents in the city, I would support the prohibition”.

“Unless adequate public toilets are provided, this remains a problem but with strongly mitigating circumstances”.

“Fully support this but feel we need more public toilets open 24/7 as there are few options late at night”.

“Urination and Defecation in the streets is disgusting but happens on a weekly and possibly daily basis but mainly in the city centre

where the lack of public toilets at certain times of the day lead to people taking desperate measures. If public toilets are not available”.

“Public toilets need improvement in the city”

“Whilst I agree with the issue, the reason why 'some' people do it also needs to be addressed i.e. lack of access to toilets beyond opening hours of shops, cafes and pubs etc; insistence from majority of establishments that their toilets are for customers use only”.

“I live in city centre and I have asked drunk persons not to urinate on or close to my building countless time. However, unless there are public toilets accessible 24h, this measure might disproportionately affect certain groups of individuals, potentially discriminating against those sleeping rough”.

34. The council has recently invested in £65k to upgrade toilet facilities, including the provision of accessible toilets, in Acomb Front Street and at Silver Street. As part of the Changing Places scheme, a further £254,000 investment has also been made to provide specially built spaces for people with severe disabilities which provide a toilet, changing and shower place all in one accessible space, enabling carers with severely disabled relatives or children/ adults to change and clean people often in motorised wheelchairs.
35. However, provision of public toilet facilities is an ongoing challenge and expensive. Anti-social behaviour creates further difficulties in upholding cleansing and maintenance standards.
36. The Executive Member for Environment is clear that access to clean toilets is an essential hallmark of public health, and the number, location and management of toilets is therefore currently under review in the City Centre Spatial Strategy. The Executive Member set up a toilets stakeholder group last year to address the same issues as raised in this consultation.
37. The collaboration between city businesses, Market Traders, contract provider Healthmatic, York Access Forum, Age Friendly York, Make It York and York BID has been constructive, and the number of complaints has reduced over the time it has been operating.
38. As part of this work, the council is now consulting with businesses and organisations to find out if they would be willing to offer public access to their facilities, including seating, accessible toilet facilities and baby changing facilities. If successful this scheme has potential to grow over time, extending to those businesses operating within the Night-Time Economy.

39. As part of the city centre '*Choose Respect, Not Regrets*' campaign, signage will also be provided for use in venues to prompt people to use the toilet before they leave the premises.
40. Dog Fouling

272 comments were left in relation to the dog fouling proposal.

20 (7%) comments related to full dog poo bags being discarded rather than disposed of responsibly. These included:

"People should be fined for leaving the poo bags around".

"Please ensure this also covers the proper disposal of the poo-bag once picked up, e.g. so it's not left hanging on a tree branch"

"Dog owners should be held responsible for picking up their dog poo & taking home or putting in the street bin, not leaving or leaving the poo bags hanging in bushes or trees".

"Again, if there is no public campaign or signage next to/on bins (avoiding extra signage blighting areas) then we are not re-educating people. Dropping PLASTIC bags of dog faeces is as bad for the environment as the faeces. I've seen this next to the school on Campleshon Road! That really is a super offence with children around".

"As a household who suffer from dog walkers who feel they can throw their bags in our tree or simply let their dogs mess on our verge or driveway without cleaning it up I certainly want something done about it".

41. Dog Control

240 comments were made about the Dog Control proposal. These included:

"Much wider understanding of the nature of "control" is required. The authority and NYP should be proactive about this. It is an increasing problem. As a wheelchair user it seems to be normal for dogs to act aggressively to me".

"I am increasingly concerned about lack of control by some owners over their dogs and on occasion have been frightened".

"URGENTLY NEEDED"

"It may result in an expectation for the Council to investigate every loose dog that someone takes a dislike to, so might be hard to enforce. A lot of dog owners/people are scared of big dogs, when smaller dogs can be equally nasty and threatening. Will this

become prejudice to larger dogs who are doing nothing wrong but other walkers are scared regardless?”

- 42. A number of comments were also left on the council’s Facebook page and NextDoor. Views expressed reflected those of the online survey.
- 43. The proposal is also supported by the North Yorkshire Police Chief Constable and the Deputy Mayor for Policing, Fire and Crime who are both statutory consultees.
- 44. Ward and Parish Councillors were also notified of the consultation and sign-posted to the online survey. No additional comments were received.

## Options Analysis and Evidential Basis

- 45. Option 1: to implement the PSPO to include all 3 proposed conditions of Street Urination & Defecation, Dog Fouling and Dog Control. This option is based on the strong public support indicated by the online consultation results.
- 46. Option 2: Not to implement the PSPO.

## Organisational Impact and Implications

- 47. **Financial.** Should the PSPO be introduced there will be one off costs in producing and installing signs, which is estimated to be less than £1,000. This can be accommodated within the OPFCC funding to Safer York Partnership. The amount of income raised from Street Urination & Defecation, Dog Fouling & Control isn’t significant (<£10,000) but the new process may allow for additional FPNs to be issued and revenue to be increased.

**Human Resources (HR).** There are no HR implications contained within this report. However, any impact on the Councils resources and / or structure that might arise should this citywide Public space Protection Order be implemented would need to be identified, assessed and implemented in line with Council policy.

**Legal.** The Council has power to make a PSPO where the statutory conditions set out in Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 are met. In summary there must be evidence that anti-social behaviour of the types addressed within the proposed order has occurred and that implementation of the order is proportionate to the detrimental effect that the behaviour is causing and is necessary to prevent it from continuing, occurring or recurring

The consultation exercise contained has been carried out in accordance with statute. There appears to be strong public support for implementing all elements of the PSPO.

Consultation responses in relation to public urination/defecation raise valid points regarding access to public toilets in the city centre, however this is beyond the remit of the PSPO and is a wider Council policy issue.

The proposed PSPO already contains an exception of “reasonable excuse” which offers officers a wide discretion for factors such as medical conditions to be considered, upon receipt of evidence. To amend the proposed PSPO to introduce further exceptions could potentially dilute the effectiveness of the Order and it is felt that the current wording is sufficient to cover most eventualities.

Concerns raised by consultees in relation to dog fouling and proper disposal appear to already have been addressed in the wording of the proposed PSPO, which states that dog waste must also be “deposited in an appropriate waste receptacle”. The wording of the PSPO is therefore considered adequate to address both the picking-up and disposal of dog waste. Failure to comply with either element would constitute a breach of the Order and result in an FPN and no amendments are proposed.

Comments arising from the consultation in relation to dog control were more varied. The term “proper control”, as used in the PSPO, is a term found in the Dangerous Dogs Act 1991. Whilst the term is not specifically defined in legislation, the Act makes clear that an order under section 2 of the Dogs Act 1871 (order on complaint that dog is dangerous and not kept under proper control) may be made whether or not the dog is shown to have injured any person. There is therefore an element of discretion as to what is considered “proper control”.

A PSPO can last for up to 3 years after which it must be reviewed.

**Procurement.** There are no Procurement implications.

**Health and Wellbeing.** There are serious health risks associated with dog fouling, and urination and defecation, and prevention of these in public spaces is essential so people have access to safe and clean outdoor spaces. Prevention of dog bites is an increasingly important public health concern due to the number of dog related injuries rising nationally and related costs to the NHS. Some evidence suggests that control measures, including the use of PSPOs, can contribute to a reduction in the number of dog related injuries. For these reasons public health support this proposal.

**Environment and Climate action.** A PSPO which reduces anti-social behaviour which impacts on the Environment is a positive step forward and will improve the environment for everyone.

**Affordability.** There are no affordability implications arising from this report

**Equalities and Human Rights,** A full EIA is attached at Annex A. Mitigations have been considered where the policy could have an impact on those with relevant protected characteristics.

**Data Protection and Privacy.** Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK data protection and privacy legislation. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines.

DPIAs helps us to assess and demonstrate how we comply with all our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.

The relevant data protection work was carried out for the consultation which identified the data protections risks as well as the mitigations either in place or that needed to be put in place, to minimise these identified risks. However, this will be reviewed following the approved recommendations and options from this report and a further DPIA completed if required.

**Communications.** Communications acknowledges the outcome of the consultation and the content of the report. Communications will support the initial implementation of the scheme with a robust communications and stakeholder engagement plan. Communications is also prepared for any reactive statements that will be needed as part of this process.'

**Economy.** Introducing the PSPO and Fixed term notice will have a positive impact on how the city is experienced. It will help act as a deterrent to reduce unreasonable behaviour, helping the city be a more welcoming place for residents and visitors which continues to support the city's vibrant economy.

## Risks and Mitigations

48. No known risks.

## Wards Impacted

49. All wards.

## Contact details

For further information please contact the authors of this Decision Report.

## Author

|                         |  |
|-------------------------|--|
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| <b>Date:</b>            | DD/MM/YYYY                                       |

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|                         |                          |
|-------------------------|--------------------------|
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| <b>Report approved:</b> | Yes/No                   |
| <b>Date:</b>            | DD/MM/YYYY               |

## Background papers

Report to Executive Member Decision Session. Housing, Planning & Safer Communities. 13<sup>th</sup> November, 2024.

City of York Council Corporate Enforcement Policy

[https://www.york.gov.uk/downloads/file/12341/cyc\\_public\\_protection\\_ho\\_using\\_and\\_community\\_safety\\_enforcement\\_policy](https://www.york.gov.uk/downloads/file/12341/cyc_public_protection_ho_using_and_community_safety_enforcement_policy)

Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory Guidance for Frontline Professionals. Home Office.

[https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023\\_Update\\_ASB\\_Statutory\\_Guidance\\_-\\_FINAL\\_1\\_.pdf](https://assets.publishing.service.gov.uk/media/6422a19b60a35e00120cae63/2023_Update_ASB_Statutory_Guidance_-_FINAL_1_.pdf)

Local Government Association. Public Space Protection Orders. Guidance for Councils.

[https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance\\_06\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf)

## Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Analysis of online public survey results
- Annex C: Evidential Basis
- Annex D: Draft Order



## ANNEX A

### City of York Council

### Equalities Impact Assessment

#### Who is submitting the proposal?

|                               |  |
|-------------------------------|--|
| <b>Directorate:</b>           | Environment, Transport & Planning  |
| <b>Service Area:</b>          | Community Safety   |
| <b>Name of the proposal :</b> | Introduction of a citywide Public Space Protection Order (PSPO) to cover Street Urination and Defecation, Dog Fouling and Dog Control. |
| <b>Lead officer:</b>          | Tanya Lyon, Community Safety Manager   |
| 26/02/2025                    |  |

## Step 1– Aims and intended outcomes

|     |   |
|-----|---|
| 1.1 | <p><b>What is the purpose of the proposal?</b></p> <p>Please explain your proposal in Plain English avoiding acronyms and jargon.</p>   |
|     | <p>To introduce a citywide Public Space Protection Order to cover Street Urination and Defecation, Dog Fouling and Dog Control.</p> <p>The fine for a breach of PSPO conditions is a Fixed Penalty Notice of £100 (£75 early repayment within 10 days).</p> <p>The urination and defecation elements supersede an existing byelaw for the duration of the PSPO and introduce a Fixed Penalty Notice for the offence (which is prosecution route only under the byelaw). The Dog fouling element increases the fine, which is currently fixed at £75 under the Dogs (Fouling of Land) Act 1996. The Dog Control measure requires that a person in charge of a dog on land to which the order applies, must ensure that the dog is kept under proper control. This introduces flexibility and proportionality by offering an alternative to the Dog Dangerously Out of Control offence, Dangerous Dogs Act 1991 (prosecution route only),</p> <p><i>‘Proper Control’ means that the person in charge of a dog should not allow it to cause fear, alarm or distress to any person in the vicinity. This would include being permitted to repeatedly behaviour aggressively towards or make unrestrained contact with another person or animal’</i></p> |
| 1.2 | <p><b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)</p>  |
|     | <p>The PSPO has been introduced under the ASB, Crime &amp; Policing Act 2014.</p>   |

|     |  |
|-----|--|
| 1.3 | <b>Who are the stakeholders and what are their interests?</b>  |
|     | <p>York residents and visitors/tourists</p> <p>Dog Owners (including those who use or train assistance dogs)</p> <p>North Yorkshire Police</p> <p>York BID/Purple Flag</p> <p>York businesses</p>  |
| 1.4 | <p><b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p> <ul style="list-style-type: none"> <li>• A more reasonable, proportionate, and staged enforcement approach to be taken in respect of these offences, consistent with the council's Corporate Enforcement Policy.</li> <li>• A more cost effective and efficient way of working, by reducing the number of prosecution case files needed to be prepared, reviewed, and presented at court.</li> <li>• Raise the dog fouling fine to a more appropriate level, given that it is currently less than that of littering and dog fouling is the more harmful offence.</li> <li>• To introduce flexibility in the sanctions for dog control offences and retaining proportionality by targeting the behaviour of individual owners rather than imposing blanket restrictions on all dogs, such as Dogs bans or Dogs on Leads requirements.</li> </ul> <p>The proposal contributes to Council Plan commitments of Health &amp; Well-Being and Cutting Carbon, Enhancing the Environment for Our Future. In addition, it contributes to the Health and Well-Being Strategy.</p> |

|  |  |
|--|--|
|  | <p>Having access to safe, green and clean spaces has <i>been found to reduce stress, improve mood, and enhance overall psychological well-being.</i></p> <p>Reducing street urination offences contributes to Purple Flag objectives to provide a safe and vibrant Night-Time Economy, given that it contributes to the cumulative impact of alcohol-related ASB in the city centre.</p> |
|--|--|

## Step 2 – Gathering the information and feedback

| <b>2.1</b> | <p><b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p> |  |
|------------|---|--|
|            | Source of data/supporting evidence  | Reason for using   |
|            | EMDS report 13/11/2024  | Sets out the evidential basis for the proposed PSPO conditions. Presenting evidence to justify the need for a PSPO is a requirement before council's can proceed to the public consultation stage of the process.  |
|            | Online public survey. An online survey ran on the council website from 03/12/2024 – 07/02/2025.   | <p>Statutory consultation requirement under legislation.</p> <p>There were 1026 respondents to the survey.</p> <p>83% of respondents supported the Urination and defecation condition</p> <p>97% of respondents supported the Dog fouling condition.</p> |

|  |  |
|--|--|
|  | 92% of respondents supported the Dog Control condition.  |
| Chief Constable, NYP (statutory consultee) | As above. Has given support to the proposal.   |
| Deputy Mayor (statutory consultee)         | As above. Has given support to the proposal.   |
| York BID                                   | The proposal has been discussed with York BID and at the multi-agency Safe York meetings. The BID has given support to the proposal. |
| Ward and Parish Councils                   | To provide an opportunity to raise any implications relating to their ward and on behalf of local residents. No comments received.   |
| York Disability Rights Forum               | To identify any possible implications for the disabled community. No adverse issues identified.                                      |
| RSPCA                                      | To identify any possible implications for dog owners. Supportive of the proposal.  |

### Step 3 – Gaps in data and knowledge

|                           |  |                          |
|---------------------------|--|--------------------------|
| 3.1                       | What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with. |                          |
| Gaps in data or knowledge |  | Action to deal with this |
| None identified.          |  | N/A                      |

### Step 4 – Analysing the impacts or effects.

|                                   |  |   |                                   |
|-----------------------------------|--|---|-----------------------------------|
| 4.1                               | Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations. |   |                                   |
| Equality Groups and Human Rights. | Key Findings/Impacts   | Positive (+)<br>Negative (-)<br>Neutral (0) | High (H)<br>Medium (M)<br>Low (L) |
| Age                               | All mitigating issues would be considered during the investigation of a possible breach of PSPO. If age-related issues were a factor in this, they would be considered.  | 0   | L                                 |

|                                       |  |          |          |
|---------------------------------------|--|----------|----------|
| <b>Disability</b>                     | The proposed PSPO introduces exemptions for Assistance Dogs, anyone training and Assistance Dog and where the dog is being used by the police or other agencies permitted by the council for official purposes. As above, Disability would also be considered if presented as a mitigating factor. | <b>0</b> | <b>L</b> |
| <b>Gender</b>                         | No identified issues.  | <b>0</b> | <b>L</b> |
| <b>Gender Reassignment</b>            | No identified issues   | <b>0</b> | <b>L</b> |
| <b>Marriage and civil partnership</b> | No identified issues   | <b>0</b> | <b>L</b> |
| <b>Pregnancy and maternity</b>        | No identified issues   | <b>0</b> | <b>L</b> |
| <b>Race</b>                           | No identified issues   | <b>0</b> | <b>L</b> |
| <b>Religion and belief</b>            | No identified issues   | <b>0</b> | <b>L</b> |
| <b>Sexual orientation</b>             | No identified issues   | <b>0</b> | <b>L</b> |

| Other Socio-economic groups including : | Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?  |   |   |
|---|--|---|---|
| Carer                                   | No identified issues   | 0 | L |
| Low income groups                       | Payment plans are available for those in receipt of means-tested benefits. This allows for payment of an FPN to be spread over a 4 month period and at the lower amount. | 0 | L |
| Veterans, Armed Forces Community        | No identified issues   | 0 | L |
| Other                                   | N/A  |   |   |
| Impact on human rights:                 |  |   |   |
| List any human rights impacted.         | N/A. The proposal introduces flexibility and proportionality to existing offences. It does not introduce new blanket restrictions on peoples rights and freedoms.        |   |   |

## Step 5 - Mitigating adverse impacts and maximising positive impacts

|   |   |
|---|---|
| 5.1   | <b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b> |
| <ul style="list-style-type: none"><li>• The PSPO improves proportionality for the existing offences of street urination/defecation and dog fouling rather than introducing new offences.</li><li>• The Dog Control condition focuses on the anti-social behaviour of individual dog owners, rather than imposing blanket restrictions such as Dog on Lead requirements.</li><li>• The proposed PSPO introduces exemptions for Assistance Dogs, anyone training and Assistance Dog and where the dog is being used by the police or other agencies permitted by the council for official purposes.</li><li>• Fixed Penalty Notices provide the perpetrator with the ability to discharge their liability to prosecution. As such Enforcement Officers must be confident that they have sufficient evidence to meet both the Evidential and Public Interest tests before an FPN is issued. They must ensure that all mitigating factors are fully taken into consideration. These would include whether an individual's protected characteristics would affect their ability to comply with the conditions.</li></ul> |   |

## Step 6 – Recommendations and conclusions of the assessment

|   |   |
|---|---|
| 6.1   | Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take: |
| <ul style="list-style-type: none"><li>- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</li></ul> |   |

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

| Option selected                 | Conclusions/justification  |
|---------------------------------|--|
| No major change to the proposal | <ul style="list-style-type: none"> <li>• The proposed conditions introduce proportionality to existing offences rather than introducing new restrictions. Street urination/defecation, Dog Fouling and Dog Control are all existing offences.</li> <li>• Exemptions are included for Assistance Dogs and those training assistance dogs.</li> <li>• The need for officers to fulfil the requirements of both the evidential and public interest test before an FPN can be issued,</li> </ul> |

|  |   |
|--|---|
|  | <p>ensures that all mitigating circumstances, including those relating to protected characteristics, must be considered before an FPN can be issued.</p> <ul style="list-style-type: none"> <li>• A payment plan is available for those in receipt of means-tested benefits, allowing payment of the FPN to be paid over a maximum 4-month period, and at the Early Repayment lower level.</li> </ul> |
|--|---|

## Step 7 – Summary of agreed actions resulting from the assessment

|                                 |   |                           |                  |
|---------------------------------|---|---------------------------|------------------|
| <b>7.1</b>                      | <b>What action, by whom, will be undertaken as a result of the impact assessment.</b> |                           |                  |
| <b>Impact/issue</b>             | <b>Action to be taken</b>   | <b>Person responsible</b> | <b>Timescale</b> |
| No immediate impact identified. |   |                           |                  |

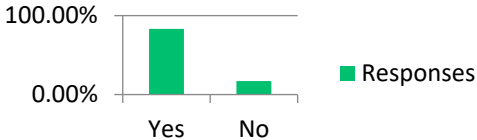
## Step 8 - Monitor, review and improve

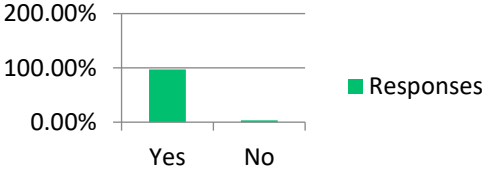
|             |  |
|-------------|--|
| <b>8. 1</b> | <b>How will the impact of your proposal be monitored and improved upon going forward?</b><br>Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?                                |
|             | It is a statutory requirement that PSPOs must be reviewed on a 3-yearly basis. This is to ensure that they are still necessary and proportionate to address the behaviour prescribed. The Equality Impact will also be reviewed at this time. The PSPO can be renewed, discharged or amended dependent on the outcome of the review. |

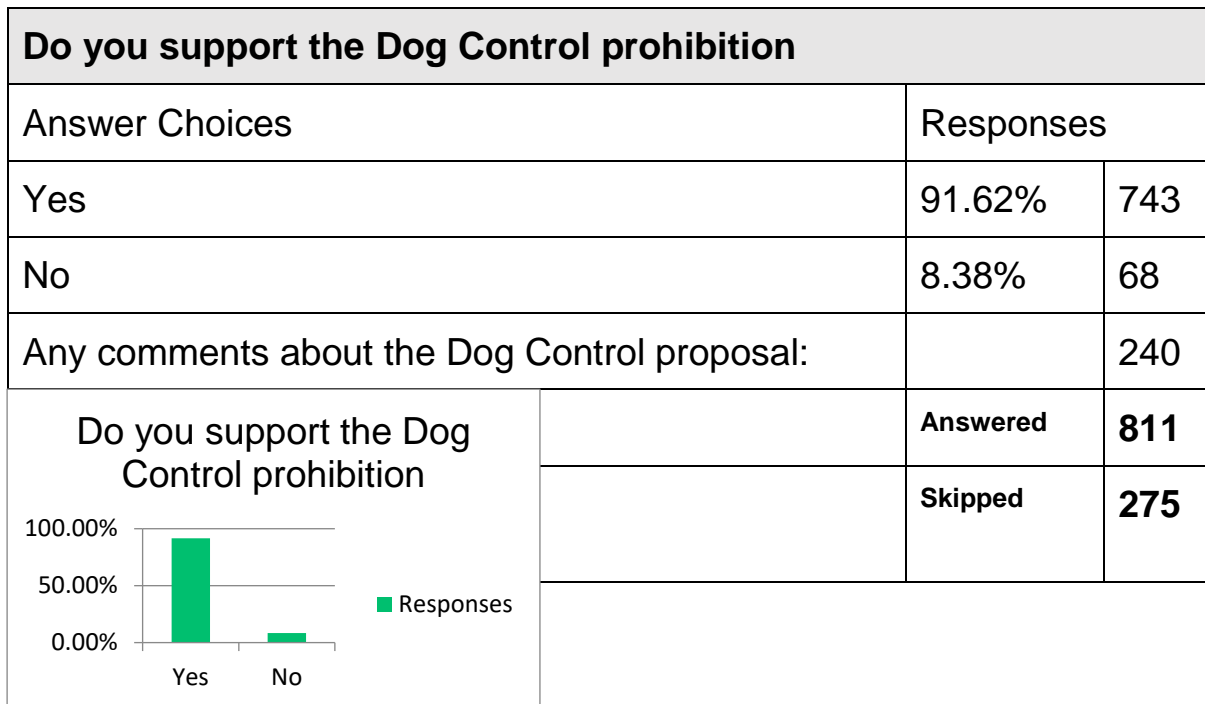


## ANNEX B

### ANALYSIS OF ONLINE SURVEY RESULTS

| Do you support the Street Urination and Defecation prohibition?   |  |           |     |
|---|--|-----------|-----|
| Answer Choices  |  | Responses |     |
| Yes   |  | 83.07%    | 677 |
| No  |  | 16.93%    | 138 |
| Any comments about the Street Urination and Defecation proposal:  |  |           | 346 |
| Do you support the Street Urination and Defecation prohibition?<br> |  | Answered  | 815 |
|   |  | Skipped   | 271 |

| Do you support the Dog Fouling prohibition?  |  |           |     |
|--|--|-----------|-----|
| Answer Choices   |  | Responses |     |
| Yes  |  | 96.82%    | 791 |
| No   |  | 3.18%     | 26  |
| Any comments about the Dog Fouling proposal:   |  |           | 272 |
| Do you support the Dog Fouling prohibition?<br> |  | Answered  | 817 |
|  |  | Skipped   | 269 |



## Your Age

| Answer Choices    | Responses |            |
|-------------------|-----------|------------|
| Prefer not to say | 1.38%     | 8          |
| Under 16          | 0.00%     | 0          |
| 16-24             | 0.86%     | 5          |
| 25-39             | 15.72%    | 91         |
| 40-55             | 34.72%    | 201        |
| 56-59             | 9.33%     | 54         |
| 60-64             | 12.61%    | 73         |
| 65+               | 25.39%    | 147        |
| Answered          |           | <b>579</b> |

## Your Gender

| Answer Choices    | Responses |    |
|-------------------|-----------|----|
| Prefer not to say | 3.29%     | 19 |

|   |        |            |
|---|--------|------------|
| Male  | 37.44% | 216        |
| Female                                      | 58.41% | 337        |
| Non-binary /<br>Minority gender<br>identity | 0.87%  | 5          |
| <b>Answered</b>                             |        | <b>577</b> |

### What is your ethnic group?

| Answer Choices  | Responses |     |
|---|-----------|-----|
| Prefer not to say   | 4.67%     | 27  |
| White - English / Welsh / Scottish<br>/ Northern Irish / British    | 87.72%    | 507 |
| White - Irish   | 1.21%     | 7   |
| White - Gypsy or Irish Traveller                                    | 0.00%     | 0   |
| White - Roma  | 0.00%     | 0   |
| Any other White background  | 4.33%     | 25  |
| Mixed - White and Black<br>Caribbean                                | 0.00%     | 0   |
| Mixed - White and Black African                                     | 0.00%     | 0   |
| Mixed - White and Asian   | 0.35%     | 2   |
| Any other Mixed / multiple ethnic<br>background                     | 0.69%     | 4   |
| Asian - Indian  | 0.52%     | 3   |
| Asian - Pakistani   | 0.00%     | 0   |
| Asian - Bangladeshi   | 0.00%     | 0   |
| Asian - Chinese   | 0.17%     | 1   |
| Any other Asian background  | 0.17%     | 1   |
| Black - African   | 0.00%     | 0   |
| Black - Caribbean   | 0.00%     | 0   |
| Any other Black / Black British /<br>African / Caribbean background | 0.00%     | 0   |
| Other - Arab  | 0.00%     | 0   |

Any other ethnic background

0.17%

1

**Answered 578****Do you consider yourself disabled?****(as prescribed under the Equality Act 2010)**

| Answer Choices    | Responses |     |
|-------------------|-----------|-----|
| Prefer not to say | 2.61%     | 15  |
| Yes               | 14.11%    | 81  |
| No                | 83.28%    | 478 |

**Answered 574**



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## ANNEX C

### EVIDENTIAL BASIS

#### STREET URINATION/DEFECATION

##### Enforcement

2021/2 – 8 simple cautions. 4 prosecutions

2022/3 – 20 prosecutions

2023/4 – 3 prosecutions

2024/5 (to date) - 1 prosecution

##### Cleansing – CYC

Number of Street Cleaning incidents reported by members of the public where the category assigned is 'Faeces'. NB: Dog faeces also included within this category

| Year | Month |     |     |     |     |     |     |     |     |     |     |     | Total      | Average per month |
|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------------|-------------------|
|      | Jan   | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |            |                   |
| 2019 | NR    | NR  | NR  | 19  | 32  | 32  | 30  | 25  | 41  | 49  | 46  | 35  | 309        | 34                |
| 2020 | 77    | 55  | 36  | 22  | 18  | 30  | 20  | 29  | 71  | 32  | 39  | 30  | 459        | 38                |
| 2021 | 45    | 35  | 42  | 37  | 54  | 30  | 23  | 16  | 45  | 56  | 55  | 34  | 472        | 39                |
| 2022 | 65    | 53  | 43  | 34  | 41  | 28  | 27  | 27  | 42  | 26  | 23  | 27  | 436        | 36                |
| 2023 | 37    | 52  | 58  | 30  | 24  | 34  | 16  | 27  | 26  | 32  | 27  | 40  | 403        | 34                |
| 2024 | 41    | 70  | 42  | 41  | 26  | 27  | 17  | 16  |     |     |     |     | 280**<br>* | 35                |

\*\*\* Total to Date NR Not recorded

## Cleansing – York BID (city centre)

| YORK BID CLEANSING REPORTS<br>April 2023 - March 2024 |                              |                                |
|---|------------------------------|--------------------------------|
| Month   | Urination instances reported | Human Biohazard Fluid reported |
| April 2023  | 298                          | 122                            |
| May 2023  | 362                          | 211                            |
| June 2023   | 205                          | 179                            |
| July 2023   | 226                          | 152                            |
| August 2023   | 499                          | 163                            |
| September 2023  | 252                          | 134                            |
| October 2023  | 436                          | 211                            |
| November 2023   | 310                          | 157                            |
| December 2023   | 353                          | 202                            |
| January 2024  | 247                          | 144                            |
| February 2024   | 444                          | 155                            |
| March 2024  | 562                          | 228                            |
| <b>TOTAL</b>  | <b>4194</b>                  | <b>2058</b>                    |

## DOG FOULING

### Enforcement

Dog Fouling FPNs issued:

- 2021/2 – 4
- 2022/3 – 3
- 2023/4 – 1

### Cleansing

CYC Cleansing data included in the general 'Faeces' table above.

**DOG CONTROL**

**Dog Control Orders issued**

2021/2 – 1

2022/3 – 0

2023/4 – 2

**Community Protection Warnings (CPW) issued for Dangerous Dogs/Dog Attacks:**

2021/2 19

2022/3 12

2023/4 19

**Community Protection Notices (CPN) issued for Dangerous Dogs/Dog Attack**

2021/2 3

2022/3 2

2023/4 2

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## ANNEX D

### THE COUNCIL OF THE CITY OF YORK

#### ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59

#### The Council of the City of York Urination in Public Dog Control and Dog Fouling Public Spaces Protection Order 2024

1. This Order is made by The Council of the City of York (“The Council”) under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 (“the Act”).
2. This Order relates to the area described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order (“the restricted area”), being a public place in the Council’s area to which the Act applies:
  - activities carried on in the restricted area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect. The said activities being:
    - urinating and or defecating in public or communal spaces;
    - the control of dogs in public spaces;
    - dog fouling in public spaces.
  - That the effect, or likely effect of the activities described above is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.
3. In this Order:

**“Assistance Dog”** means a dog which has been trained:

- to guide a blind or partially sighted person;
- a dog which has been trained to assist a deaf person;
- a dog which has been trained to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects.
- A dog which has been trained to assist the police or any other official agency authorised by the Council.

**“Authorised officer”** means any Council officer, police officer, police community support officer, or any other person designated to enforce the Order by the Council of the City of York. Any authorised officer shall present, upon request, authorisation before enforcing the Order.

**“Person in charge of a dog”** means the owner, or whoever is in charge of the dog, at the time the offence is committed.

**“Proper Control”** means that the person in charge of a dog should not allow it to cause fear, alarm, or distress to any person or animal in the vicinity. This includes permitting the dog to repeatedly behave aggressively towards or make unrestrained, unwanted physical contact with another person or animal.

**“Public Space”** means any space to which the public or a part of the public has access (section 74(1) of the Anti-Social Behaviour, Crime and Policing Act 2014). This can be with payment, or with express or implied permission. This includes businesses and communal areas of housing blocks, but excludes residential premises.

**“Register”** means a register compiled under section 29 of the National Assistance Act 1948.

**“Road”** means any highway, whether adopted by the local authority or not, and any other road to which the public has access, and includes bridges over which a road passes.

### **BY THIS ORDER**

4. The effect of the Order is to impose the following prohibitions at all times in the restricted area, shown edged in Black on the attached map in the Schedule:

Offences relating to dogs

- a. If a dog defecates in the restricted area, the person in charge of the dog must remove the faeces from the land immediately and ensure that any dog faeces picked up are subsequently deposited in an appropriate waste receptacle.
- b. A person in charge of a dog on land to which this order applies must ensure that the dog is kept under proper control at all times.

Offence relating to urinating and or defecating in public or communal spaces

- c. A person is prohibited from urinating or defecating in any public space, community space or doorway.

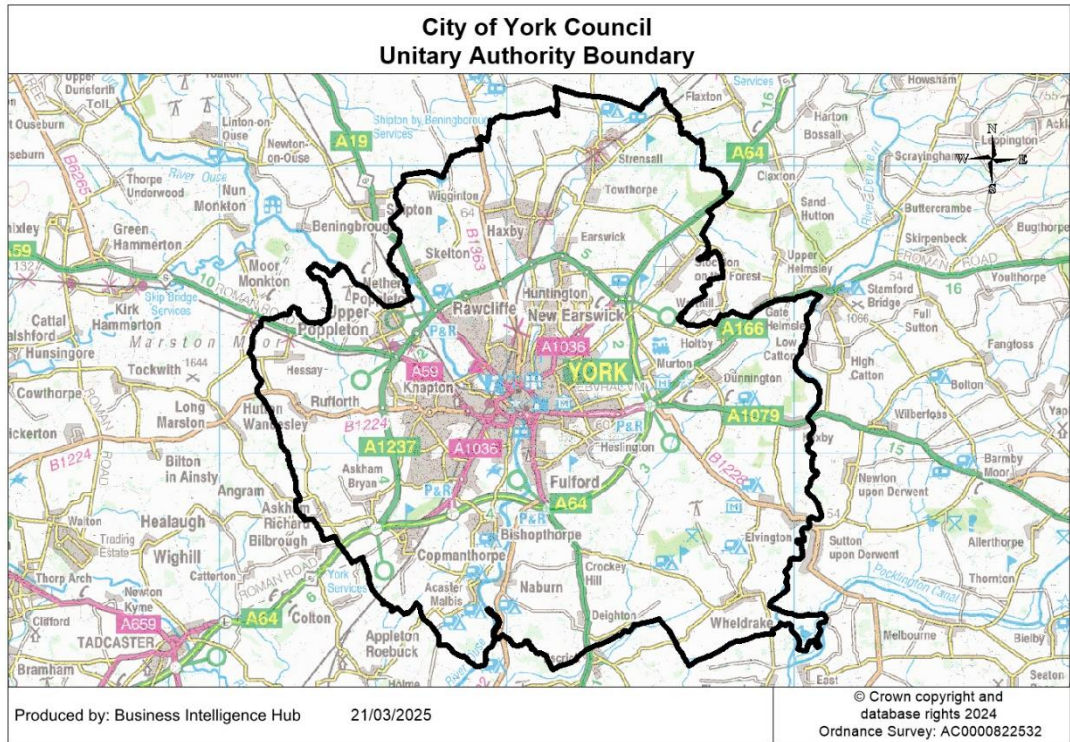
Any person who fails to comply with any of the conditions in this Order listed above commits an offence subject to the specific exemptions listed in paragraphs 5 and 6.

5. Any person in charge of an assistance dog may seek to rely upon one or more of the exemptions below to the offences listed in paragraphs 4a and 4b. Where a person is in charge of a dog and wishes to rely upon an exemption under this paragraph, they must demonstrate that they satisfy the requirements of the exemption.
- a. An exemption shall apply to a person who is on the Register as blind or partially sighted and is the person in charge of an assistance dog which defecates on land to which this order applies shall be considered to have a reasonable excuse for failing to pick up after the dog in relation to paragraph 4a of this Order.

- b. An exemption shall apply to anyone training an assistance dog in an official capacity in relation to paragraph 4b.
  - c. An exemption shall apply to a person in charge of a dog where that dog is being used by the police or other agencies permitted by the Council, for official purposes.
6. A person may seek to rely upon an exemption to the offence listed in paragraph 4c provided that they are able to provide a reasonable excuse. Whether a person shall be considered to have a reasonable excuse will be at the discretion of the authorised officer. Where a person wishes to rely upon an exemption under this paragraph, they must demonstrate that they satisfy the requirements of the exemption and may be required to provide evidence in support of any reasonable excuse.
7. The Order will remain in force for a period of [3] years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
8. In this area, any person who fails to comply with any of the conditions set out in paragraph 3 of this Order commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to a fixed penalty notice of £100, reduced to £75 for payment within the first 14 days.

## **THE SCHEDULE**

1. The Restricted area is described as the area bordered by [street names, roads or feature eg. the City Walls] and is shown edged in Black on the map attached hereto.



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|                      |  |
|----------------------|--|
| <b>Meeting:</b>      | Executive  |
| <b>Meeting date:</b> | 22/04/2025   |
| <b>Report of:</b>    | Garry Taylor, Director of City Development   |
| <b>Portfolio of:</b> | Councillor Pavlovic, Executive Member for Housing, Planning and Safer neighbourhoods |

## Decision Report: Local Development Scheme

### Subject of Report

1. The Council is required to prepare and regularly review a Local Development Scheme (LDS) under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
2. An LDS sets out a timetable for the production of new or revised Development Plan Documents (such as a Local Plan) by the local council. The Ministry for Housing, Communities and Local Government (MHCLG) has asked LPAs to review and update their LDS's in light of the revised National Planning Policy Framework released in December 2024.
3. This paper presents an interim LDS (Annex B), which supersedes all previous versions and sets out a planning work programme for the Council from March 2025.

### Benefits and Challenges

4. MHCLG advise that authorities still a need to review against the new NPPF even if the plan adoption is recent or imminent. Therefore, whilst the City of York adopted a new Local Plan on 27 February 2025, we are still required to prepare and submit a new LDS.
5. The Local Development Scheme sets a clear work programme for plan-making priorities. The LDS sets out how we are supporting the implementation of the plan through the delivery of Supplementary Planning Documents and the Community

Infrastructure Levy, both of which are support by Executive decisions.

6. The Government recently released an updated NPPF (December 2024) incorporating changes to meet their ambitions for higher housing delivery and economic investment. This was enacted for decision-making from its release date but comes into force for plan-making on 12 March 2025. The NPPF indicates that provisions for the revised plan-making system, provided for under the Levelling Up and Regeneration Act (LURA) 2023, will come into force in 2025. Additionally, the Secretary of State has also indicated the national policies for development management will be published for consultation in 2025.
7. Pending any further announcements and information from Government on these changes, the Planning Advisory Service (PAS) advises using the latest information in the public domain about the expected timeline for plan making under the new system. This was that set out in the July 2023 consultation on implementation of plan-making reforms. It is then expected that the plan making timetable can subsequently be updated, as and when required, to include relevant details of the new system when confirmed. Consequently, the LDS presented is an 'interim' timetable and will be subject to review when details of the new system are published.
8. City of York has 6 Neighbourhood Plans, which have been 'made' ahead of the adoption of the Local Plan. These were prepared to ensure strategic conformity to align with the emerging Local Plan and was addressed through their examination process. Now that the Local Plan is adopted, Officers intend to work with Parish Councils/ Neighbourhood Forums to ensure the policy position is clear and that their policies remain up-to-date. This may require a review of their neighbourhood plan in due course, which will inform future iterations of the LDS.

## **Policy Basis for Decision**

9. The requirement to produce an LDS is set under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS provides the overarching interim forward plan-making timetable.

10. Executive last approved an LDS in December 2022. This focussed on the continuation of the Local Plan Examination to adoption of the plan. The Examination of the Local Plan concluded by receipt of the Inspectors Report on 14 February 2025 and subsequently the plan was adopted by Full Council on 27 February 2025.
11. The documents produced as part of the forward plan-making will seek to support the delivery of the all relevant Council strategies and Council Plan priorities at the time of production. These will be considered in detail when presented to Council at the requisite time.

## **Financial Strategy Implications**

12. There are no financial implications with approving this interim LDS; ongoing activity outlined in the LDS (CIL, SPDs, SCI) are to be delivered within existing capacity and resources.
13. Following the release of the updated plan-making regulations, a revised LDS will be brought before Executive to consider the implications of delivering a Local Plan against a new NPPF alongside other ongoing plan-making priorities. As part of this process, it may be necessary to identify additional resources to support the plan-making timetable and delivery of the plan within the requisite timeframe. This will be set out clearly in future reporting.

## **Recommendation and Reasons**

14. Executive is recommended to:
  - i. Approve the interim Local Development Scheme (Annex B)

Reason: To ensure that the Council Complies with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

## **Background**

15. The LDS must specify the documents which will comprise the development plan and plan-making activity for the area. The LDS must be made available publicly and kept up to date to ensure that local communities and interested parties can keep track of progress. Planning Practice Guidance makes clear that Local

planning authorities must also publish the LDS on their websites<sup>1</sup>. Up-to-date and accessible reporting on the LDS is an important way in which authorities can keep communities informed of plan making activity.

16. The LDS outlines the recent stages of Local Plan examination and adoption. Aligned to the advice from PAS, an indicative timetable for a refreshed Local Plan against the revised NPPF is set out using the July 2023 consultation on implementation of plan-making reforms. The broad timetable proposed in the consultation consists of:
  - a 4 month notice period before starting plan making. This would consist of a scoping and early participation stage.
  - The formal plan making stage would run for months 1-23 and consist of visioning, evidence gathering, engagement and submission of the plan.
  - Months 24-30 would then be examination and adoption. It is expected that the examination takes place within the 30 month period.
17. The LDS presents the work programme to adopting the Community Infrastructure Levy Charging Schedule. This indicates adoption of the schedule by the end of 2025, subject to submission and a successful Examination in Public.
18. Following a decision by Executive in September 2024, the LDS also includes a projected timetable for production of the high priority Supplementary Planning Documents, which will support the implementation of the Local Plan.
19. The Council are also required to review and update their Statement of Community Involvement, which sets out the processes by which the community will be engaged in consultation on each type of document and at every stage of its preparation. The SCI also sets out how the community will engage in the consideration of major development management decisions.
20. Whilst a decision was made at Executive on 14 March 2024 to update the SCI and take the updated SCI out for consultation, consultation activity has been pending the adoption of the Local Plan. Adoption of the SCI is anticipated to be summer 2025, which

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<sup>1</sup> Planning Practice Guidance <https://www.gov.uk/guidance/plan-making#evidence-base>

should allow all consultation processes to align to this statutory consultation framework.

## Consultation Analysis

21. As documents in the LDS come forward and progress towards adoption, they will each be subject to separate consultation activities. These will be undertaken in accordance with the revised Statement of Community Involvement wherein a bespoke consultation strategy will be devised and released through a delegated decision by the Director of City Development.

## Options Analysis and Evidential Basis

22. Options for Executive to consider are:
  - i. Approving the interim Local Development Scheme for publishing as the forward plan-making schedule (Annex B)
  - ii. Amending the interim Local Development Scheme
23. Officers recommend option (i) to allow an interim LDS to be published in accordance with the statutory requirements. As an interim LDS, it is recognised that this will need to be refreshed following the release of the Government's new planning regulations.
24. Option (ii) allows Executive to recommend modifications to the interim LDS. This option could be endorsed should Members seek amendments to the timetables and/or priorities contained within (Annex B).

## Organisational Impact and Implications

25. **Financial:** There are no known financial implications in approving the interim Local Development Scheme (LDS) as existing resources will be used in this process. No additional resources are envisaged to be needed at this time.

For the next phase of progressing the LDS a plan will be drawn up to address additional resource needs (estimate is a 36 month time scale). No Government funding is currently available for this next stage, Government funding has only been released for authorities

in the mid stage of the process, rather than at the start as the case for CYC.

26. **Human Resources:** No implications as a result of this interim LDS. It is noted that resourcing requirements will be reviewed in a future LDS.
27. **Legal:** The Council as the local planning authority is required to prepare and maintain a Local Development Scheme under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The Local Development Scheme must be made available publicly and kept up-to-date. The proposals within this report will enable the Council to meet the statutory requirements and recently updated national planning policy detailed in the main body of the report. The Local Development Scheme is not part of the Development Plan.
28. **Procurement:** No implications as a result of this interim LDS. It is noted that resourcing requirements will be reviewed in a future LDS and procurement implications will be considered in detail at that point.
29. **Health and Wellbeing:** Public health support the recommendation to allow an interim LDS to be published in accordance with the statutory requirements and that this will need to be refreshed following the release of the Government's new planning regulations.
30. Local Development Schemes are key documents through which we can influence the design and function of places to create and maintain positive health outcomes for York residents. We recommend that the LDS is developed and published in line with Healthy Places Design Guides and Supplementary Planning Documents as they are developed and adopted to ensure that they maximise the health benefits and minimise health harms and this should include the use of S106 /CIL funding to reduce health inequalities.
31. **Environment and Climate action:** Continuation of the production of SPDs relevant to environmental and climate matters is clearly set out as part of the ongoing work programme. At this stage there is no direct implications. Each will be considered in detail in future reports.

32. **Affordability:** The production of the housing SPD is noted; implications of this will be considered in future reports. No further implications for communities and affordability at this stage.
33. **Equalities and Human Rights:** An EIA has been produced and is attached at Annex A. No implications as a result of this interim LDS is anticipated.
34. **Data Protection and Privacy:** The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
35. **Communications:** Communications, consultation and engagement is a statutory stage of plan-making which will help to ensure partners, businesses, communities and residents are given the opportunity to provide feedback on all documents outlined and to be involved in the development of the plans set out in this LDS.
36. **Economy:** The production of the Local Plan and SPDs is noted; implications of this will be considered in future reports. The production of planning policy guidance is considered to support the economic ambitions for the city and quality decision-making relevant to employment opportunities.

## Risks and Mitigations

37. The last LDS to be published was in December 2022. This focussed on progressing a Local Plan to adoption. Now that the new Local Plan is adopted, the published LDS is out-of-date and must be updated to provide a timetable for plan-making aligned to regulatory requirements.

## Wards Impacted

38. No direct implication for Wards. Documents outlined in the timetable will be applicable to all Wards.

## Contact details

For further information please contact the authors of this Decision Report.

### Author

|                         |   |
|-------------------------|---|
| <b>Name:</b>            | Alison Cooke                                |
| <b>Job Title:</b>       | Head of Strategic Planning Policy           |
| <b>Service Area:</b>    | Strategic Planning Policy, City Development |
| <b>Telephone:</b>       | 01904 551467                                |
| <b>Report approved:</b> | Yes   |
| <b>Date:</b>            | 04/04/2025                                  |

### Co-author

|                         |   |
|-------------------------|---|
| <b>Name:</b>            | Alison Stockdale                            |
| <b>Job Title:</b>       | Strategic Planning Policy Manager           |
| <b>Service Area:</b>    | Strategic Planning Policy, City Development |
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| <b>Report approved:</b> | Yes   |
| <b>Date:</b>            | 04/04/2025                                  |

## Background papers

[Executive Decision 15/12/2022](#) - City of York Planning Policy Housing Delivery Action Plan (HDAP) Update and Local Development Scheme (LDS) Update

[Executive Decision 12/09/2024](#) – Prioritising Supplementary Planning Documents

## Annexes

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Interim Local Development Scheme (LDS)

**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

|   |   |                     |                          |
|---|---|---------------------|--------------------------|
| <b>Directorate:</b>                                       | City Development Directorate                      |                     |                          |
| <b>Service Area:</b>                                      | Strategic Planning Policy                         |                     |                          |
| <b>Name of the proposal :</b>                             | Local Development Scheme                          |                     |                          |
| <b>Lead officer:</b>                                      | Alison Cooke<br>Head of Strategic Planning Policy |                     |                          |
| <b>Date assessment completed:</b>                         | 04 04 2025  |                     |                          |
| <b>Names of those who contributed to the assessment :</b> |   |                     |                          |
| <b>Name</b>   | <b>Job title</b>                                  | <b>Organisation</b> | <b>Area of expertise</b> |
|   |   |                     |                          |

**Step 1 – Aims and intended outcomes**

|            |   |
|------------|---|
| <b>1.1</b> | <b>What is the purpose of the proposal?</b><br>Please explain your proposal in Plain English avoiding acronyms and jargon.  |
|            | A Local Development Scheme (LDS) sets out a timetable for the production of new or revised Development Plan Documents (such as a Local Plan) by the local council. The Ministry for Housing, Communities and Local Government (MHCLG) has asked LPAs to review and update their LDS's in light of the revised National Planning Policy Framework released in December 2024. |

|            |  |
|------------|--|
|            | This paper presents an interim LDS, which supersedes all previous versions and sets out a planning work programme for the Council from March 2025.   |
| <b>1.2</b> | <b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)  |
|            | <p>The Council is required to prepare and regularly review a Local Development Scheme (LDS) under the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).</p> <p>The Equalities Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It provides a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. Under the Act, the Gypsy, Roma and Traveller community are specifically protected under the protected characteristics for 'Race'.</p> |
| <b>1.3</b> | <b>Who are the stakeholders and what are their interests?</b>  |
|            | The LDS is relevant to anyone who is interested in the plan-making process and when this may occur. This includes <b>Local Communities, Voluntary and community Sector, officers at City of York Council and Planning Agents and Developer community.</b>  |
| <b>1.4</b> | <b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.  |
|            | This is proposed as an interim LDS to demonstrate our intentions for plan-making post adoption of the Local Plan. The timetables identify the focus of activity on delivery and implementation of the adopted local plan, production of Supplementary Planning documents, examination of the Community Infrastructure Levy, continuation of Neighbourhood Plan making and updating the Statement of Community Involvement. Each of these documents is subject to a separate Executive decision to proceed.   |

|  |  |
|--|--|
|  | The plan-making outlined seeks to deliver on our spatial strategy and planning policy set out in the adopted Local Plan, which also positively contributes to the delivery of our economic, climate change and transport strategies as well as the core commitments set out in the Council Plan of equalities, affordability, climate change and health. |
|--|--|

## Step 2 – Gathering the information and feedback

|            |  |  |
|------------|--|--|
| <b>2.1</b> | <b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc. |  |
|            | <b>Source of data/<br/>supporting evidence</b>   | <b>Reason for using</b>  |
|            | York's Adopted Local Plan (2025)   | Provides the policy framework against which the CIL, SPDs and neighbourhood Plans will be developed. This is supported by an extensive and broad evidence base as well as a 'sound' Inspectors report following Examination in public.           |
|            | Community Infrastructure Levy consultation (2023)  | Two rounds of city-wide consultation on the Community Infrastructure levy charging schedule has been undertaken. This was supported by evidence base, EIA and a decision to proceed at Executive.  |
|            | Neighbourhood Plans  | These are subject to legislative and procedural requirements during their preparation prior to being 'made' by the council. Executive take the decision to 'make' a plan and all reports have been or will be subject to EIA this point in time. |

## Step 3 – Gaps in data and knowledge

|            |   |  |
|------------|---|--|
| <b>3.1</b> | <b>What are the main gaps in information and understanding of the impact of your proposal?</b><br><b>Please indicate how any gaps will be dealt with.</b> |  |
|            | <b>Gaps in data or knowledge</b>  | <b>Action to deal with this</b>  |
|            | This is subject to each document preparation  | The LDS provides an overview of the timetable for production. Each document will be subject to a separate decision prior to public consultation and/or being brought into force as part of the development plan. |

## Step 4 – Analysing the impacts or effects.

|  |   |  |  |
|--|---|--|--|
| <b>4.1</b>                               | <b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?</b> Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations. |  |  |
| <b>Equality Groups and Human Rights.</b> | <b>Key Findings/Impacts</b>   | <b>Positive (+)<br/>Negative (-)<br/>Neutral (0)</b> | <b>High (H)<br/>Medium (M)<br/>Low (L)</b> |
| <b>Age</b>                               | This proposal outlines the production for a Housing SPD which may provide further guidance to support housing provision for all ages. This will be considered in more detail when the SPD is presented for a decision.  | 0  |  |
| <b>Disability</b>                        | This proposal outlines the production for a Housing SPD which may provide further guidance to support accessible housing provision. This will be considered in more detail when the SPD is presented for a decision.  | +  | L  |
| <b>Gender</b>                            | This proposal is not expected to impact on that characteristic  | 0  |  |
| <b>Gender Reassignment</b>               | This proposal is not expected to impact on that characteristic  | 0  |  |
| <b>Marriage and civil partnership</b>    | This proposal is not expected to impact on that characteristic  | 0  |  |
| <b>Pregnancy and maternity</b>           | This proposal is not expected to impact on that characteristic  | 0  |  |
| <b>Race</b>                              | This proposal outlines the production for a Gypsy and Traveller Pitch Design SPD. This will be considered in more detail when the SPD is presented for a decision.  | +  | H  |
| <b>Religion and belief</b>               | This proposal is not expected to impact on that characteristic  | 0  |  |

|  |   |   |   |
|--|---|---|---|
| <b>Sexual orientation</b>                      | This proposal is not expected to impact on that characteristic  | 0 |   |
| <b>Other Socio-economic groups including :</b> | <b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>  |   |   |
| <b>Carer</b>                                   | This proposal is not expected to impact on that characteristic  | 0 |   |
| <b>Low income groups</b>                       | This proposal outlines the production for a Housing SPD which will provide further guidance to support affordable housing provision. This will be considered in more detail when the SPD is presented for a decision. | + | H |
| <b>Veterans, Armed Forces Community</b>        | This proposal is not expected to impact on that characteristic  | 0 |   |
| <b>Other</b>                                   | This proposal is not expected to impact on that characteristic  | 0 |   |
| <b>Impact on human rights:</b>                 |   |   |   |
| List any human rights impacted.                | This proposal is not expected to impact on that characteristic  | 0 |   |

|   |  |
|---|--|
| <b>High impact</b><br>(The proposal or process is very equality relevant)       | <p>There is significant potential for or evidence of adverse impact</p> <p>The proposal is institution wide or public facing</p> <p>The proposal has consequences for or affects significant numbers of people</p> <p>The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>      |
| <b>Medium impact</b><br>(The proposal or process is somewhat equality relevant) | <p>There is some evidence to suggest potential for or evidence of adverse impact</p> <p>The proposal is institution wide or across services, but mainly internal</p> <p>The proposal has consequences for or affects some people</p> <p>The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p> |

|   |  |
|---|--|
| <b>Low impact</b><br>(The proposal or process might be equality relevant) | <p>There is little evidence to suggest that the proposal could result in adverse impact</p> <p>The proposal operates in a limited way</p> <p>The proposal has consequences for or affects few people</p> <p>The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p> |
|---|--|

## Step 5 - Mitigating adverse impacts and maximising positive impacts

|  |   |
|--|---|
| <b>5.1</b>   | <b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b> |
| There are no negative adverse impacts identified with this report and the recommendation to approve the Interim Local Development Scheme. Future EIAs will be developed to consider the detail of each of the documents included in the timetable and their impacts. |   |

## Step 6 – Recommendations and conclusions of the assessment

|   |   |  |
|---|---|--|
| 6.1   | Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take: |  |
| - <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review. |   |  |
| Option selected   |   | Conclusions/justification  |
| No major change to the proposal   |   | The EIA demonstrates that this approach positively supports the delivery of planning policy with positive or neutral effects.<br>Future EIAs will be developed to consider the detail of each SPD and their impacts. |

## Step 7 – Summary of agreed actions resulting from the assessment

| <b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b> |  |                           |   |
|---|--|---------------------------|---|
| <b>Impact/issue</b>   | <b>Action to be taken</b>  | <b>Person responsible</b> | <b>Timescale</b>                            |
| Review of detailed SPDs when produced   | Impacts of the detail of each SPD to be considered                                       | Alison Cooke              | Associated with the production of the SPDs. |
| Review of detailed Neighbourhood Plans when produced                                      | Impacts of the detail of each NP to be considered prior to a decision being made.        | Alison Cooke              | TBC aligned to plan production              |
| Review of future Local Plan implications  | Monitoring of adopted Local Plan and its impacts to inform future Local Plan production. | Alison Cooke              | Annual                                      |

## Step 8 - Monitor, review and improve

|             |  |
|-------------|--|
| <b>8. 1</b> | <b>How will the impact of your proposal be monitored and improved upon going forward?</b><br>Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?  |
|             | <p>The Local Plan policies will be monitored in accordance with an agreed monitoring framework and reported through the statutory Annual Monitoring Report. This will be used to inform the detail of future plan-making.</p> <p>The Local Development Scheme will be updated in the future as necessary to ensure the plan-making timetable remains up-to-date.</p> |





# Interim Local Development Scheme (LDS)

Draft April 2025

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## **1 Introduction**

- 1.1 The Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) introduced the requirement for local planning authorities to prepare and maintain a Local Development Scheme (LDS). An LDS sets out a timetable for the production of new or revised Development Plan Documents (such as a Local Plan) by the local council.
- 1.2 This LDS, which supersedes all previous versions, sets out a planning work programme for the Council with indicative timeframes for plan production. It will be reviewed as necessary to keep it up to date.
- 1.3 This LDS covers the following documents:
- The City of York Local Plan
  - The Community Infrastructure Levy (CIL) Charging Schedule
  - Neighbourhood Plans
  - Supplementary Planning Documents (SPDs)
  - Statement of Community Involvement

## 2 The Development Plan for the City of York

### **Regional Spatial Strategy (RSS)**

- 2.1 Whilst the Regional Strategy for Yorkshire and Humber has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York.

### **Minerals and Waste Joint Plan (North Yorkshire County Council, North York Moors National Park Authority and City of York Council).**

- 2.2 Following the receipt of the Inspectors Report and Appendix of Main Modifications on 4 February 2022, each of the three Authorities progressed the Plan to adoption.
- 2.3 North Yorkshire County Council adopted the Plan on 16 February 2022 and North York Moors National Park Authority adopted the plan on 21 March 2022.
- 2.4 The City of York Council agreed to adopt the Minerals and Waste Joint Plan at its Full Council meeting on 27 April 2022.

### **City of York Local Plan**

- 2.5 The City of York Council Local Plan was adopted by Full Council on 27 February 2025.
- 2.6 The Local Plan was submitted to the Secretary of State for independent examination in 2018. Five phases of Examination in Public (EiP) took place between 2019 to 2024. Formal consultation on the proposed modifications to the Plan took place in Spring 2023 with an additional main modifications consultation for Policy H5: Gypsies and Travellers in summer 2024.
- 2.7 The Local Plan was prepared in compliance with Planning and Compulsory Purchase Act (2008, as amended) and the National Planning Policy Framework<sup>1</sup>. Consultation on the proposed Main Modifications was compliant with Regulation 19 of the Planning and Compulsory Purchase Act 2004<sup>2</sup> and the adopted Statement of Community Involvement (2007).
- 2.8 Please refer to Table 2.1a for key milestones up to the recent adoption of the Local Plan.

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<sup>1</sup> Under transitional arrangements against NPPF 2012 as per para 241 of the NPPF (2024).

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

*Future Local Plan plan-making*

- 2.9 Work on a revised/ new Local Plan will take place under the new plan making system secured by the Levelling Up and Regeneration Act 2023 (LURA). The NPPF 2024 indicates that provisions for the revised plan-making system, provided for under the LURA, will come into force from 12 March 2025. The LURA still requires authorities to create a timetable for plan making with the details to follow within regulations to be published later this year.
- 2.10 In advance of the new plan-making regulations coming in force, Local Authorities looking to begin a plan under the new system are recommended to use the broad timetable for the new plan-making set out in the July 2023 consultation on the LURA.
- 2.11 The broad timetable proposed in the consultation consists of:
- a 4 month notice period before starting plan making. This would consist of a scoping and early participation stage.
  - The formal plan making stage would run for months 1-23 and consist of visioning, evidence gathering, engagement and submission of the plan.
  - Months 24-30 would then be examination and adoption. It is expected that the examination takes place within the 30 month period.
- 2.12 An indicative timetable for this has been proposed at Table 2.1b. This will be reconsidered when details of the new plan-making system are released.

### **3 Community Infrastructure Levy (CIL)**

- 3.1 Alongside the Local Plan, a draft CIL Charging Schedule has been developed. A formal consultation on the Charging Schedule took place in Spring 2023. A further consultation on the Revised Charging Schedule took place in December 2023 – January 2024. Submission to an independent examiner for examination is anticipated in late Spring 2025<sup>3</sup> followed by an independent Examination. Currently, adoption of CIL is proposed for late 2025.
- 3.2 The Planning Act 2008 (as amended)<sup>4</sup> and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)<sup>5</sup> provide the powers for local planning authorities, or “charging authorities”, to choose to develop and charge a CIL on development in their area. It also sets out the legal tests on the use of S106 planning obligations.
- 3.3 Please refer to Table 2.1c for the intended work programme.

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<sup>3</sup> <https://www.york.gov.uk/CILConsultation2023>

<sup>4</sup> <https://www.legislation.gov.uk/ukpga/2008/29/contents>

<sup>5</sup> <https://www.legislation.gov.uk/uksi/2010/948/contents>

**Neighbourhood Plans**

- 3.4 Neighbourhood Plans offer local communities (via a Neighbourhood Forum or Parish Council) the opportunity to prepare locally specific policies in conformity with the Local Plan. A neighbourhood plan attains the same legal status as the Local Plan once it has been agreed at a referendum and is 'made' by the local planning authority (i.e. brought into legal force following an independent Examination); it becomes part of the Development Plan for the authority.
- 3.5 Neighbourhood Plans are developed in accordance with the Localism Act 2011<sup>6</sup>, Neighbourhood Planning (General) Regulations 2012<sup>7</sup> and the Neighbourhood Planning (Referendum) Regulations 2012 (as amended)<sup>8</sup>. Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum.
- 3.6 The current state of Neighbourhood Plans in York in summary is as follows:
- 6 Neighbourhood Plans have been formally 'made':
    - Earswick Neighbourhood Plan – June 2019
    - Huntington Neighbourhood Plan – July 2021
    - Minster Precinct Neighbourhood Plan – June 2022
    - Rufforth and Knapton Neighbourhood Plan – December 2018
    - Strensall with Towthorpe Neighbourhood Plan – June 2023
    - Upper and Nether Poppleton Neighbourhood Plan – October 2017
  - 1 in receipt of an Examiner's Report:
    - Murton Neighbourhood Plan started its examination on 13 January 2025 with the Inspector's Report received on 1 April 2025. Pending Executive's decision to accept the conclusions of the Inspectors report, the Neighbourhood Plan will move to referendum early summer 2025.
  - 3 are currently being progressed by Parish Councils:
    - Copmanthorpe Neighbourhood Plan was submitted in February 2025. Submission consultation is currently ongoing, finishing on 14 May 2025. Examination will follow the close of the consultation.
    - Dunnington and Heslington Neighbourhood Plans are being advanced by their respective Parish Councils. Timeframes are currently being agreed.

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<sup>6</sup> <https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<sup>7</sup> <https://www.legislation.gov.uk/uksi/2012/637/contents>

<sup>8</sup> <https://www.legislation.gov.uk/uksi/2012/2031/contents>

- 3.7 Neighbourhood Plans been ‘made’ ahead of the Local Plan worked to ensure strategic conformity to align with the emerging Local Plan; this was addressed through their examination process. Now that the Local Plan is adopted, Officers intend to work with Parish Councils/ Neighbourhood Forums to ensure the policy position is clear and that their policies remain up-to-date. This may require a review of their neighbourhood plan in due course.

### **Supplementary Planning Documents**

- 3.8 Supplementary Planning Documents (SPDs) provide additional advice and guidance on policies contained within the Local Plan.
- 3.9 In September 2024<sup>9</sup>, the Council’s Executive chose to prioritise the production of SPDs to support the implementation of the then, emerging Local Plan, which has subsequently been adopted. Consequently, SPD’s relating to Climate Change, Healthy Places, Gypsy and Traveller Pitch Design, Housing and Green Infrastructure are currently being worked on; please refer to Table 2.1d for the intended work programme.
- 3.10 Where SPD’s are agreed to supplement the Development Plan, [Regulations 11 to 16 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) set out the requirements for producing Supplementary Planning Documents.

### **Statement of Community Involvement**

- 3.11 A Statement of Community Involvement (SCI) sets out the processes by which the community will be engaged in consultation on each type of document and at every stage of its preparation. The SCI also sets out how the community will engage in the consideration of major development management decisions.
- 3.12 A decision was made at Executive on 14 March 2024<sup>10</sup> to update the SCI and take the updated SCI out for consultation.
- 3.13 Please refer to Table 2.1e for the intended work programme.

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<sup>9</sup> Executive Decision - Prioritisation of Supplementary Planning Documents:  
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=67703>

<sup>10</sup> Executive Decision - Statement of Community Involvement update  
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?AllId=67005>

**Table 2.1a Development Plan Document (DPD) Work Programme - Local Plan**

|  | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |     |     |     |     |     |     |     |      |     |     |     |
|--|------|------|------|------|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
| Overall timescale  |      |      |      |      |      |      |      | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec |
| <b>Submission of the Local Plan</b>                                  |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Consultation on evidence base and proposed draft modifications       |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Phase 1 Hearing Sessions</b>                                      |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Inspectors further information requests and response                 |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Consultation on evidence base and proposed draft modifications       |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Phase 2-4 Hearing Sessions</b>                                    |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Consultation on proposed Main Modifications and evidence base</b> |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Consultation on Green Belt Matters</b>                            |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Phase 5 Hearing Session</b>                                       |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Inspectors' Report</b>  |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Adoption</b>  |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Delivery of Local Plan 2017-2033</b>                              |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| <b>Scoping new Local Plan – See Table 2.1b</b>                       |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Stages Complete  |      |      |      |      |      |      |      |      |     |     |     |     |     |     |     |      |     |     |     |

**Table 2.1b Possible timetable for new/ revised Local Plan**

|                             | 2025 | 2026                      |     |     |     |     |     |     |     |      |     |     |     | 2027 | 2028 |     |     |     |     |     |     |      |     |     |     |     | 2029 |
|-----------------------------|------|---------------------------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|------|
|                             |      | New plan-making timetable |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
|                             |      | Jan                       | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Jan  | Feb  | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Jan |      |
| Local Elections             |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Mayoral Elections           |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Adopted Local Plan delivery |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Plan review scoping         |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Notification                |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Plan visioning              |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Engagement                  |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Review comments             |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Evidence base               |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Drafting Plan               |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Engagement                  |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Review comments             |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Submission                  |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Examination                 |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |
| Adoption                    |      |                           |     |     |     |     |     |     |     |      |     |     |     |      |      |     |     |     |     |     |     |      |     |     |     |     |      |

**Table 2.1c Work Programme – Community Infrastructure Levy Charging Schedule**

| Overall timescale                                    | 2022            | 2023 | 2024 | 2025 |     |     |     |     |     |     |     |      |     |     |     |
|--|-----------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
|  |                 |      |      | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec |
| Draft Charging Schedule preparation                  |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Consultation: Draft Charging Schedule                |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Consideration of responses                           |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Second Consultation: Revised Draft Charging Schedule |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Consideration of responses                           |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| On hold pending Local Plan adoption                  |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Review evidence and submission                       |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Examination Period                                   |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Adoption   |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
| Spending Profile Pipeline preparation & Decision     |                 |      |      |      |     |     |     |     |     |     |     |      |     |     |     |
|  | Stages complete |      |      |      |     |     |     |     |     |     |     |      |     |     |     |

Table 2.1d Work Programme – Supplementary Planning Documents

| Overall timescale                            | 2024 | 2025 |     |     |     |     |     |     |     |      |     |     |     | 2026 |     |     |     |     |     |     |     |      |     |     |     |
|--|------|------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
|  |      | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec |
| Climate Change SPD                           |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Preparation of draft                         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval for formal consultation (Executive) |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Public consultation                          |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Analysis / consideration of responses        |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval and adoption by the Council         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Housing SPD                                  |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Preparation of draft                         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval for formal consultation (Executive) |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Public consultation                          |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Analysis / consideration of responses        |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval and adoption by the Council         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Health SPD                                   |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Preparation of draft                         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval for formal consultation (Executive) |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Public consultation                          |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Analysis / consideration of responses        |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval and adoption by the Council         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Gypsy and Traveller SPD                      |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Preparation of draft                         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |

| Overall timescale                            | 2024 | 2025 |     |     |     |     |     |     |     |      |     |     |     | 2026 |     |     |     |     |     |     |     |      |     |     |     |
|--|------|------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
|  |      | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec |
| Approval for formal consultation (executive) |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Public consultation                          |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Analysis / consideration of responses        |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval and adoption by the Council         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Green Infrastructure SPD                     |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Preparation of draft                         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval for formal consultation             |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Public consultation                          |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Analysis / consideration of responses        |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval and adoption by the Council         |      |      |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |

**Table 2.1e Work Programme – Statement of Community Involvement**

| Overall Timescale                   | 2024            |     |     |     |     |     |     |     |      |     |     |     | 2025 |     |     |     |     |     |     |     |      |     |     |     |
|-------------------------------------|-----------------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
|                                     | Jan             | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec | Jan  | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec |
| Preparation of SCI                  |                 |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Approval for consultation           |                 |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| On hold pending Local Plan progress |                 |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Consultation                        |                 |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Analysis of consultation            |                 |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Reporting                           |                 |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
| Publication                         |                 |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |
|                                     | Stages complete |     |     |     |     |     |     |     |      |     |     |     |      |     |     |     |     |     |     |     |      |     |     |     |

## **4 Programme Management and Reporting**

### **Programme Management**

- 4.1 The overall management of the Local Plan falls under the Director of City Development with day to day management by the Head of Strategic Planning Policy.

### **Reporting**

- 4.2 Matters relating to the Local Plan, CIL, Neighbourhood Plans and SPDs are usually reported to Council Members via the Local Plan Working Group. This is a formally constituted cross party advisory committee of the Council which meets in public and makes recommendations to the Council's Executive. The Council's Executive is responsible for making decisions relating to the production of the Local Plan, CIL, Neighbourhood Plans and SPDs. Full Council is responsible for agreeing the adoption of the Local Plan.

## **5 Review**

- 5.1 This LDS will be kept under review and updated regularly to reflect changes in timescales or the production of additional documents.

## **6 Further Information**

- 6.1 For further information regarding the LDS or workstreams contained within the LDS, please contact the Strategic Planning Policy Team via the following details:

Email: [localplan@york.gov.uk](mailto:localplan@york.gov.uk)

Phone: 01904 552255

**City of York Council | Strategic Planning Policy**

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|                      |  |
|----------------------|--|
| <b>Meeting:</b>      | Executive  |
| <b>Meeting date:</b> | 22/04/2025   |
| <b>Report of:</b>    | Garry Taylor, Director of City Development                                       |
| <b>Portfolio of:</b> | Cllr M Pavlovic, Executive Member for Housing, Planning and Safer Neighbourhoods |

## **Decision Report: Murton Neighbourhood Plan – Examiner’s Report & Decision Statement**

### **Subject of Report**

1. The Parish Council of Murton have produced a Neighbourhood Plan for their area. This plan sets out their planning policies and has been subject to an independent Examination.
2. This report presents the conclusions of the Examination in the Inspector’s Report (Annex B) and recommends Executive to endorse the Examiner’s recommendations to enable the Neighbourhood Plan to proceed to Referendum, as set out in the Decision Statement (Annex C).

### **Benefits and Challenges**

3. The Murton Neighbourhood Plan has been prepared by the Parish Council of Murton and includes locally specific planning policies on issues important to the Parish. The Parish Council have worked collaboratively with the Council during the preparation to ensure it has been prepared in conformity with the Development Plan for the authority. This plan was prepared in advance of adoption of York’s Local Plan. However, all advice to the Parish Council has been based on the emerging Local Plan, including proposed modifications and the Examiner has taken this into account in their conclusions.

4. Subject to Members' decision to proceed, the plan will proceed to a Referendum within the Parish to decide whether or not to adopt the plan for the Parish. If more than 50% of the vote is in favour, this plan will form part of the development plan for the authority's area, together with the adopted Local Plan<sup>1</sup>, other made neighbourhood plans, and the Joint Minerals and Waste Plan (2022<sup>2</sup>).

## **Policy Basis for Decision**

5. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations") sets out the specific requirements for preparing the Neighbourhood Plan and bringing this into force as part of a development plan for the authority.
6. The Regulations place a statutory duty on planning authorities to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. They also require decisions at key stages in the process within set time limits.
7. Following receipt of the Inspector's report, the legislation requires the Council to:
  - Consider each of the recommendations made by the Examiner's Report (and the reasons for them), and
  - Decide what action to take in response to each recommendation.
8. If the LPA is satisfied that the Neighbourhood Plan meets the Basic Conditions, is compatible with the Convention rights, and complies with the definition of an NP and the provisions that can be made by a NP or can do so if modified (whether or not recommended by the Examiner), then a referendum must be held.
9. The Council is required to publish its decision and its reasons for it in a 'Decision Statement'. The Decision Statement must be published within 5 weeks beginning with the day following receipt of the Examiner's Report unless an alternative timescale is agreed

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<sup>1</sup> Adopted on 27 February 2025

<sup>2</sup> Jointly prepared with North Yorkshire and North York Moors and adopted on

with the relevant Parish Council and / or its agents. Annex C presents the proposed Decision Statement required by Regulation 25 of the Neighbourhood Planning (General) Regulations (2012, as amended).

10. The Examiner's recommendations on the Neighbourhood Plan are not binding on the Council, who may choose to make a decision which differs from the Examiner's. However, any significant changes from the Examiner's recommendations would require a further period of public consultation, along with a statement from the Council setting out why it has taken this decision.
11. As the Neighbourhood Plan is now at an advanced stage, its policies have legal weight in decision making with regard to any planning applications to be determined within the Murton Neighbourhood Plan area. This is reflected in The Neighbourhood Planning Act 2017 which recognises that, when determining an application, a LPA must have regard to "*a post examination draft neighbourhood development plan as far as material to the application*". If a LPA makes a decision to allow a draft neighbourhood plan with modifications to proceed to referendum, then the modifications recommended must also be taken into account.
12. The government have published guidance on the weight of the Neighbourhood Plan policies. The guidance states that '*where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given 'significant weight' in decision-making, so far as the plan is material to the application*'.
13. The Neighbourhood Plan supports the achievement of the core principles set out in the Council Plan. In particular, policies in the plan seek to support well designed development, as well as supporting green infrastructure with positive implications for health and well-being and climate change objectives.

## Financial Strategy Implications

14. The responsibility, and therefore the costs, of the Examination and Referendum stages of the Neighbourhood Plan production lie with the City of York Council. Table 1 below sets out a breakdown of the non-staffing costs of producing the Murton Neighbourhood

Plan to date and also sets out the estimated costs associated with the Examination and Referendum.

*Table 1*

| <b>Stage</b>               | <b>Cost</b>  |
|----------------------------|--|
| Designation consultation   | £500 (estimate)  |
| Submission consultation    | £500 (estimate)  |
| NP grant to Parish Council | £3,000   |
| Examination                | Approx £3,000 exc VAT<br>(final amount TBC on<br>completion of<br>Examination) |
| Referendum                 | Circa £6,000 (tbc)   |
| <b>Total</b>               | <b>£13,000 (estimate)</b>  |

15. A significant level of officer resources is required throughout the process to provide support to each of the Neighbourhood Planning Bodies during the preparation of the plan. This officer input seeks to ensure legal conformity, appropriate plan content, technical advice, including provision of mapping and assistance with Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA).
16. Financial support from Central Government is available for Local Planning Authorities (LPAs) involved with Neighbourhood Plans. £5,000 is available for the designation of five neighbourhood areas; York can no longer claim this as we have more than 5 designated neighbourhood areas. Local Planning Authorities can also claim £20,000 following a decision to proceed and setting a date for to referendum. A claim will be able to be made at the point when the local planning authority issues a Decision Statement detailing its intention to send the plan to referendum (rather than when a referendum date has been set) (Annex C).
17. Murton Parish Council was provided with a £3k grant from the Council to support the development of the neighbourhood plan to Submission.
18. Communities with Neighbourhood Plans in place can also benefit financially should York adopt a Community Infrastructure Levy (CIL). They can benefit from 25% of the revenues from the CIL arising from the development that takes place in their area. At the Council's Executive meeting on 26<sup>th</sup> January 2023, the Council made the decision to formally consult on the draft CIL Charging

Schedule and associated Instalment Plan, prior to CIL being published and charged, in line with the CIL Regulations 2010 (as amended 2019). It is anticipated that the CIL Charging Schedule will be submitted for examination in Spring 2025 and, subject to a successful examination, will be adopted by the end of the year.

## Recommendation and Reasons

19. It is recommended that Executive:

- i) Agrees the Examiner's modifications set out at Annex C (Decision Statement) to the Submission Draft Murton Neighbourhood Plan (Annex A) and that subject to those modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements.
- ii) Agrees that the Submission Draft Murton Neighbourhood Plan as amended proceeds to a local referendum based on the neighbourhood area as noted in the Examiner's Report (Annex B).
- (iii) Approves the Decision Statement attached at Annex C to be published on the City of York Council's website.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

## Background

20. The Murton Neighbourhood Plan has been prepared by Murton Parish Council, with engagement with the local community and City of York Council. Prior to Examination it has been through the following stages of preparation:

- Area to be covered by Neighbourhood Plan submitted to City of York Council (14 February 2014);
- Consultation on Neighbourhood Plan area (17 March – 28 April 2014);
- Designation as a Neighbourhood Area (23 July 2015);
- First Pre-Submission consultation Regulation 14 (6 April 2021 to 18 May 2021);
- Submission of Neighbourhood Plan to City of York Council (16 October 2024);

- Submission Consultation – Regulation 16 (6 November 2024 – 10 January 2025).
21. Following the close of submission consultation and with the consent of Murton Parish Council, Andrew Ashcroft (BA(Hons), MA, DMS, MRTPI) was appointed to undertake an Independent Examination of the Neighbourhood Plan. The purpose of the Examination is to consider whether the Plan complies with various legislative requirements and meets a set of “Basic Conditions” set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:
- i. To have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - ii. To contribute to the achievement of sustainable development;
  - iii. To be in general conformity with the strategic policies contained in the development plan for the area;
  - iv. To not breach, and be otherwise compatible with, EU and European convention on Human Rights obligations; and
  - v. To be in conformity with the Conservation of Habitats and Species Regulations 2017(3).
22. The Examiner can make one of three overall recommendations on the Neighbourhood Plan namely that it can proceed to referendum (i) with modifications; (ii) without modification; or (iii) that the Neighbourhood Plan cannot be modified in a way that allows it to meet the Basic Conditions or legal requirements and should not proceed to referendum.
23. Modifications can only be those that the Examiner considers are needed to:
- a. make the plan conform to the Basic Conditions
  - b. make the plan compatible with the Convention rights
  - c. make the plan comply with definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan or
  - d. to correct errors.
24. If a recommendation to go to a referendum is made, the Examiner must also recommend whether the area for the referendum should

go beyond the Neighbourhood Area, and if so what the extended area should be.

25. The Regulations presume that Neighbourhood Plans will be examined by way of written evidence only, with a requirement for a hearing only in cases where the Examiner feels the only way to properly assess a particular issue is via a discussion with all parties. The Examiner decided that examination by written representations was appropriate in this case and provided his final report on 1st April 2025.

#### The Examiner's Recommendations

26. Annex B to this Committee report sets out the Examiner's Report, including modifications.
27. The Examiner's Report concludes that, subject to the modifications proposed in his report, the Neighbourhood Plan meets the Basic Conditions required by legislation and that the Neighbourhood Plan should proceed to a referendum to be held within the Neighbourhood Area.
28. Officers have considered all the recommendations and the Examiner's reasons for them and have set out the Council's response as part of the Decision Statement in Annex C.
29. Positively the Examiner summarises that *"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. The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation."*
30. On the matter of the Referendum, the Examiner recommended that it should proceed to Referendum, and that the Referendum area should coincide with the neighbourhood area.
31. The Examiners Report (Annex B) assesses the policies in the Neighbourhood Plan and makes a series of recommended modifications where necessary, to ensure that the policies have the necessary precision to meet the Basic Conditions. The Modifications proposed by the Inspector are outlined in the Decision Statement (Annex C), together with the Council's Consideration / Justification.

32. In summary, the Examiner has proposed modifications to the following policies:

- ENV2 – Green Infrastructure;
- ENV3 – Historic Environment;
- ENV4 – Design;
- ENV5 – Alterations and Extensions;
- ENV6 – Flood Risk Management;
- ENV7 - Murton Park;
- EMP1 – Employment;
- HAC1 – Housing Development;
- HAC2 – Houses in Multiple Occupation;
- HAC3 – Community Facilities;
- TRA1 – Traffic and Movement;
- DC1 – Developer Contributions;

33. The Examiner also recommended adding text to the Community Action section to clarify that they are not land use planning policies and do not form part of the development plan and should be shown in a different colour from the policies. He recommended modification of general text in the Plan, where required, to achieve consistency with the modified policies to accommodate any administrative and technical changes to ensure that the Plan is up to date. He also recommended that all references to the emerging Local Plan are updated to refer to the adopted Local Plan.

#### Next Steps - Referendum

34. Subject to a decision to endorse the conclusions of the Inspector's report, the Council must organise a referendum on the Neighbourhood Plan. This ensures that the community has the final say on whether a Neighbourhood Plan comes into force.
35. The Regulations require the Local Planning Authority to hold a referendum within 56 days of the date that a decision to hold one has been made (excluding weekends and Bank Holidays). Subject to Executive endorsing the recommendations in this report on 22<sup>nd</sup>

April 2025, the referendum must be held by 14<sup>th</sup> July 2025. The date for the referendum and further details will be publicised following Executive's decision.

36. If over 50% of those voting in the referendum vote 'yes' in favour of the Neighbourhood Plan, then under the legislation the Council must bring it into force within 8 weeks of the result of referendum (unless there are unresolved legal challenges). If the referendum results in a "yes" vote a further report will be brought to Executive with regard to the formal adoption of the Neighbourhood Plan as part of the statutory Development Plan.

## **Consultation Analysis**

37. The overall process for creating a Neighbourhood Plan is collaborative between the qualifying body, in this case Murton Parish Council and the Council.
38. Preparation of the plan is undertaken by the qualifying body and is then submitted to the Council. After Submission of the plan, the Council leads on its independent Examination and subject to this being successful, the Referendum process.
39. Paragraph 20 of this report sets out all of the stages of consultation that the Murton Neighbourhood Plan has been through. A Consultation Statement prepared by the Parish Council accompanied the submission version of the Neighbourhood Plan and sets out when and how consultation was undertaken in preparation of the plan's submission to the Council.
40. In accordance with Regulation 16, City of York Council carried out consultation on the Submitted version of Murton Neighbourhood Plan between 6 November 2024 and 10 January 2025. This was longer than required to correct a formatting issue with the document only apparent once consultation had commenced and allowing for Christmas holidays. This consultation was in accordance with the Council's Statement of Community Involvement.

## **Options Analysis and Evidential Basis**

41. Options for Executive to consider are:

- i. Endorse the Examiner's Recommendations, including the proposed modifications (Annex B) and approve the Decision Statement (Annex C).
  - ii. Executive provide modified recommendations to those made by the Examiner and, if considered to be significant, agree that these will be subject to further consultation along with a statement explain why the decision differs from the Examiner's
  - iii. Executive reject the Examiner's recommendations and refuse the Neighbourhood Plan proposal.
42. Officers consider that Executive should proceed with Option (i) to enable the Murton Neighbourhood Plan to proceed to Referendum. It is considered that, subject to the modifications proposed, the Neighbourhood Plan meets the Basic Conditions, is compatible with the Convention Rights and complies with the provisions that can be made by a neighbourhood plan.
43. Given that it is considered that the proposed modifications make the Neighbourhood Plan robust and enable it to meet the Basic Conditions, Option (ii) is not considered to be justified and is therefore not recommended.
44. Option (iii) can only be justified if the Examiner recommends that the Plan should not proceed to a referendum, or the Council is not satisfied that the plan has met the procedural and legal requirements. A decision to refuse the Neighbourhood Plan proposal could only be made on the following grounds:
  - the LPA is not satisfied that the Neighbourhood Plan meets the Basic Conditions;
  - the LPA does not believe that with modification Neighbourhood Plan can meet the Basic Conditions;
  - the LPA considers that the Neighbourhood Plan constitutes a repeat proposal; or
  - the LPA does not believe the qualifying body is authorised or that the proposal does not comply with that authorisation.

This option would not be justified because the Examiner has identified that the Plan is sound and can proceed to referendum.

## Organisational Impact and Implications

45. **Financial:** The examination and referendum will be funded by City of York Council. A claim by the City of York Council will be able to be made to government for a grant of £20,000 at the point the City of York Council issues a decision statement (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send the plan to referendum. The government grant of £20,000 can be put towards the costs of the City of York Council's involvement in preparing the Plan (including the costs of the Examination and referendum). Any shortfall will need to be accommodated within existing resource.
46. **Human Resources (HR):** There are no HR implications contained within this report.
47. **Legal:** The Legal implications are set out within the body of this report. A decision to proceed to referendum is, like all decisions of a public authority, open to challenge by judicial review. The risk of any legal challenge to the Neighbourhood Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
48. **Procurement:** Should any outcomes from this report require procurement, all works and/or services must be procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, the Procurement Act 2023. Further advice regarding the procurement process and development of procurement strategies must be sought from the Commercial Procurement team.
49. **Health and Wellbeing:** Public Health endorses the proposal to accept the examiners recommendations, and the plan now proceeds to local referendum. Public Health supports the inclusion of well-designed, sustainable developments which meets the needs of local residents, and accessible green infrastructure and more emphasis on these points could be made within the plan. Public Health along with planning colleagues are developing a Healthy Places Supplementary Planning Document which will challenge developers to: prioritise Healthy Homes and affordability; active travel and accessibility; healthy environments and vibrant neighbourhoods. The use of the Rapid Planning for Health checklist and the Health Impact Assessment is recommended to be used for any development proposals made within Murton.

50. **Environment and Climate action:** Neighbourhood Planning help shape and develop a sense of place. The environment is a key consideration in this process.

Policies contained within the Murton Neighbourhood Plan support the objectives of the Climate Change Strategy. In particular, policies ENV1 and ENV2 promote biodiversity and enhancement of nature and ENV6 contributes to climate adaptation and resilience to flooding.

Policy CA2, CA6 and CA9 support ambitions for increasing active travel and public transport use.

Other climate change and carbon reduction requirements are covered by policies in the Local Plan.

51. **Affordability:** Communities with Neighbourhood Plans in place can benefit financially should York adopt a Community Infrastructure Levy (CIL). They can benefit from 25% of the revenues from the CIL arising from the development that takes place in their area bringing the opportunity to fund local community developments.
52. **Equalities and Human Rights** - The EIA produced no likely significant impacts from the policies in the Neighbourhood Plan.
53. **Data Protection and Privacy:** The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.
54. **Communications:** The Murton Neighbourhood Plan comms will be contained to the announcement through Executive decision and reactive communications in response to media enquiries.
55. **Economy:** The economy of Murton is a due consideration of the development of the Murton Neighbourhood Plan which has been led by the local community to meet the local community needs.

## Risks and Mitigations

56. In compliance with the Council's risk management strategy, the main risk associated with the Murton Neighbourhood Plan arise from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.
57. The Examiner's conclusions state that he is satisfied that, with proposed modifications, the plan meets the statutory requirements and can proceed to the next stages. Overall risk associated with failure to comply is therefore deemed to be low.

## Wards Impacted

58. This Neighbourhood Plan relates to the Parish of Murton which is within the Ward of Osbaldwick and Derwent.

## Contact details

For further information please contact the authors of this Decision Report.

### Author

|                         |   |
|-------------------------|---|
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| <b>Report approved:</b> | Yes   |
| <b>Date:</b>            | 07/04/2025                                  |

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| <b>Report approved:</b> | Yes   |

|              |            |
|--------------|------------|
| <b>Date:</b> | 07/04/2025 |
|--------------|------------|

## **Background papers**

Murton neighbourhood plan application and boundary was approved at the [Executive Member Decision Session on 23 July 2015](#)

## **Annexes**

- Annex A: Murton Neighbourhood Plan (Submission version)
- Annex B: Examiner's Report
- Annex C: Draft Decision Statement
- Annex D: Equalities Impact Assessment (EIA)

# ***Murton Parish***

## **Neighbourhood**



**Neighbourhood Plan**

**Submitted Version**

**(Regulation 16)  
September 2024**

## ***Plan***

**2024-2044**





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**Isobel Waddington  
Chairman, Murton Parish Council (2009-2023)**

**Richard Clancey  
Chairman, Murton Parish Council (2023- )**

## 1. FOREWORD

Neighbourhood Planning involves making our own local decisions about what we think is important and needs protecting, and what we think needs improving.

Ten years ago, Murton Parish Council decided to find out more about new Government legislation – Neighbourhood Planning - which devolves planning powers to local communities. This in effect means that communities themselves can shape the places in which they live and work. We asked a small group to investigate the idea, and this group later evolved into the Working Party that has been taking this forward in consultation with the community.

Murton is helping to lead the way as one of 17 parishes in York creating their own Neighbourhood Plans. If our Plan is agreed, the Parish collectively can then decide what kind of planning (new buildings, community facilities, etc) we want in the future.

Throughout the process of producing the Neighbourhood Plan, the feedback revealed an overwhelming sense that the Parish is seen as somewhere which is a very desirable place in which to live, in particular how the Green Belt acts for the good, both for the Parish and for the inner City of York. This is reflected in our priorities within the Plan.

So, we now present this Submission report on behalf of the community of residents, businesses and others who have a direct interest in the Parish.

We could not have done this without a great deal of work from other organisations and individuals which we acknowledge in the Report.

Isobel Waddington Chairman, Murton Parish Council (2009-2023)

Richard Clancey Chairman, Murton Parish Council (2023- ) and Murton Parish Neighbourhood Plan Working Party

## 2. THE PLANNING FRAMEWORK

1. This section briefly explains how the new Murton Parish Neighbourhood Plan fits in to the bigger planning framework that already exists at city and national levels.

### Devolving planning powers to communities

2. The Localism Act 2011 introduced new rights and powers for communities. These added a new 'neighbourhood' layer to the planning system which is central to the package of planning reforms aimed at giving people the opportunity to shape the places in which they live and work. At the heart of this new neighbourhood layer is the Neighbourhood Plan.

### The Murton Parish Neighbourhood Plan

3. Once completed and approved, the Murton Parish Neighbourhood Plan becomes part of the statutory development plan for planning and allows our community to develop a vision and policies to shape the future development of the Parish.

### How will Murton's Plan fit into the bigger picture?

4. As well as giving Murton its own planning power, the Murton Parish Neighbourhood Plan will also be part of the larger planning framework and must reflect this in **three** ways.
5. First, it must meet the '**basic conditions**' set out in planning legislation. These are:  
*having regard to national planning policies and guidance;*
  - being in general conformity with strategic local policy;
  - achieving sustainable development;
  - not breaching EU obligations.
6. In addition, the Neighbourhood Plan must comply with human rights legislation.
7. Second, it must be guided by the National Planning Policy Framework (NPPF). The NPPF sets out three overarching objectives for achieving sustainable development, economic, social and environmental;  
**an economic objective;**  
**a social objective;** and  
**an environmental objective**

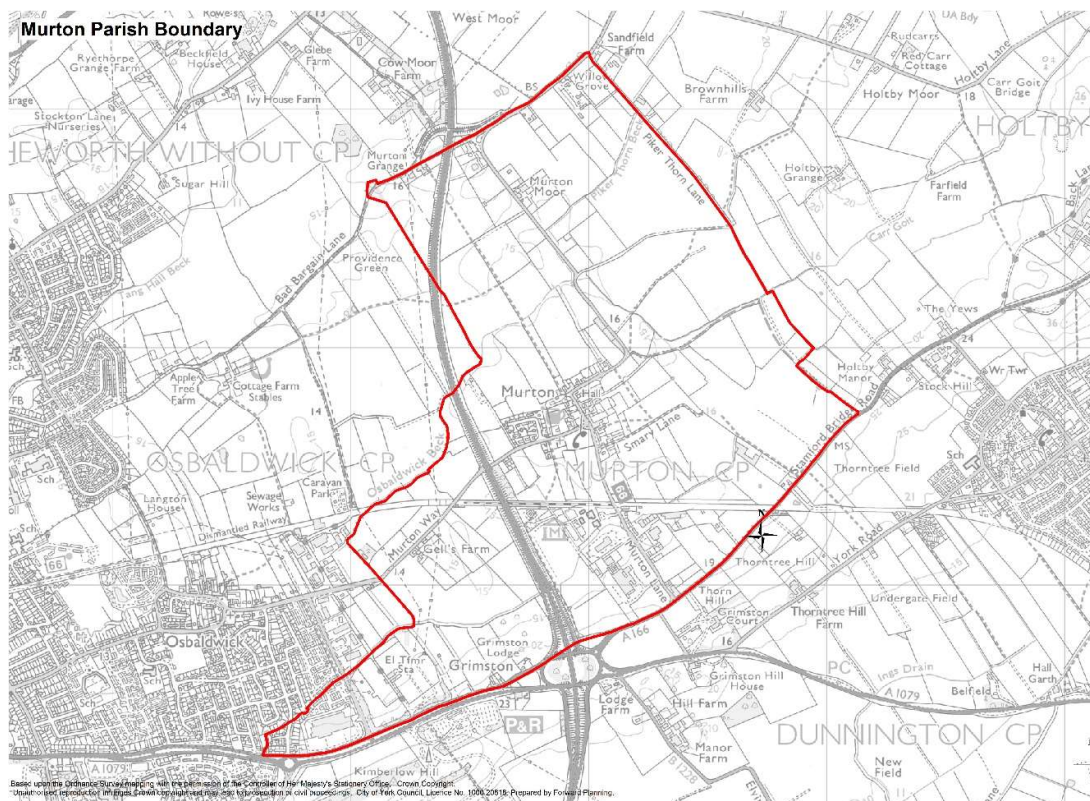
8. Third, the Murton Parish Neighbourhood Plan must also be guided by the emerging City of York Local Plan, which gives 'the strategy vision for the city'.
9. The Murton Parish Neighbourhood Plan is intended to cover the period from 2024 to the end of 2044. During this time the Parish Council will monitor the plan and consider whether any revisions are necessary.

### 3. PREPARATION OF THE MURTON PARISH NEIGHBOURHOOD PLAN

#### The story so far

10. The process began when Murton Parish Council first approved the development of the Murton Parish Neighbourhood Plan. This was so that the views of residents and stakeholders would have more influence in the future over planning matters within the Parish area. The actual area to be covered by the Plan, which follows the Parish boundary, was formally approved by the City of York Council (CYC) on July 23rd 2015.

*Murton Parish: Neighbourhood Plan Boundary Designated area agreed by the City of York Council, July 23rd 2015.*



11. The Parish Council then set up a Working Party with terms of reference. The Working Party has worked with professional consultants specialising in this field and with the CYC Planning Department and with other relevant CYC Departments. The work has been part-funded through a series of grants from Locality (an organisation responsible for overseeing the allocation of funding for the development of Neighbourhood Plans) and the City of York Council.

12. Residents, local organisations, businesses and landowners in the Parish have all been involved *via* consultation in developing the Neighbourhood Plan. The Working Party has reported on its progress at the monthly Parish Council meetings. Details of all minutes, meetings, consultation questionnaires and supporting documents have been made available on the Murton Parish Council's website. A schedule of the consultation process is given in the document entitled ***Consultation Statement***.
13. In addition, environmental screening of policies and proposals within the draft Neighbourhood Plan has been carried out and are contained in two separate documents, ***The Strategic Environmental Assessment Screening Report*** and ***The Habitat Regulations Assessment Screening Report***.

## What is happening now?

14. The Neighbourhood Plan went through a six-week consultation process within the Parish. All residents, businesses and bodies with a direct interest in the Parish received a pamphlet which summarised the Plan and opportunities were given for study of the detailed Plan itself and all relevant papers.
15. After this consultation, we revised the Plan to take account of responses received from residents, businesses and official bodies before sending it to the City of York Council.
16. Further, we prepared, during this period, two further documents:
  - i. Basic Conditions Statement
  - ii. Consultation Statement
17. Following submission to the City of York Council further discussions took place to 'sharpen' the wording of the Policies and to align with modifications to the Local Plan following the Inspector's hearings during 2022 to 2024.

## The final steps

18. The City of York Council will ensure that the Plan conforms to the Neighbourhood Plan regulations and then publish the Plan for 6 weeks. This period allows all those interested to send further comments.
19. The City of York Council will then send the Plan to an independent examiner who will ensure that the Plan complies with all relevant national legislation and guidelines. This is known as the *examination*.

20. After the examination, the City of York Council Executive Members will decide if they agree with the Examiner's Recommendations and whether the Plan should proceed to a *referendum*. If it is approved by a simple majority in this referendum, the Plan will become part of the City of York's development plan to guide future planning decisions in the Parish.

## **4. OUR AIMS**

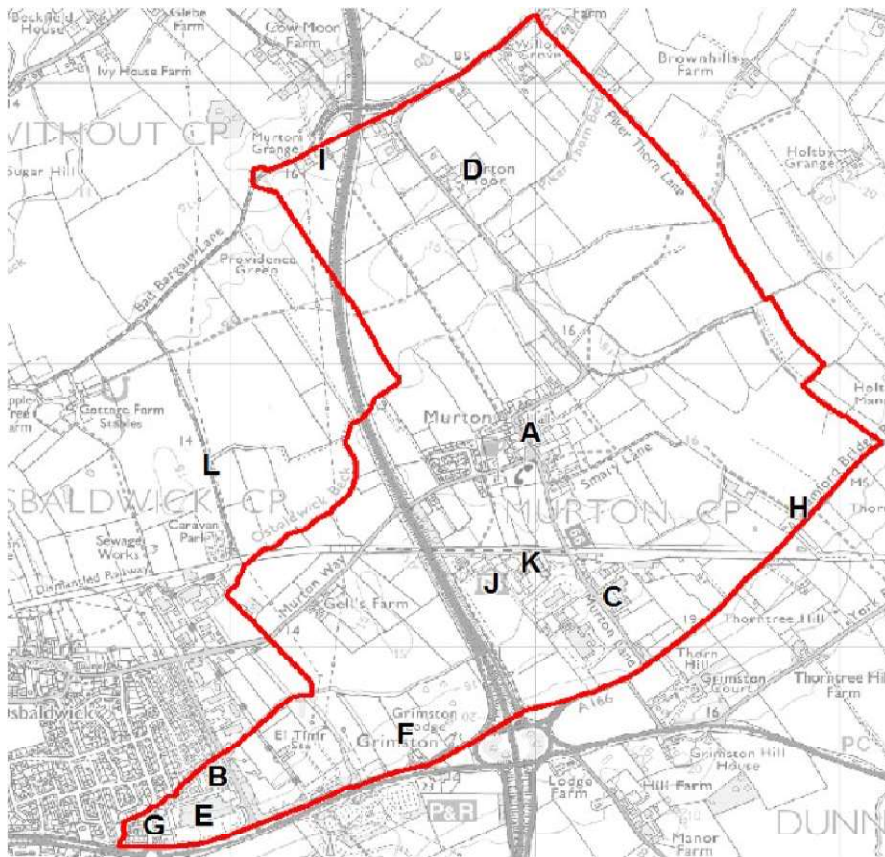
21. The Murton Neighbourhood Plan, which will guide future planning decisions, respects the requirements of national and local planning frameworks and, in particular, the wishes of residents, businesses and landowners in the Parish. The Plan is made up of a series of policies which cover important topics ranging from housing to biodiversity. These policies are all derived from four key principles or aims that ensure the Neighbourhood Plan can be an effective tool in decision making and conflict resolution.
22. These aims are to:
  1. Ensure that the Parish is a sustainable settlement, offering a balanced mix of uses, including a range of employment and community facilities;
  2. Maintain Murton's distinctive character as a rural settlement on the edge of York;
  3. Allow Murton to adapt to meet current and future needs;
  4. Ensure that any new development has a strong sense of place, creating safe, convenient and sustainable environments.

## 5. MURTON PARISH

23. This section summarises the data given in Appendix A, *The Murton Parish Neighbourhood Plan: Its Context and Data* which in turn depends heavily on the 2021 Census Data (Appendix E)

### Overview of key sites in the Parish

Figure A - Plan showing position of key sites in the parish



#### Key:

- A:** Murton village
- B:** Redbarn Drive, Meam Close, Moins Court
- C:** Murton Business Park
- D:** Moor Lane Business Park
- E:** B&Q and Inner Space Station garage
- F:** Grimston
- G:** Tranby Avenue and Cavendish Grove
- H:** Stamford Bridge Road
- I:** Murton Grange
- J:** Murton Park – Yorkshire Museum of Farming
- K:** Derwent Valley Light Railway
- L:** Outgang Lane

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### Size and access

24. Murton Parish covers an area of ca 340 hectares on the eastern edge of the city of York. This area sits between two main roads radiating out from the city, one going to Hull and the other to Scarborough. The Parish's western (city-side) boundary is about 3 km from the centre of York and the Minster can be seen clearly from many parts of the Parish including the village.

25. The Parish is well sited for access to other parts of the country. It is close to a major trunk road, A64, which links to the main north-south roads, M1 and A1 and thence to the east-west M62. It is also within 6 km of York railway station which provides north-south trains to London, Newcastle and Edinburgh and the east-west system to Hull, Leeds, Manchester and Liverpool.
26. The Parish lies within the proposed York Green Belt which becomes the most strategically important decision in the Local Plan to determine the issues discussed in the Neighbourhood Plan.

### **Residential settlements**

27. There are two main areas of defined settlement. One is the village at the heart of the Parish, with 139 dwellings and with a Conservation area (Figure 3). The other is adjacent to the Hull Road on the southern boundary with 119 dwellings.
28. There is a vivid contrast between the two areas. The village retains much of its eighteenth and nineteenth century built fabric and traditional form with long narrow plots and with development limited to the frontage.
29. 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. Likewise the views from the village are predominantly rural, with distant views of the Yorkshire Wolds and the North York Moors.
30. The field adjacent to the Church brings the countryside into the heart of the village. With the exception of a few houses in Murton Garth, all properties in the village have views across open countryside.
31. Historical information is given in brief in Appendix B, *A Brief History of the Township of Murton*.



*Picture: Meam Close*

32. The other settlement is on the southern boundary of the Parish, adjacent to the Hull Road which goes eastwards from York towards Hull. Many of these dwellings are in a recent (turn of the century) estate. The estate is attractively laid out and contains a mix of apartments, terrace houses and semi-detached houses and with an open space near the entrance to the area. Further towards York, some houses were built from the 1930s.

### **Resident population**

- 33. The 2021 Census gives a total of 655 inhabitants, a small reduction from the 2011 Census. The two areas described above are distinct as can be seen from the Census data with differences in age profile, ethnic distribution and country of birth, partnership status, social grades, educational attainments, health. housing types and tenure and employment activity (Appendix E).
- 34. There is a high level of satisfaction expressed by residents (Consultation Statement) living in both areas which is discussed in Section 8.
- 35. The Parish Council has a duty to ensure that the two disparate areas are considered equally when any decisions are made concerning the Parish.



*Picture: An aerial view of Murton village, 2020*

### **Businesses and agriculture**

36. The dual contemporary and traditional characters of the Parish are further reflected in the diverse portfolio of businesses it hosts. Of these, farming has played a pivotal role for centuries and continues to do so, both commercially and as a key contributor to the broader living experience valued by residents.



*Picture: Open farmland in the Parish. The photograph was taken from a Public Right of Way, Smary Lane. Much of the land is susceptible to flooding in the winter.*

37. Although many businesses are related to agriculture, the portfolio also includes the leisure, retail, food processing and recycling sectors, along with several well-established home-based entrepreneurial businesses. All these activities provide employment, taxes and support to the regional and national economies.
38. Commercial activity occurs broadly in three areas within the Parish:
  - Murton Business Park, adjacent to the A166, the York-Stamford Bridge Road (Figure A, location C), and the area close by;
  - An area along the Hull Road (Figure A, location E);
  - Moor Lane and Bad Bargain Lane. (Figure A, locations D and I).
39. Much the largest footprint, and with profound environmental consequences for the Parish, is that of the farms. The existence is integral to the overall pleasure and well-being cited by residents, and which is recognized in the Neighbourhood Plan.



*Picture: York Auction Centre plays a very important part in our economy, used by farmers from all over Yorkshire and neighbouring counties. Here you see two of the myriad of sales at the Centre*



## **6. POLICIES**

### **6.1 Introduction**

#### **(a) Policy topics**

40. There are five policy topics in the Murton Neighbourhood Plan:

1. Murton's Green Infrastructure
2. Heritage, Character and Sustainable Design
3. Employment
4. Housing and Community
5. Transport and Movement

#### **(b) Influences on the Policy topics**

41. These topics in turn contain 13 policies which have been informed by the basic conditions and the objectives and policies of the National Planning Policy Framework and the emerging City of York Local Plan.

42. Further, they have been framed to meet the comments, aspirations and concerns of the residents and local businesses of the Parish, developed during the many forms of consultation (Consultation Statement).

43. One of the forms of conciliation was a series of questionnaires that were enthusiastically answered by residents and employers, which had a large influence on the policies. The overriding impression from the consultations, and this pervades the policies, is one of enjoying living in the Parish. For example, the questionnaires asked residents about their satisfaction with the Parish as a place to live. 92% of the respondents living in the village were either very satisfied (39%) or satisfied (53%). A similar result (43% and 55%) came from respondents living on the southern periphery. Comments endorsing these views included:

- Really lovely area to live
- Quiet, friendly
- I'm happy where I live
- Nice family area
- The area is very nice
- Have been happy to live here for 40 years
- Perfect for family life

44. However, respondents also raised two major problems which are addressed in other parts of the Neighbourhood Plan:
- the speed and density of traffic
  - anti-social behaviour, principally the noise and litter generated by the large student population living in Houses of Multiple Occupancy (HMOs).

**(c) Murton Parish and the York Green Belt**

45. 'Murton Parish is a wonderful place to live but its Green Belt needs to be protected from encroaching development which would destroy its rural character'.

This is a typical free-response answer within the consultations, which showed concern for the preservation of the Green Belt and the importance of preventing coalescence of the village with the industrial area and with Osbaldwick. Indeed, this concern was expressed by 94% of the respondents in the village questionnaire and 98% of those answering the questionnaire designed for the households on the southern periphery of the Parish.

46. In one appeal decision<sup>1</sup>, concerned with the boundary between the village and the Murton Business Park, the Planning Inspector wrote:

*"I consider that the proposal has reduced the openness of this part of the Green Belt. I therefore concur with the parties that the proposal is inappropriate development. Accordingly, I give substantial weight to the harm to the Green Belt arising from the inappropriateness of the proposal."*



*Field in the centre of the Village, adjacent to the Village Green and Church*

47. In another appeal<sup>2</sup>, concerning the centre of the village, the Planning Inspector wrote:

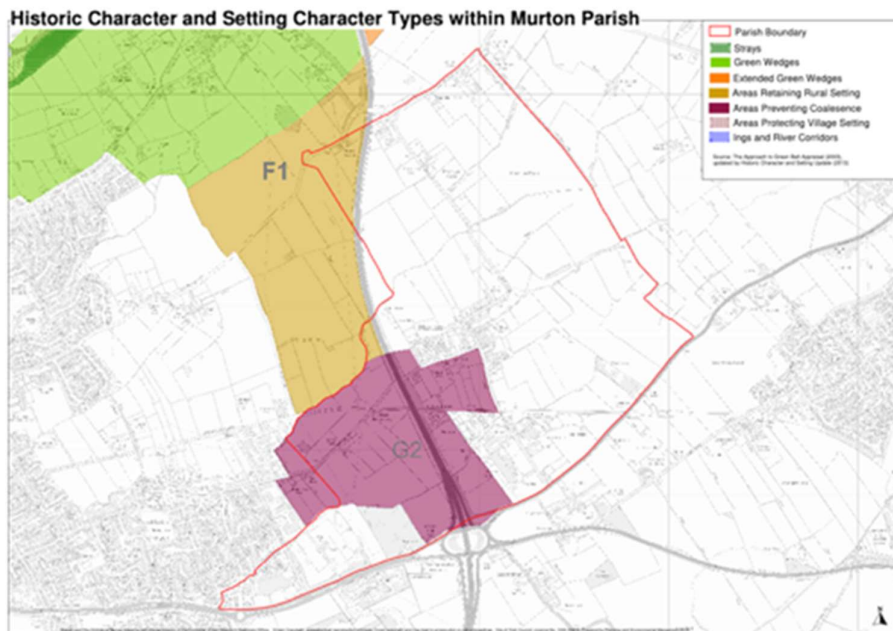
*'Moving to the effect on the character and appearance of the area, the fundamental aim of Green Belts is to keep the land permanently open. In this context, a public footpath crosses the site linking Murton Lane/Moor Lane to the open land and public access opportunities to the east. A little more to the east there are two further public footpaths, from which the site is clearly visible. One runs roughly from the north-west to the south-east and the other*

<sup>1</sup> APP/C2741/A/09/2119021 March 30th 2010.

<sup>2</sup> APP/C2741/A/14/2221021 April 13th 2015

*is an extension to Smary Lane. Further still to the east, there is a public bridleway from which the appeal site can also be seen, especially bearing in mind the elevated vantage point for those on horseback. Thus, the openness of the site and its appreciation would be severely compromised by the appeal scheme. In addition, this project would extend the built envelope of the village into the open countryside, utilising agricultural land, albeit lower grade. This would be significantly harmful to the character and appearance of the area and this itself constitutes a very strong objection’.*

48. Indeed, the York Green Belt provides the fulcrum of the entire Neighbourhood Plan. Its influence is all-pervading as it included the whole Parish except for two closely defined area for businesses (Figure A, locations C and E).
49. Assuming adoption of the emerging City of York Local Plan, applications for development in the Parish will be assessed against the emerging Local Plan Policy SS2 (The Role of York’s Green Belt) and the Local Plan’s Chapter 10 - Managing Appropriate Development in the Green Belt (Policy GB1). In particular, *‘New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1’.*
50. The emerging Local Plan also defines areas (see plan below) which will maintain the openness of the Green Belt in terms of:
  - (i) Areas retaining rural setting
  - (ii) Green wedges and
  - (iii) Areas preventing coalescence.



*Murton Parish:  
Historic  
character and  
Setting character  
types*

51. An area on the southern boundary is defined, in CYC's document 'Historic character and setting technical paper update June 2013, as an area preventing coalescence: *'.....the site forms part of the wider views of the City, rising significantly towards Grimston Bar Roundabout and Hull Road. There is particular concern about the land adjacent to Grimston Bar Roundabout because it is very prominent due to its rising topography and the narrowness of the area in relation to the Ring Road.....There is also evidence of ridge and furrow (Linear remains of Medieval agriculture) in the fields to the north of the area'*



*Picture: Murton Way, linking Murton with Osbaldwick. The photo shows the success of the policy of preventing coalescence between the two villages. In the foreground there is A, St James's Church, on the left and B, Fern View on the right. Further down, on the right, is Murton Garth and on the left, C, Anvil Cottage, D, Prospect Farm House and E, Buff and Red Cottages.*

52. This is contiguous with an area between Osbaldwick and Murton on either side of Murton Way (defined as an area preventing coalescence) and stretching to the north, west of the A64 (defined as an area retaining rural setting). This in turn runs into a green wedge. Thus Murton Parish is clearly defined in terms of a rural area and there can be no coalescence between Murton village and Osbaldwick. Furthermore, the Green Belt boundary for the Murton Business Park is tightly drawn so that there cannot be coalescence between it and the village.

53. In spite of the restrictions imposed by the Green Belt, new development proposals were nevertheless looked at very carefully. The succession of site allocation proposals for the emerging City of York Local Plan was examined together with other initiatives put forward in Working Party discussions. In each case, we were limited by the overarching proposal in the emerging City of York Local Plan that we are deemed to be in the Green Belt

**(d) How the policies are developed in this Section**

54. To aid the reader, the following Sections are arranged in terms of the objectives in the National Planning Policy Framework. Sections 7.2 and 7.3 cover the **environmental** objectives. Sections 7.4 and 7.5 address the **economic** and **social** objectives, respectively. Section 7.6 surveys Transport and Movement.
55. As a further aid to the reader, the policies are described below using the following structure where possible:
1. **The purpose of the section** – a summary of what it aims to achieve
  2. **Justification for the policies** - the evidence for why the policies are needed - based on
    - (i) The National Planning Policy Framework (NPPF)
    - (ii) The emerging City of York Local Plan
    - (iii) Responses from consultations
    - (iv) Where applicable, other information
  3. **The Policy** – the official wording of the policy
  4. The interpretation of the Policy – how it will be used.

## 6.2 Murton's Green Infrastructure

### Purpose

56. To identify, protect and enhance Murton's rural environment and green spaces (Figures 1 and 2).

### Justification for Policies ENV1 and ENV2

57. As the NPPF acknowledges, we should protect and enhance valued landscapes and sites of biodiversity and recognize the '*intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services*'. We depend on the farming community to provide and maintain much of our green infrastructure which enhances the conditions in which we live, and which is so often wrongly taken for granted. This cannot be overemphasised.
58. The emerging City of York Local Plan already designates the churchyard at St James's as open space but there are other opportunities to enhance the environment, including through Local Green Spaces. Based on the criteria in the NPPF, and following consultation with the local community, four sites in policy ENV1 have been identified as local green space.

#### Policy ENV1 Local Green Space

Local Green Spaces as identified below and shown within figures 1a and 1b (Annex 1) should remain as open space and their community value must be maintained or enhanced. These are:

The village pond, off Moor Lane  
The village green, Murton Way  
Allotments, Moor Lane  
The Grassed area, off Osbaldwick Link Road

Development proposals that would result in the loss of, or have a significant adverse effect on, an identified Local Green Space will not be supported.

### Interpretation of Policy ENV1

59. By protecting community value and the Parish's open character, the policy precludes most development in Local Green Spaces for the benefit of residents and openness.

A possible exception may be a small-scale development that directly supports the community value of the space but without compromising its open character.

60. Development proposals affecting the setting of areas of local green space should consider issues of noise, visual impact, access and overshadowing. Appendix G contains details of the local green spaces.

### **Policy ENV2 Green Infrastructure**

Development proposals will be supported where they are designed to respect the natural environment of Murton Parish and do not cause harm to its integrity and longevity. Development proposals should take particular account of the following elements of the natural environment:

- Local hedgerows (figure 2, Annex 1)
- Significant green spaces
- Community, wildlife, amenity space and other values are preserved or enhanced, and particular regard must be made in avoiding harmful impacts on hedgerows and trees.

Development proposals will not be supported where harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site, adequately mitigated or, as a last result compensated for.

### **Interpretation of Policy ENV2**

61. The policy seeks to protect the natural environment of the Parish which includes, in particular, the rural character of the Parish and the landscape setting of the village. Whilst the policy cannot identify every element of green infrastructure in the Murton neighbourhood area it might otherwise include trees, woods, hedges, ditches, green field margins, flora and fauna.
62. Modern conservation principles towards flora and fauna should be encouraged to retain as much green area and as many existing trees as possible in order to maintain a continued abundance of wildlife. This includes the protection of hedgerows, tree species and verges. The planting of native trees and shrubs, together with the reintroduction of hedges both within and on the periphery of the village should be encouraged as part of any landscape scheme to support wildlife, screen noise and maintain the natural landscape. Development proposals should be designed to retain trees and hedgerows of good arboricultural, ecological or amenity value.

63. There are, further, hedges, described in Appendix F, which have 4 or 5 species of shrubs of interest and which play an important role in assisting breeding of many species. Where sites are not of a quality warranting designation, CYC's emerging Local Plan notes that their 'retention and good management are critical to retaining York's biodiversity' and will provide the source for enhancement and expansion of the resource. As para. 9.11 of the emerging City of York Local Plan says:
64. 'Trees and hedgerows provide a range of far-reaching environmental benefits; they contribute to biodiversity, the wellbeing of humans, the amenity of York's green infrastructure, and landscapes both rural and urban. It is therefore important that hedgerows, trees and overall tree cover are retained where they are of significant landscape, amenity, nature conservation or cultural value.'
65. However, in general, hedges and fields listed are in need of careful management. The hedges are protected under the Hedgerow Regulations, 1997 and require planning consent for removal as approved by the City of York Council. There are also several fields which are good examples of the farming methods of the Middle Ages, where there is distinct ridge and furrow.
66. Trees are a recognised heritage asset and, as noted in the Council's draft Local Plan, *'form an important element of the authority's green infrastructure'*. However, neither the village nor the surrounding areas is well endowed with large trees, as noted in the Village Design Statement. The few large trees within the village boundary are important to the visual impact of the village. Efforts will be made to plant more trees of an appropriate heritage. The Parish Council will encourage the Local Authority to implement TPOs where appropriate.

### 6.3 Heritage, character and sustainable design

#### Purpose

67. To ensure that development is well-designed, sustainable, and respects the unchanged village lay-out and contributes to the distinctive character of Murton Parish, complementing its historic and rural character.

#### Justification for Policies ENV3 – ENV7

68. The NPPF states that that:  
*'Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in*

*identifying the special qualities of each area and explaining how this should be reflected in development’.*

69. Further:  
*‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.*
70. Protection of the Green Belt may lead to changes in buildings. This will create, in turn, pressures on the buildings in the Parish which are of heritage value. Chapter 16 of the NPPF is clear that these heritage assets which *‘range from sites and buildings of local historic value to those of the highest significance’* are *‘an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’*. It points out further that the strategy to be adopted in planning should take account of *‘the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring’*.
71. The Murton Conservation area (City of York No 34) was designated in October 2005 and covers much of the older part of the village (Appendix C). Any development proposals must adhere to Policy D4 (Conservation Areas) in the emerging City of York Local Plan. All designated heritage assets are shown in Figure 3 in Annex 1.
72. The village itself is built on slightly raised ground between Osbaldwick Beck to the north and east and a smaller beck to the south. However, much of the Parish is flat and low-lying, and the water table is high and drainage is poor. This means that significant parts of the Parish are liable to flood. The Foss Internal Drainage Board has advised on the inadequacy of local surface watercourses and indicated that any increase in surface water discharges from new or redevelopment may cause problems. There must, therefore, be safeguards against developments in areas that are susceptible to flooding which is much more significant in recent years.

### Policy ENV3 Historic Environment

Development proposals will only be supported that 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.

Particular regard must be to avoid impacts on key features of the village and their settings which are shown below and identified on Figure 4(Annex1). Collectively these must be preserved to maintain the Murton village conservation area.

(i) The following buildings are Grade II listed:

- The Church of St James and churchyard, ca 1200
- Murton Hall, Late 18th century with 19th century additions
- The coach house to Murton Hall, Late 18th century
- The garden wall and gazebo to Murton Hall, Late 18th century

(ii) The following are identified in the Murton Village Design Statement for their positive contribution to the historic character of the village. The VDS suggests that 'Development must also preserve or enhance [the following] buildings and their setting':

|                              |   |
|------------------------------|---|
| Red and Buff Cottages        | Jasmine Cottage                           |
| Rose Farm                    | The Bay Horse                             |
| Fern View                    | The Old Smithy                            |
| Anvil Cottage                | Cherry Tree House (formerly Lornik House) |
| Prospect Farm                | Pear Tree Farm House                      |
| The Villa                    | South View                                |
| Lilac Tree House and Cottage |   |

### Interpretation of Policy ENV3

73. The village and its conservation area contain a relatively large number of buildings and spaces that must be protected from harmful development. Although this policy enables creative design and should not be interpreted to imply stylistic imitation, it is essential that development be based on an analysis of the local context and be informed by that analysis.

74. Development that impinges on the open character of village streets, the churchyard, village green or landscape setting of the pond would be harmful to the historic character of the parish, so contrary to the policy.
75. A note on the building characteristics used in the village is given in the Village Design Statement and this should be adhered to throughout the Parish. Of particular note, the garth style of layout in the centre of the village must be respected.
76. Valuable heritage also exists in other forms within the Parish. Hidden away on a large flat field east of Outgang Lane on the edge of the Parish boundary is some more recent heritage in the form of a World War 1 landing ground for the No 76 (Home Defence) Squadron, stationed to intercept German Zeppelin raiders over York. The unit had a complement of 6 or 7 airplanes for night patrols.



*Main Street, Murton.*

**A:** *The Villa;*  
**B:** *Lilac Tree House and Lilac Tree Cottage;*  
**C;** *The Bay Horse;* **D:** *South View;*  
**E:** *Murton Hall;*  
**F:** *Jasmine Cottage;*  
**G:** *Cherry Tree House;*  
**H:** *Pear Tree Farm House;*  
**I:** *Public Right of Way 11 leading to Public Right of Way, 10.*

### Policy ENV4 Design

New development will only be supported where the design of the development, its landscaping and planting create an attractive, locally distinctive and well-functioning environment, with a sense of place appropriate to Murton Parish. The development must:

- Comprise creative, site-specific design solutions, responding to topography and other contextual features, and complementing the established character in terms of scale, massing, height, garden provision, and degree of set-back from the highway;
- Use high quality materials, to complement those used in the surroundings;
- Use permeable ground surface materials;
- Use sustainable and implement low carbon or carbon neutral techniques and materials; and
- A landscaped buffer zone must be provided to screen new development from any existing and adjacent housing and amenities.

### Interpretation of Policy ENV4

77. Policy ENV4 should be read in conjunction with other policies including HAC 1 and applies to all kinds of development in the Parish, including residential and employment although it is recognised that, because of the Green Belt opportunities for new development are very limited. High quality planting and landscaping should include native species of hedgerow and broadleaf trees. Advice from the City of York Council should be sought.
78. The policy for development avoids any kind of stylistic prescription. Indeed, creative and innovative design solutions are encouraged. These will be the heritage of the 21st century. In particular, designs that incorporate low or zero carbon use are also encouraged.
79. Where traditional materials are used, they should be authentic and compliment those in nearby traditional buildings and avoid poorer quality imitations. Modern materials may be used where they allow a high standard of detail and finish and they form part of a high-quality architectural solution. Use of reclaimed materials is encouraged.
80. Planning applications should include scale-drawings, which show proposed development in relation to its immediate context including neighbouring properties. Elevations should include sufficient detail, including larger scale sections, to ensure attention to detail appropriate to the rural and historic setting.

### **Policy ENV5 Alterations and extensions**

Alterations to buildings must take account of their architectural and building characteristics and use appropriate and authentic materials. Original features, such as chimney-stacks, must be retained. Reinstatement of missing historical features is encouraged and would be supported.

Extension to buildings will be supported where they are designed and landscaped to complement, and not over-dominate, the original building.

Where buildings are proposed for conversion to new uses, evidence of their former historic use should be retained, as part of the scheme.

### **Interpretation of Policy ENV5**

81. Alterations should use authentic materials, profiles and constructional techniques, based on analysis of those used in the existing building.
82. To prevent new extensions dominating the existing building, the extension should be of lesser scale and set back from the building line. With extensions there is scope for similar or contrasting styles, providing they are carefully designed and subservient to the original building. Indeed, using lighter and more transparent construction can be a way of minimising impacts on traditional buildings.
83. Close attention should be paid to the quality of materials and finishes and the relationship between new and old parts of the building. Authentic traditional materials or very high quality modern materials (such as glazing) could be used, but 'imitation' traditional materials such as concrete roof tiles or uPVC timber replacements would not be appropriate.
84. As discussed above, the landscaping and planting must be of high quality and should include native species of hedgerow and broadleaf trees where appropriate, and advice from the City of York Council should be sought.



*An example of a satisfactory change of use of agricultural buildings in our Parish is the conversion of two derelict barns in Prospect Farm into houses. The photograph is taken from the churchyard, the barns are in the centre, Prospect Farm itself is on the right.*

#### **Policy ENV6 Flood risk management**

Development should not increase the risk of flooding and/or exacerbate existing drainage problems.

Development proposals must consider 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 should be designed to deliver wildlife benefits, where possible.

### Interpretation of Policy ENV6

85. Flooding is of concern to residents as evidenced in consultation responses. A particularly serious harmful impact on the environment of the Parish, most flooding occurs in fields due to it being low-lying with a high water table and poor drainage. Figure 4 shows areas of flood risk. It is very important that the advice given by the Foss (2008) Internal Drainage Board is strictly adhered to.
86. The City of York Council Strategic Flood Risk Assessment (2013) assessed the different levels of flood risk in the York Unitary Authority area. This document should be referred to in planning applications to ensure that flood risk issues are taken into account in a sustainable manner.

#### Examples of Flooding in fields within Murton



### **Policy ENV7 Murton Park**

Development proposals at Murton Park (figure 5, Annex 1) will be supported where:

- They maintain and / or complement the existing educational use of the site; and
- They are compatible with relevant Green Belt policy.

### **Interpretation of Policy ENV7**

87. Murton Park is located in the Green Belt, to the north of the York Auction Centre, between the A64 and the existing industrial estate, off Murton Lane. It is an important heritage asset for the village, and for York and beyond. It contains the open-air Yorkshire Museum of Farming, which illustrates the development of farming practices across the ages, and provides an educational and heritage facility. It also accommodates a host of local historical re-enactment societies. Additionally, it includes the Derwent Valley Light Railway, providing rides on a small section of the former DVLr, running to the east of York.
88. Murton Park has become a significant heritage and tourist attraction on the area, since it opened in 1982. 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 Green Belt status. Any new development therefore, must accord with Green Belt policy, whilst maintaining its openness and not conflicting with the purposes of including land within the Green Belt.



*Pictures: Murton Park contains many attractions for visitors of all ages. It includes replica Roman and Viking villages. Another attraction is the Derwent Light Railway at Murton Park Station which provides a wonderful evocation of steam trains that used to pass through Murton on their way from York into the old East Riding of Yorkshire.*



## 6.4 Employment

### Purpose

89. 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.

### Justification for Policy EMP1

90. The National Planning Policy Framework emphasises the importance of creating and maintaining a prosperous rural economy. Among the planning policies enumerated that enable this are:
- *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
  - *the development and diversification of agricultural and other land-based rural businesses;*
  - *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*
91. A key objective in this Neighbourhood Plan is to meet these objectives by encouraging employment that is compatible to the rural environment of the Parish, but within the constraints imposed by the emerging City of York Local Plan which does not allow for any increase in the space allocated for employment.
92. These constraints are in keeping with the wishes of the vast majority of the residents in the village who are adjacent to the only area which could accommodate more land for employment. Indeed, 96% and 94% of those answering the second questionnaire (Consultation Statement) do not want any erosion of the gap with the industrial estate on Murton Lane or with the village of Osbaldwick, respectively. This sentiment can best be expressed in this comment from a questionnaire response:

*‘Murton is a very special little pocket of peace and tranquillity and it needs protecting at all levels to remain special and unspoilt in order to protect its individuality’.*

**Policy EMP1: Employment**

New commercial and industrial development will only be supported in the following locations and where they help the rural economy:

- The established industrial estate (Figure 6, Annex 1)
- Urban brownfield sites
- Reuse of existing agricultural buildings

They should also seek to address impacts from traffic congestion and highway safety, neighbouring residential amenity, and not unduly impact on neighbouring businesses.

Where appropriate, development will also be subject to Green Belt policy.

**Interpretation of Policy EMP1**

93. The policy enables development on employment sites outside of the proposed York Green Belt thus allowing local employment and supporting sustainable live- work patterns.
94. Suitable employment in the rural area includes functions involving use of open land, such as a horse-related business subject to compliance with Green Belt policy.
95. The scale and height of any new-build development must take account of the rural setting and proximity to housing, having regard to the design policies in the Murton Village Design Statement (Appendix D) and policy ENV4.
96. There are two main areas devoted to businesses and industry. These are:
  - (i) the Murton Business Park, an area adjacent to the A166, the York-Stamford Bridge Road (Figure 6, Annex 1); and
  - (ii) an area occupied by two businesses (B&Q and Inner Space Station in 2024) along the Hull Road, adjacent to one other.
97. Two smaller areas have businesses, one along Moor Lane at Moor Farm and the second further on the lane at Murton Grange. Both of these sites are within the Green Belt.
98. Policy EMP1 will enable employment-related development, appropriate to the rural environment of the Parish, and support sustainable live/work patterns including home working. The proximity to excellent road and rail transport connections may lead to a significant growth of home-based small businesses in the Parish.

99. There must be safeguards for the residential and associated amenities which are in close proximity to noise, disturbance, traffic movement, visual impacts, dust, vibrations and other sources of serious inconvenience. There must, too, be safeguards against developments in areas that are susceptible to flooding which is much more significant in recent years.
100. It is possible that the pattern of retailing will radically alter during the lifetime of the Neighbourhood Plan, and sites of employment may well be amenable to a mixed retail/housing development. The Plan has therefore been designed to allow the flexibility to accommodate these potential changes.
101. Farming, by area, is the dominant business in the Parish. It is also this countryside that gives so much pleasure and interest to its inhabitants and those who visit the Parish. It is protected by the Green Belt and is at the heart of the wish that the Parish plays its full part *'in preserving the identity of the settlements and villages around York. The relationship of York to its surrounding settlements is an important aspect of the city's character'* (para.3.5 City of York emerging Local Plan).



*Picture: The industrial estate on Murton Lane. The farm leading to the boundary is devoted to livestock. In the foreground on the right of the road is Murton Park Station of the Derwent Valley Light Railway and Murton Park which contains the Yorkshire Farming Museum. Beyond them are the ABP Food Group abattoir and the York Auction Centre. The buildings on the left include William Thomson (York) grain depot and L Clancey and Sons recycling centre.*

## 6.5 Housing and community

### Purpose

102. To enable housing development (including Houses in Multiple Occupation) to meet local needs and to ensure that the Parish is served by local community facilities.

### Justification for Policies HAC1 and HAC2

103. The emerging City of York Local Plan emphasises the importance of a Green Belt in order to *'preserve the setting and special character of York, while assisting in safeguarding the countryside from encroachment'*. Further, the Local Plan is adamant in its desire for each parish to avoid coalescence within the parish itself and with adjacent parishes.
104. Thus any new building has to be within these boundaries and there is a further constraint, that of 'openness', a concept emphasised in the emerging City of York Local Plan.
105. Planning for new housing in the Parish, like new employment opportunities, is complex as the extent of the Green Belt drastically circumscribes the ability of the Parish to propose any significant increase in housing and this accords with the wishes of the Parish (Consultation Statement). There must, too, be safeguards against developments in areas that are susceptible to flooding which is much more significant in recent years.
106. The questionnaire for those living in the rural part of the Parish showed that 92% were either very satisfied or satisfied with living in the village. The same question in the questionnaire for those living in the southern part of the Parish elicited an even higher satisfied response, 98% (Consultation Statement). Nevertheless, there is a serious problem with residents in some HMOs, perceived or real, which needs to be addressed by the City of York Council in collaboration with the Parish Council, as discussed below.

### **Policy HAC1 Housing Development**

Housing development will only be supported in the following locations:

- Redevelopment of housing within the built-up area of the village;
- Change of use of former agricultural buildings;
- Urban brownfield locations as part of a mixed-use scheme.

This is subject to:

- Causing no significant adverse impact on traffic congestion and safety;
- Causing no significant adverse impact on the amenities of nearby residents;
- Being an appropriate use within the Green Belt; and
- Not compromising rural employment or operations of local farms and agricultural businesses

### **Interpretation of Policy HAC 1**

107. The policy allows for very limited housing growth through redevelopment, building conversions and urban brownfield locations as part of a mixed use scheme. It will be noted that in-fill in the village is not included. In recent years attempts to build in the open spaces in the village have been resisted by recommendations of the Parish Council, using the VDS as a main source of evidence, by decisions taken by the City of York Council and ultimately by the Planning Inspectorate.
108. Policy HAC1 identifies additional opportunities within Murton to deliver some new homes without developing in the proposed Green Belt. The Policy also reflects the opinion of the residents in the village where the vast majority of those answering their questionnaire do not want any erosion of the gap with the Murton Business Park on Murton Lane or that with the village of Osbaldwick.



*Example of sensitively converted barns at Prospect Farm*

109. The development of existing industrial sites is subject to considering impacts of commercial and industrial uses. This is intended to avoid any situation where occupiers of new housing could then be affected by noise or other disturbance from established industrial or commercial uses. Planning permission should not be granted where this would be a likely consequence. Local need is not dependent on this.

### **Policy HAC2 Houses in Multiple Occupation**

Within the part of Murton parish covered by the Article 4 Direction (Figure 7, Annex 1) proposals for a change of use to a house in multiple occupation will only be supported where:

- The proposal would not result in a contravention of the threshold ‘tipping points’ set out in the CYC Article 4 Direction;
- The proposal would not cause harm the character and appearance of the building, adjacent buildings or the local landscape;
- The design, layout and intensity of use of the building would not have an unacceptable impact on neighbouring residential amenities;
- Internal and external amenity space, refuse storage and car and bicycle parking is provided at an appropriate quantity and is of a high standard and so as not to cause unacceptable harm to the visual amenity of the locality of the property concerned; and
- The proposal would not cause unacceptable highway problems;

Applications for change of use from a HMO to a conventional dwelling house would be encouraged.

**Interpretation of Policy HAC2**

- 110. There is no doubt a) that there is a transient population which is housed in HMOs in this area, and b) that the City Council records that this area has more than the recommended number of HMOs.
- 111. The City of York Council designated an Article 4 Direction, which came into force on 20<sup>th</sup> April 2012, within the built up part of the City (including part of the Murton Parish at its south western corner, near Hull Road), to provide planning control over the development of HMOs. This is reflected in Local Plan policy H8 (Houses in Multiple Occupation). The boundary is shown at Figure 7 (Annex 1).
- 112. Policy HAC2 is to ensure that the emerging City of York Local Plan Policy H8 is strictly enforced in the Parish, and indeed wherever possible the number of HMOs in any one area is reduced to the maximum allowable under the emerging City of York Local Plan's policies for this type of housing.
- 113. Proposals for the conversion of HMOs back to traditional dwellings do not need planning permission. However, the Plan would encourage and support such proposals.
- 114. Whilst the City of York Council has made an Article 4 Direction that restricts home owners' permitted development rights to use their property as HMOs, consultations show clearly that residents want to support this position and reinforce the Article 4 Direction. This is particularly important for Murton Parish, given its close proximity to the University, should the City of York Council withdraw or relax this Direction.
- 115. With the possibility of future expansion of the University of York and whilst pressure, generally, on available affordable housing continues in York, this policy seeks to maintain a 'balanced community' within the Murton Parish by adding weight to the existing CYC Article 4 Direction.

**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.

118. The much-loved pub, the Murton Arms (formerly the Bay Horse), is, at the moment, closed by the new owner and is threatened for permanent closure. It provided a beating heart of the village and the Parish Council is trying to keep the building as a pub and/or a community centre with drinking facilities.
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).

### **Policy HAC3: Community facilities**

The Parish Council will work with the City of York Council to help in the development of existing community facilities providing that the community value of the facilities is retained or enhanced. New community facilities will be supported, subject to:

- Causing no significant adverse impact on traffic congestion and safety; and
- Causing no significant adverse impact on the amenities of nearby residents.

### **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.

*Picture: The new welcome lobby to the 13<sup>th</sup> century St James's Church. The handmade local brick used blends in with the brick used in the conservation area of the village. The village raised over £60 000 for this work.*



## 6.6 Transport and Movement

### Purpose

121. 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.

### Justification for Policy TRA1

122. Among the planning policies in the NPPF which concern Murton Parish are those relating to transport (paragraph 110), that:
- support ‘an appropriate mix of uses across an area, and within larger scale sites, to minimize the number and length of journeys needed for employment, shopping, leisure, education and other activities’;
  - ensure that there is ‘active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned’;
  - ‘identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development’;
  - ‘provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)’.
123. The village in the centre of the Parish is served by three roads, Murton Way (from Osbaldwick), Murton Lane (from the A166 York- Stamford Bridge Road) and Moor Lane (from Holtby, Stockton on the Forest and York). All three are narrow roads, previously single track with passing places and now, due to heavy traffic, with eroded borders which allows fast traffic. The houses on the southern periphery are served by the A1079 York-Hull Road with two roads leading off it, Tranby Avenue and the Osbaldwick Link Road.
124. Replies to the questionnaires indicate that the volume and speed of traffic is arguably the most contentious issue for residents in both areas of the Parish. 95% of the village resident response showed concern about speeding along Murton Way and 92% in the village itself. The free responses, where residents could add further comments to their answers, may be even more indicative of this concern. 51% cited traffic speed and 36% chose other traffic issues. Likewise, traffic dominated the concerns of residents of dwellings on the southern periphery. For example, 80% of the residents in Tranby Avenue are highly concerned or concerned about speeding

traffic and well over half the whole population in this area is concerned about speeding along the Hull Road.



*Picture: A new signpost, part of a Murton Parish Council scheme to improve signage. It is at the junction of Holtby Lane and Sandy Lane/Moor Lane, the latter being one of three lanes which converge on the village*

125. While these specific concerns are outside the competence of this Plan, they are returned to in Section 8: Community Actions. Nevertheless, these concerns are pertinent to development and thus this Plan. 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). To give some perspective, the former has about six times the number of dwellings in the village and three times of that of the whole Parish, which will inevitably lead to increased traffic in the Parish. The development East of Metcalfe Lane will be the more significant, with vehicular access 'planned from Stockton Lane to the north of the site and/or Murton Way to the south of the site with a small proportion of public transport potentially served off Bad Bargain Lane. Access between Stockton Lane and Murton Way will be limited to public transport and walking/cycling links only'.
126. There are statements that 'high quality, frequent and accessible public transport services through the whole site will be sought enabling upwards of 15% trips to be undertaken using public transport'. It is the other 85% that concerns the Murton Parish Neighbourhood Plan. Although the impact on the Parish will be less than on neighbouring parishes, it will provide severe added strain on the village roads in the Parish, principally Murton Way and Murton Lane. In a Planning Inspectorate report in 2016, in which traffic was of major concern, the Inspector's report notes that the

data produced by the City of York Council on traffic flows along Murton Way are both sparse and old (dating back to 2003).'

127. It is not possible to comment further in any meaningful way as the precise access points from the proposed developments are not indicated as the emerging City of York Local Plan simply says that they '*will need to be assessed in more detail*'. Further, it is noted that '*Travel planning measures may reduce the motor vehicle trip generation but adequate transport links will need to be in place to make such measures effective*'. This is against a background in which the village has only 3 buses a day into York except for Sundays when there are none. If access were to be from Murton Way, substantial improvements would be needed, as noted in City of York Local Plan Annex 19 Site Selection Paper, to the road for the safety of cyclists and pedestrians and in the interests of local residents. Its increased use will then have grave implications for the wider network of rural roads in the area.
128. The viability of the larger development (ST7) depends on a *robust and independent*<sup>3</sup> transport assessment in relation to this site. Indeed, the survey must address the potential impact on the wider network of rural roads on the east side of York before any decision about this site can be made. The problem crystallizes when the authors of the emerging City of York Local Plan write that '*...level of improvement required, including the associated improvements/upgrades to junctions, carriageways and footpath widths etc.*' will be informed by a traffic assessment. And with that, the rural vision for our Parish disappears.
129. The emerging Local Plan also recognises that Murton is on a cycle route, heavily used by leisure cyclists, runners and commuters although two of the three narrow rural roads to and from the village do not have footpaths and the third has a width that only allows walking in single file. At peak times there is a heavy and constant flow of traffic. This conflicts with pedestrians, runners and cyclists (and horse riders) and much of the road system is derestricted.

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<sup>3</sup> APP/C2741/W/15/3135274

### **Policy TRA1: Traffic and Movement**

New developments must not have any significant detrimental impact on traffic safety and congestion on rural lanes in Murton Parish. This includes impacts on the following, existing pressure points:

- Murton Way;
- Murton Lane; and
- Moor Lane and Bad Bargain Lane.

Where highway upgrades are proposed as part of development to address capacity or safety issues, and the development will cause significant harm to the Parish and in particular to the rural and historic character of the village and its setting, any harm should as far as possible be mitigated. If development cannot be mitigated, it should be resisted.

### **Interpretation of Policy TRA1**

130. This policy highlights existing capacity problems due to the restricted rural highway network. The policy requires consequential change to the highway network to take into account the historic and rural character of the Parish. If such improvements were to harm historic or rural character, and development depended on such improvements, then the development in question would be unsustainable.

## 6.7 Developer Contributions

### Purpose

131. To alleviate the consequences of development on the infrastructure of the Parish.

### Justification for Policy DC1

132. Planning obligations (known as Section 106 agreements and the Community Infrastructure Levy) require developers to make a payment to the City of York Council based on the size and type of development that is proposed. The conditions are clearly set out in paragraph 57 of the National Planning Policy Framework.
133. Development within the Parish will be very limited during the time frame of this Neighbourhood Plan. Large developments are much more likely in areas adjacent to it which may detrimentally affect the Parish. These developments can bring significant benefits to the City as a whole, including new homes and jobs, but they will also have a serious negative impact on this Parish, for example, where additional demand is placed on facilities and services that are already at or near capacity, in our case, the road system.
134. The Section 106 and Community Infrastructure Levy funds are thus available to City of York Council to mitigate the negative impact on the Parish.

### Policy DC1: Developer Contributions

The Parish Council will prioritise the use of financial contributions, Section 106 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.

### Interpretation of Policy DC1

135. The Parish will expect to receive a substantial part of the financial contributions paid to the City of York Council to help with improvements to traffic management to help alleviate the impact of the development on the Parish roads and, where appropriate, to enhance local green spaces, footpaths and cycle ways and other facilities deemed to be needed by the Parish Council.

## 6.8 Enforcement

136. The policies above are only useful if they are accepted as rational and for the common good. If they are, it is important that when they are flouted by a very small minority, that they are enforced so that the majority are not disadvantaged and the system suffers disrepute.
137. The National Planning Policy Framework has a very important guideline at paragraph 59:  
*Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.*
138. The enforcement plan should set out how the City Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development, and take action where appropriate.
139. We believe that the Parish Council should work closely with the City of York to take enforcement action where appropriate and that this appropriateness should be a shared view but if there is a divergence of view, it should be clearly stated, with reasons.

## 7. Community Actions

140. The focus of our consultations was on ‘planning’, the core rationale for a Neighbourhood Plan. However, discussions with residents and the responses written in the questionnaires highlighted some issues that extend beyond this remit. These are nevertheless very important to the everyday lives of residents in the Parish.
141. Among the most important issues that most concern residents are
- Traffic through the Parish
  - Anti-social behaviour

### 7.1 Traffic through the Parish

#### Justification for Community Actions CA1 and CA2

142. A discussion of the effect of traffic in the Parish on the lives of residents is given in Section 6.7. In the questionnaire for the residents of the village, respondents cited both speeding along Murton Way and in the village as very concerned or concerned. 77% were also concerned about large vehicles coming through the Parish. Answers to these same questions from residents on the periphery of the Parish were 72% and 71% (Consultation Statement). The residents in this area were particularly exercised about the speed of traffic along the Hull Road (80%) and Tranby Avenue and Osbaldwick Link Road both with 20 and 30 mph speed limits respectively (86%).
143. We took particular notice of comments made in free response questions as these take much more effort to answer than Lickert-type questions. Of these free response questions in the questionnaire for the village, the two on traffic attracted easily the most replies (51%). A further 36% commented on some aspect of traffic in the final free response question, ‘Other Issues’, when problems such as being used as a ‘rat run’ and ‘relentless increase of traffic through the village’ were raised.
144. In a Planning Inspectorate report<sup>4</sup> in 2016, in which traffic was of major concern, the Inspector was critical about the figures produced by the City of York Council for traffic flows in the Parish. One example concerns Murton Way where he was given traffic flows along Murton Way that had been produced 13 years earlier.
145. Before viable plans for mitigating the impact of the present and future traffic can be discussed by the Parish Council with the City of York Council, an up-to-date traffic census and an independent traffic assessment are required.

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<sup>4</sup> Planning Inspectorate Report APP/C2741/W/15/3135274

146. Although there appears to be a reduction in horse riding in recent years, the number of cyclists using Moor Lane and Murton Way appears to have increased considerably over the last few years. The two lanes were used in the Tour de Yorkshire in 2015 and this no doubt encouraged others to use these roads. Cyclists are in some peril in particular along Moor Lane as it has much traffic at times negotiating its several blind corners.

#### **CA1 Traffic calming**

The Parish Council will work with the Highways Authority and other relevant authorities to give active consideration to traffic speed calming through the Parish. Any forms of traffic control should be in character with the local environment.

#### **CA2 Safer routes for cyclists and pedestrians**

Opportunities will be sought to create improved and safer routes for cyclists and pedestrians.

#### **Interpretation of Policies CA1 and CA2**

147. The Parish Council, which has endeavoured over many years to engage the relevant authorities, should seek a detailed traffic census which encompasses Murton Lane, Moor Lane, Murton Way and Osbaldwick Link Road. Traffic calming in the village is a contentious issue amongst residents and a further detailed questionnaire may elicit the best way forward. For example there are strong views, both for and against, about 'speed bumps' being installed in or near the village and it is important that all residents are given further opportunities to consider the implications.
148. With increased use of the lanes in the Parish by cyclists and their use by horse riders, the traffic calming measures for all the lanes should also be sought by the Parish Council in collaboration with other Parish Councils in the City of York and with the City of York Council. This work should include the re-routing Cycle Route 66 off Murton Lane and Murton Way on to the strip of land parallel to the disused Derwent Valley Railway land, which has been purchased by Sustrans for this purpose.

## 7.2 Parking

### Justification for Community Action CA3

149. Parking in the roadway or on grass verges is also a serious issue for many residents. 76% and 68%, respectively, of those living on the southern periphery see them as a concern. The figures for those living in the village are 75% and 60% (Consultation Statement).

#### CA3 Parking

The Parish Council should initiate a discussion with the residents and businesses on viable ways to reduce the parking of cars in the roadway and on grass verges.

### Interpretation of Policy CA3

150. Similar to the solution of other traffic problems, there are strong views for and against a more vigorous campaign to reduce parking in the street and on verges and it is important that all residents can express their views.

## 7.3 Anti-social behaviour

### Justification for Community Action CA4

151. In the answers to the questionnaires, there was considerable concern about fly-tipping, litter, dog fouling and other anti-social behaviour. For example, 81% and 90% answering a questionnaire produced for those who lived in the village and nearby, were very concerned or concerned about the litter and fly-tipping and 74% about dog fouling. The figures from residents along the southern periphery were 73%, 57% and 74%, respectively.
152. It is apparent that all the fly-tipping comes from 'outsiders' driving through the Parish but much of the litter along the southern periphery appears to be self-inflicted by the short-term residents (Consultation Statement).
153. The City of York Council is generally efficient at removing the fly-tipping and the Parish Council has been active in keeping the Parish tidy, organising litter picks and reports fly-tipping immediately.
154. While identifying similar problems to those identified above, the answers to the questionnaire designed for the households on the southern boundary cited concern about anti-social behaviour by a small minority of residents. This is anecdotal in the sense that there are no quantitative data, but residents in two areas identified

‘youths and teenagers’ who misbehave and others thought that there were ‘too many students’ and ‘too many short-term tenants’. In one area, over half the residents brought up this problem in free response questions. There were many statements along the lines of ‘Noisy students.... Litter everywhere’, ‘inconsiderate students’, ‘Happy with almost all aspects but too many students’.

155. However, this misbehaviour by a small minority of students should not detract from the overall social good that the Universities generate through the advance of knowledge, their support for organisations and industries throughout the country and indeed internationally, and the prestige, the generation of wealth and for employment opportunities they provide for the City of York.
156. It must also be emphasized that there are longer term tenants in rented property, many of which are owned by Housing Associations. One Housing Association reported that many of their tenants (and indeed the Association itself) were extremely satisfied with the area.

#### CA4 Anti-social behaviour

The Parish Council should continue its programme, in collaboration with the City of York Council:

- to reduce the litter left by fly-tipping , and
- to work with residents and landlords to improve the results of poor behaviour by some residents.

#### Interpretation of Policy CA4

157. The Parish Council will continue its regular checks with groups of residents picking up litter and reporting to the City of York Council the fly-tipping that occurs frequently in the Parish.
158. The Parish Council will seek help from the City of York Council to ensure that landlords take responsibility for the behaviour of the residents in, and the tidiness of, their HMOs.

## 7.4 Signage, Lighting, Street Furniture, Tidiness and other amenities

#### Justification for Community Action CA5

159. In the emerging City of York Draft Local Plan, Policy D2: ***Landscape and Setting*** states:

*“Development proposals will be encouraged and supported where they:*

- protect and enhance landscape quality and character and make a positive contribution to the character of streets, spaces and other landscapes*

*Elements such as street layout, architecture, materials, gardens, forecourts, verges, incidental spaces, village greens, boundary treatments, trees and other vegetation, lighting and street furniture can considerably influence landscape quality.”*

160. Further there is a document published by the City of York Council, *City of York Streetscape: Strategy and Guidance* which should be applied to all of the City not just the centre. Part three is more specific and provides analysis and guidance on street furniture, surfacing, signs, and use. In some cases, specific approved products such as seats and bollards are listed. Anyone involved in adding street furniture or contemplating using streets and spaces for events should examine this section. Highway engineers should also review the sections on surfaces and materials.
161. Road signage is prominent in two of the four areas of employment:
- 1) that on the Hull Road, which contains a large national DIY store and a busy independent petrol station and convenience shop, has signage generally used on main roads and are urban in nature and take little account of the housing nearby;
  - 2) the largest area is the business area on Murton Lane, the Murton Business Park which has a myriad of signage adjacent to the road.
- The third and fourth are on Moor Lane and have few signs. The Parish Council has been replacing unsightly and inappropriate street signs screwed on top of two wooden stakes with signs mounted on local stone. Similarly, they have been renewing seating, for example on the Village Green and pond.
162. The Parish Council has, in recent years, invested in street lighting using 5 m poles with swan-like fitting to give discreet lighting adjusted to the lowest level of illumination commensurate with a rural environment. These have been installed throughout the Conservation area and adjoining residential areas.



*Street signage in Murton Parish  
CLOCKWISE FROM TOP LEFT: a  
light installed by Murton PC at  
the gate to St James's Church;  
signpost on the Village Green; a  
streetlight with a swan fitting; a  
bench on the Village Green; a  
planted street sign tidiness*

163. The Parish Council receives many comments from residents about tidiness in both areas of housing in the Parish. Some are due to anti-social behaviour but there are other aspects, such as keeping verges along the lanes tidy, the state of the village pond and the grass cutting of areas such as the village green. In recent years, the Parish Council has found that the grass cutting service provided by the City of York Council has been inadequate, as it is often done at times that are not suitable because of inclement weather and the Parish has assumed responsibility for it. The Parish Council is also actively funding and looking after boxes of flowers in the village, in sowing bulbs in the verges and is producing a substantial verge with wildflowers. It intends to put all these activities on a wider scale for the whole Parish.

#### CA5 Signage, Street Furniture, Lighting and Tidiness in the Parish

Where signage or street furniture is proposed it should seek to reflect local materials and features evident in the immediate surrounding area.

Where lighting is proposed it should be designed to avoid intruding into areas where darkness is a characteristic of the Parish and minimise impacts on adjacent rural habitats and wildlife.

The Parish Council should enlarge its work to keep the Parish tidy.

#### Interpretation of Policy CA5

164. **Signage and road markings:** Road markings should be shown to be effective and commensurate with a rural setting. Street signs in rural areas should be appropriately mounted (for example using stone blocks and troughs). The key is visual consistency.



*Murton village may only have a few buses a day but it boasts some of the best signage in York!*

165. **Signage and advertising:** Whilst advertisements play an important role in promoting economic vitality, and where well designed, they can make a positive contribution to the street scene, a proliferation of signs can be unsightly, distracting and damaging to the appearance of the area. Business owners will be encouraged to rationalize advertising or signage and to use designs appropriate to the Parish environment. The signage should be low key in colour, size and lighting.

166. **Lighting:** Lighting should respect the rural area and particularly the Conservation Area, maintaining dark skies and minimising light pollution.  
Any lighting along rural lanes should avoid harming the dark sky appropriate to the area. The lighting should continue the present practice of heights and fittings.
167. **Street furniture and fittings:** Street signs in rural areas should be appropriately mounted (for example using stone blocks and troughs). A consistent and high-quality design theme for street lamps, waste bins, benches, etc. should be maintained throughout the Parish. Seating and other street furniture (for example boxes for plants) should be of good quality, using natural materials where possible, and be appropriate to the Parish environment. These preferences will be communicated to the City of York Council. Wherever practicable, opportunities taken to remove existing overhead wires and new ones should be avoided.
168. **Tidiness:** The Parish Council should ensure that their work on keeping the Parish tidy and the programme of grass cutting and planting wild flowers continues. It is sometimes not appreciated how important the state of the fields is on approaching the village and that they should be kept tidy and in good order.
169. **Overall:** Care should be taken to ensure that all street furniture, signage and lighting are appropriate to their setting and that the principles advocated in the City of York's publication *City of York Streetscape: Strategy and Guidance* are adhered to.

## 7.5 Maintenance and enhancement of Public Rights of Way

### Justification for Community Action CA6

170. Answers to the questionnaires showed that Public Rights of Way, where known, were appreciated and are well used. Nearly half of the 'rural residents' knew of their existence and over 20% used them regularly. Nevertheless both the City of York Council (Policy HW7) and the Parish Council should promote their use and where appropriate extend them. All Public Rights of Way should be clearly defined, kept free from obstruction, and their distinctive character maintained. It would be helpful if there were maps of the Rights of Way exhibited in the Parish.
171. There is a persuasive case for an extension of the Public Right of Way network which should be urgently investigated by the Parish Council<sup>5</sup>, in concert with the farmers

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<sup>5</sup> One correspondent argued persuasively that the PROW network should be enhanced. When footpaths were designated as Public Rights of Way in the parish there were some surprising omissions and there is now only a

and others interested in the use of PROWs. There was also an interesting suggestion that a circular route for walkers, joggers and horse riders should be promoted to help them enjoy the Parish without having to use roads they consider to be dangerous. These proposals are in line with the City of York Local Plan Policy HW7: Healthy Places.

172. The emerging City of York Local Plan encourages the provision of safe, easy to navigate and attractive public footpaths between dwellings to encourage physical activity. In questionnaires for the village, 77% were happy with the footpaths, whereas the number of households on the southern edge were less so, 67%, because they were overgrown in places with branches and weeds and with bulky telecommunication boxes (Consultation Statement).
173. However, an important and well-used footpath between Murton and Osbaldwick has become significantly narrower with fast traffic passing closely and rendering the footpath difficult and very uncomfortable to use. Opportunities to improve this situation are being sought. There were a notable number of respondents who pointed out that a footpath was needed to connect the village with the Business Park so that they could walk to the Farming Museum and the Auction Centre. Opportunities to provide this will be discussed with the local authority.

#### CA6 Public Rights of Way Footpaths and Cycle ways

The following should be actively sought by the Parish Council:

- Improvements in the maintenance of the existing Public Rights of Way and other footpaths
- Extensions to the network
- Making the lanes safer for cycling, running and horse riding

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limited time period available to rectify that. The most obvious omission was the full footpath from the Stamford Bridge Road to Bad Bargain Lane. This is clearly shown on all maps from the 18<sup>th</sup> century to the early 20<sup>th</sup> century. The first section, Vengeance Lane, from the Stamford Bridge Road to the Osbaldwick Beck is a Public Right of Way and much used, particularly as it links to the path to Murton village. The middle section, called Millfield Lane in some 19<sup>th</sup> century documents, no longer exists. The third section from the end of Hammonds Lane and the beginning of the path to Holtby Lane is still called Piker Thorn Lane even though it is not a PROW. It is shown on all maps back to the 18<sup>th</sup> century. It was certainly in use well into the 20<sup>th</sup> century. Its re-instatement as a Public Right of Way would greatly enhance the parish footpath network.

Hammonds Lane is not a Public Right of Way although is much used and has always been accessible for well over 50 years at least. The ownership of it appears to be unknown and unclaimed, thus there may be no opposition to it being designated.

The footpaths from the north end of the village by South View to Murton Grange and Bad Bargain Lane are dangerous and not usable as there are no safe ways across the A.64. There is no gap in the central barrier. It seems that no proper provision was made for these two footpaths when the York by-pass was built.

### **Interpretation of Policy CA6**

174. The Policy supports the implementation of improvements in the network of Public Rights of Way and other footpaths.
175. All Public Rights of Way should be legally defined, kept free from obstruction and their character maintained. Where applicable, Public Rights of Way should provide a valuable link with surrounding countryside.
176. Given the support of residents for the Public Rights of Way, it is incumbent on the Parish Council to ensure their integrity with annual inspections and close collaboration with the Public Right of Way team at the City of York Council. The Parish Council should also consider promotion of the PROWs with a noticeboard devoted to them in the village.

## **7. 6 Allotments**

### **Justification for Community Action CA7**

177. As noted earlier, policy GI5 of the emerging Local Plan encourages the provision of 'allotments and productive land, to encourage local food production, and its benefits to education and healthy living'.
178. Our questionnaires showed that nearly one-fifth of households in the Parish would welcome the chance to have an allotment.
179. At present, the Parish Council has two allotments, area *ca* 0.3 ha which appear to be under-used and have potential for wider community use (Figure 1). Moreover, there are also several small parcels of land which are owned by the Parish Council along Moor Lane, of total area of *ca* 0.8 hectares and about half of these could serve as allotments if a water supply could be provided.

#### **CA7 Allotments**

The Parish Council should ensure that the present provision is being used effectively and undertake a survey of residents' wishes. If there is sufficient demand, they should work in collaboration with the City of York Council to provide more allotment space.

### **Interpretation of Policy CA7**

180. The small parcels of land available are not readily convertible into allotments being far from a water supply. A fundamental reappraisal of land available for allotments is necessary and a detailed survey carried out to ascertain the wishes of prospective allotment holders.

## **7.7 Communications with the Parish Council**

### **Justification for Community Action CA8**

181. There was a disappointing response to questions about the way the Parish Council communicates with residents. In the questionnaire for the village, 19% frequently read about its work on the noticeboard whereas 29% never do so. The figures were even more disappointing for using the website, 4% and 63% respectively.
182. The figures for households on the southern edge must be read in the context that one part (Redbarn Drive, Meam Close and Moins Court) does not have a noticeboard. Nevertheless 11% occasionally read about the Parish news on one of the two noticeboards and over half the households would like one. The houses in Tranby Avenue and nearby do have a noticeboard. 90% say that they read it frequently or sometimes.

#### **CA8 Communications with the Parish Council**

The Parish Council will work with residents to improve communications through notice boards and the website.

### **Interpretation of Policy CA8**

183. The Parish Council will arrange for a noticeboard to be placed in the Redbarn Drive area. It is already improving the website and will take further steps to make the site better known.

## 7.8 Public transport

### Justification for Community Action CA9

184. Residents along the southern border of the Parish are well served by buses to the City. Indeed, some nominate this as one of the most attractive features of living in this area of York.
185. The frequency of bus services along the Hull Road, Tranby Avenue and Osbaldwick Link Road is in stark contrast to that in Murton village, whose bus service is restricted to 3 buses to York and 4 from the city each day, except Sundays when there is no service. Thus few residents use the service even once a week (13%) with no one claiming to use it on a daily basis. A more frequent service would entice 43% of households to use it at least once a week. Even this is hardly an attractive commercial proposition, so Murton becomes resigned to a restricted service and relies almost entirely on using cars. Nevertheless, the Parish Council should begin to consider longer term plans for the time when the population ages further and engage in discussions with all organisation involved in the provision of some form of public transport.

#### CA9 Public Transport

Reducing reliance on cars requires an improved public transport system serving Murton village, and is particularly relevant if the age profile increases. The Parish Council, in collaboration with the City of York Council and other authorities and organisations, must keep this under review in order to meet any future demand.

### Interpretation of Policy CA9

186. To ensure the long term sustainability of the village, and to help tackle climate change, improved public transport links between the village and York are considered vital. The likely ageing population, need to reduce reliance on private vehicles and increased centralisation of services (for example, healthcare) all suggest that there is a need to provide improved public transport provision to the city. Further dialogue with the City of York Council and public transport providers is essential.

## Annex 1: Detailed Policy Plans

### Policy ENV1: Local Green Space

Figure 1a – Local green spaces around village

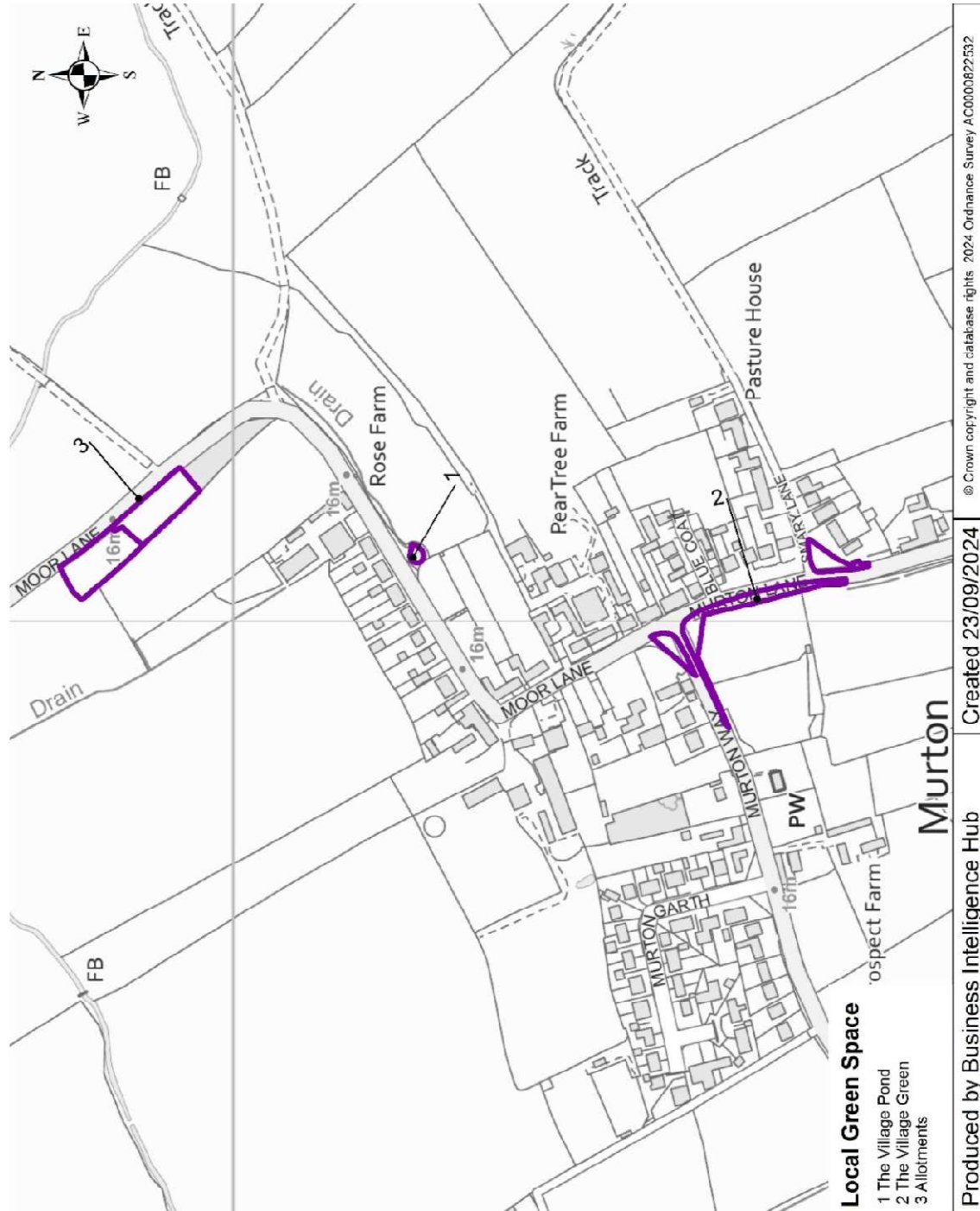
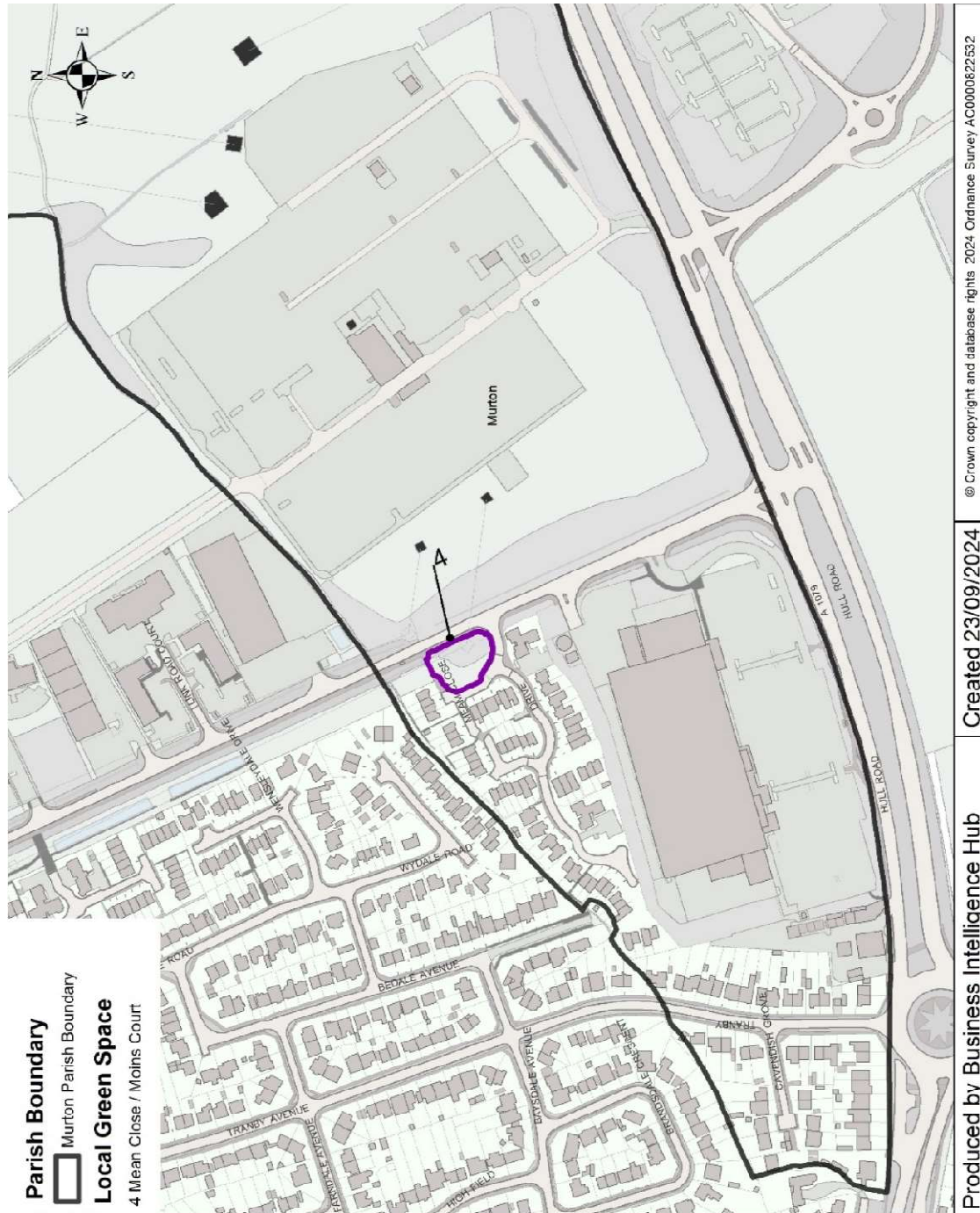


Figure 1b – Local green space in south west area of parish



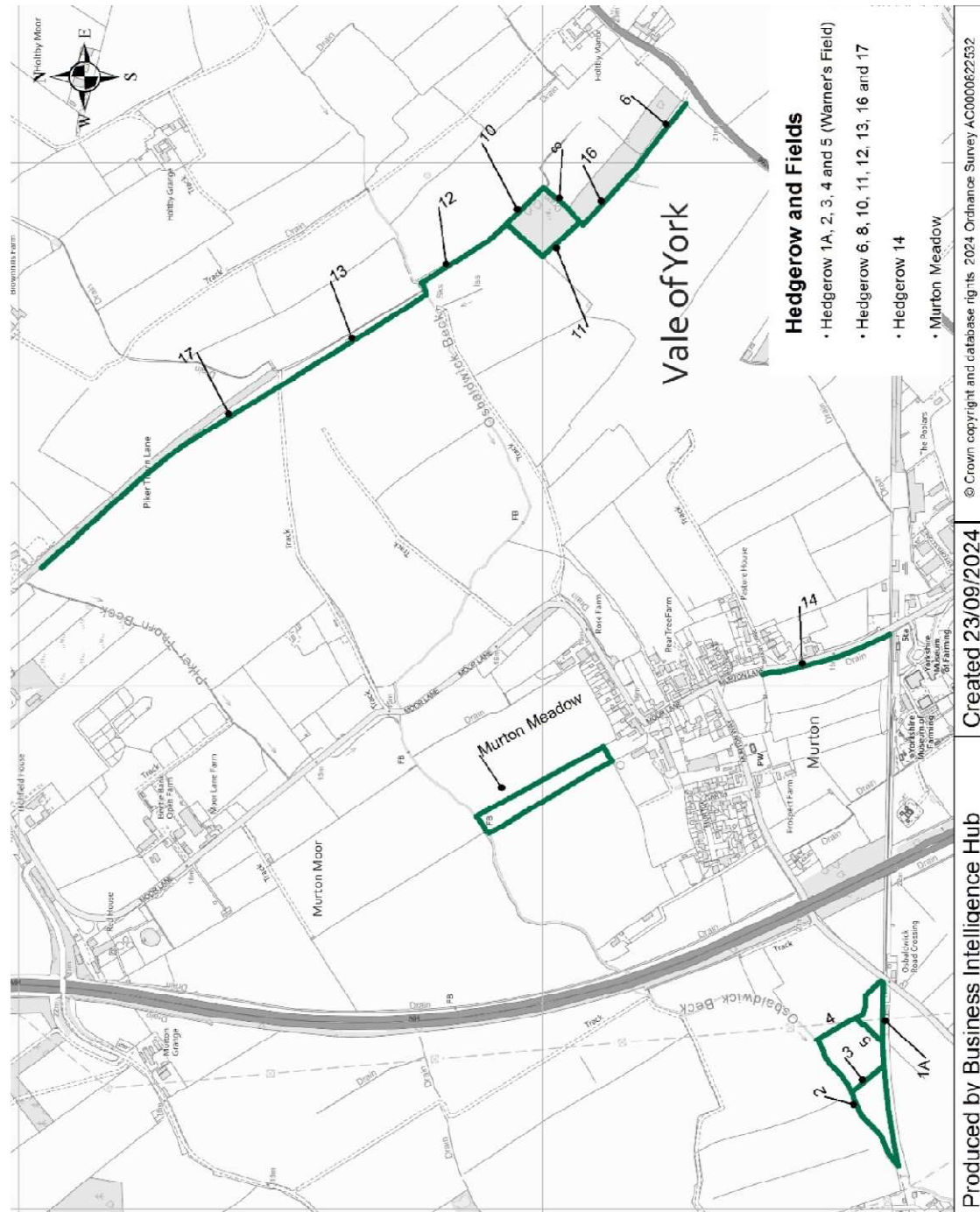
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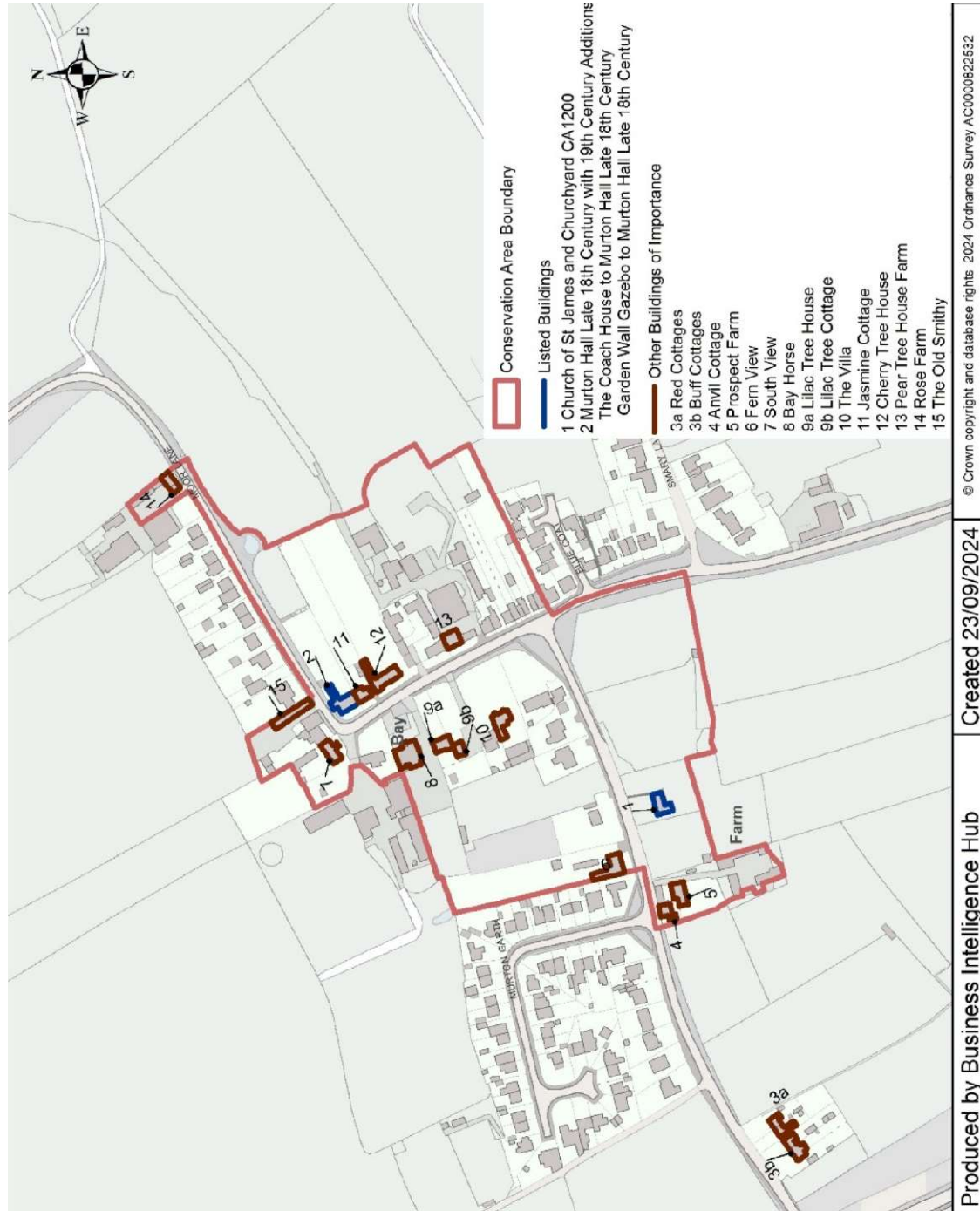
## Policy ENV2: Green Infrastructure

Figure 2 - Hedgerows



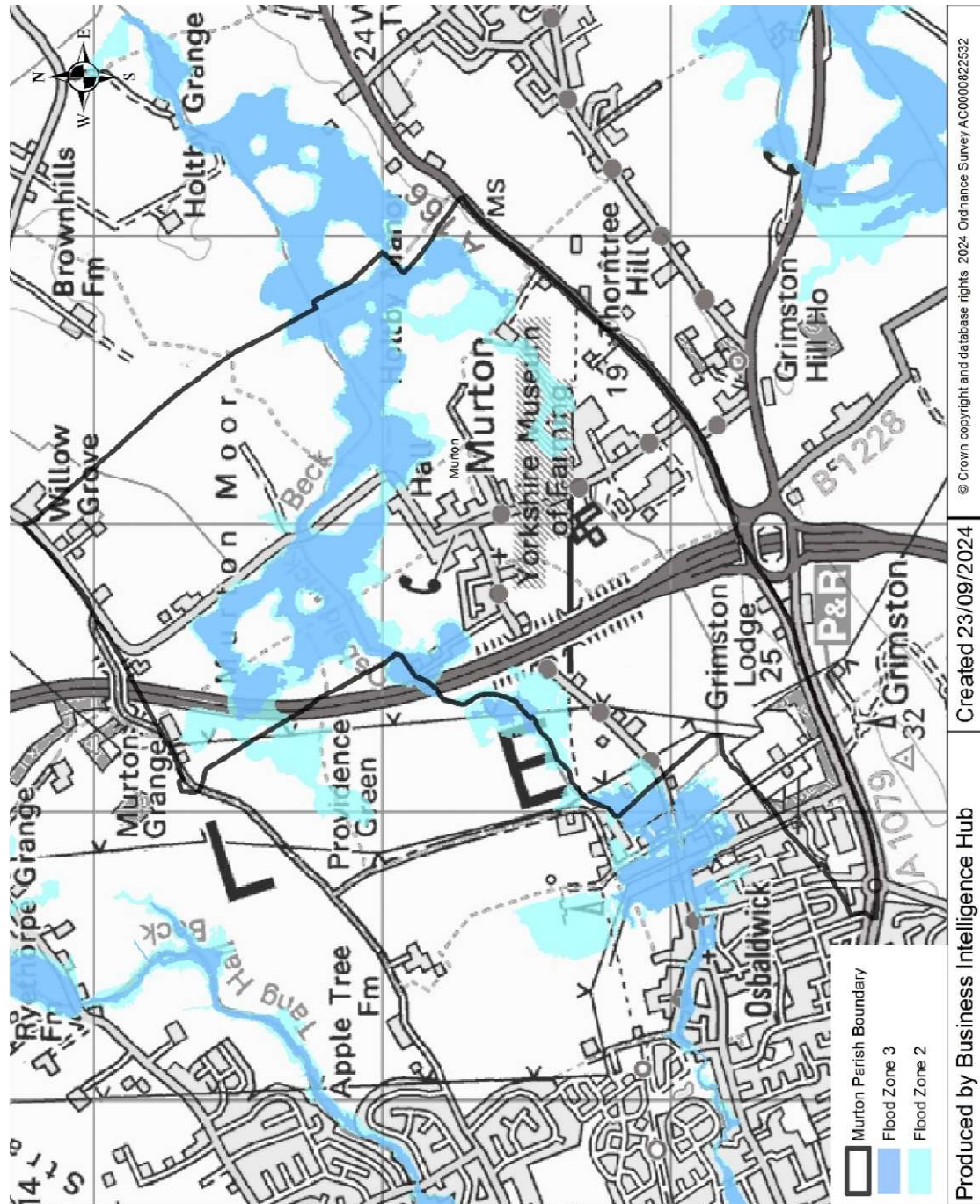
## Policy ENV3: Historic Environment

**Figure 3 – Conservation area, listed buildings and other buildings of importance**



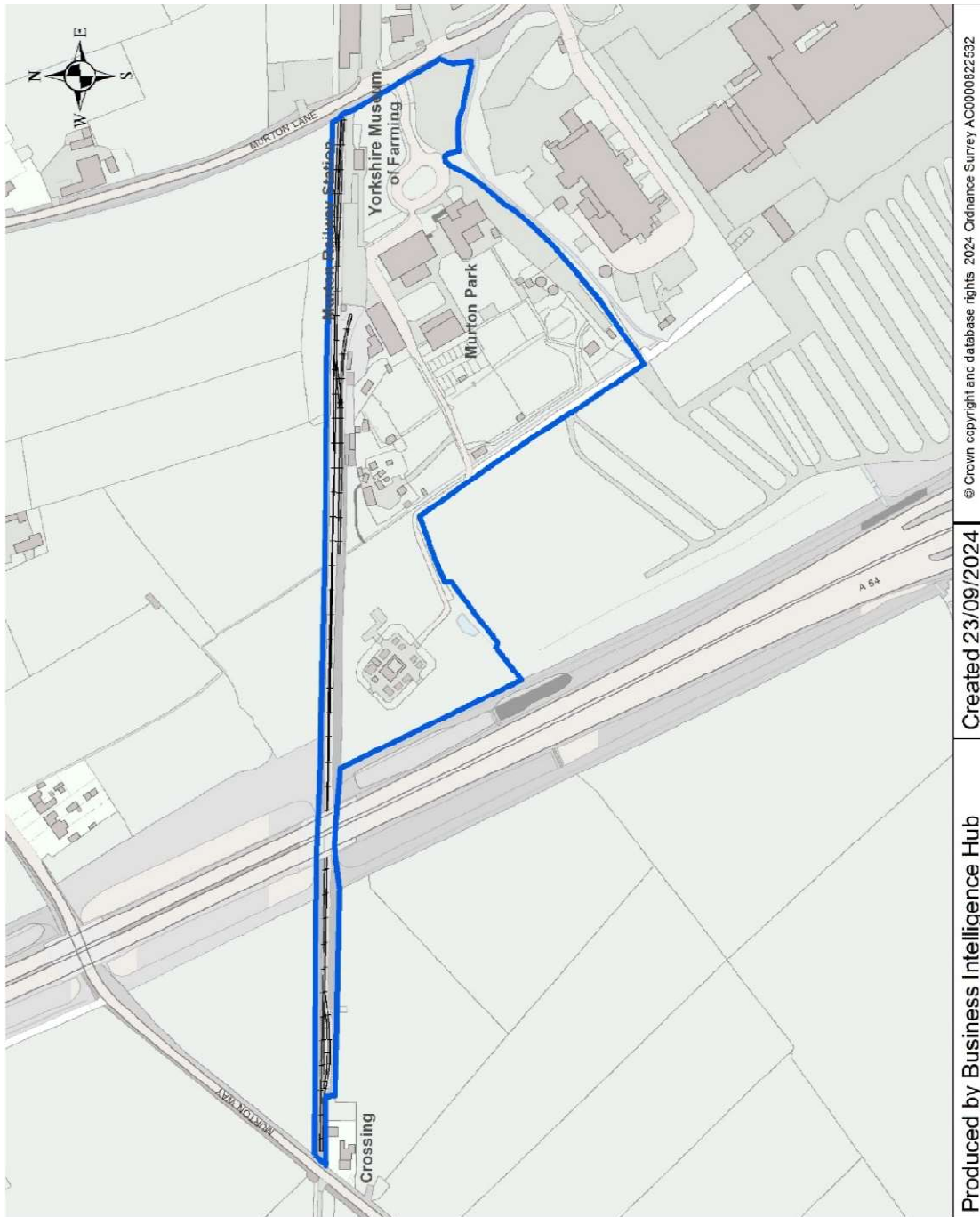
## Policy ENV6: Flood Risk Management

Figure 4 – Flood zones



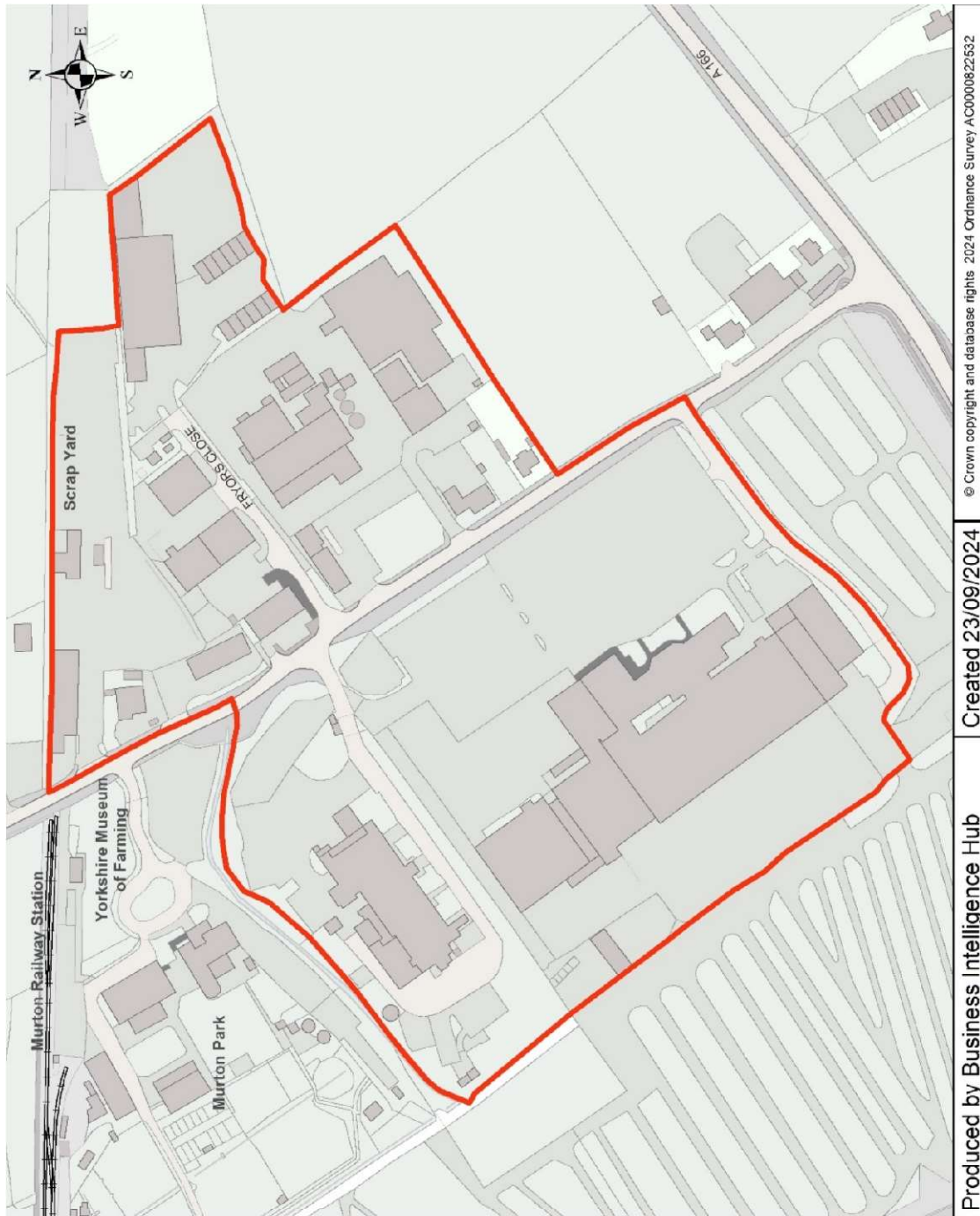
## Policy ENV7: Murton Park

Figure 5 – Murton Park including Derwent Valley Light Railway



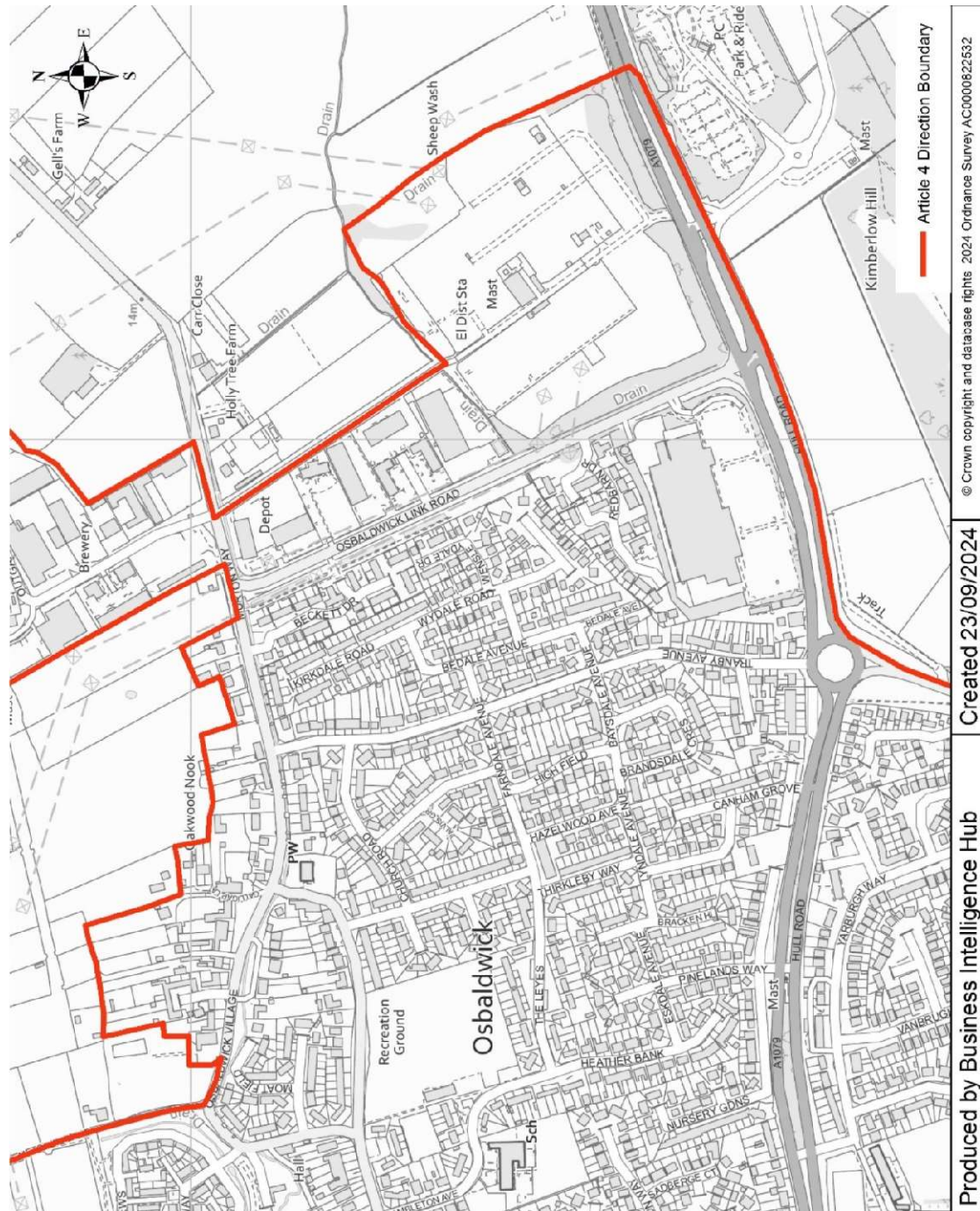
## Policy EMP1: Employment

Figure 6 – Murton Industrial Estate and Auction Centre



## Policy HAC2: Houses in Multiple Occupation

Figure 7 – City of York article 4 direction area



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

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

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

### **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**

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**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 1<sup>st</sup> 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.<sup>1</sup>

**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 23<sup>rd</sup> 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.

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<sup>1</sup> <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 6<sup>th</sup> April and 18<sup>th</sup> 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 6<sup>th</sup> November 2024 and 10<sup>th</sup> 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 1<sup>st</sup> 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 23<sup>rd</sup> July 2015.
- 3.5 This decision was made at a meeting of the Council's Executive on 22<sup>nd</sup> April 2025.
- 3.6 This decision statement is dated 22<sup>nd</sup> 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**

| <b>Murton Neighbourhood Plan Policy</b> | <b>Examiner's Report Reference</b> | <b>Recommended Modification</b>  | <b>CYC Consideration/ Justification</b>                                       |
|---|------------------------------------|--|---|
| ENV2 – Green Infrastructure             | Recommendation 1                   | <b>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:’</b>   | Agree with the modifications for the reasons set out in the Examiners Report. |
| ENV3 – Historic Environment             | Recommendation 2                   | <p><b>Replace the policy with:</b></p> <p><b>‘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.</b></p> <p><b>The Plan identifies the following buildings as non-designated heritage assets:</b></p> <p><b>[List the assets from the final part of the policy]</b></p> <p><b>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.’</b></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                   | <b>Replace the opening element of the policy with:</b>   | Agree with the modifications for the  |

|                                   |                  |  |   |
|-----------------------------------|------------------|--|---|
|                                   |                  | <b>‘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:’</b>   | reasons set out in the Examiners Report.                                      |
| ENV5 – Alterations and Extensions | Recommendation 4 | <p><b>Replace the policy with:</b></p> <p><b>‘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.</b></p> <p><b>Where buildings are proposed for conversion to new uses, evidence of their former historic use should be retained wherever practicable.’</b></p>   | Agree with the modifications for the reasons set out in the Examiners Report. |
| ENV6 – Flood Risk Management      | Recommendation 5 | <p><b>Replace the policy with:</b></p> <p><b>‘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.</b></p> <p><b>Development proposals which would unacceptably increase the risk of flooding and/or exacerbate existing drainage restrictions will not be supported.’</b></p> | Agree with the modifications for the reasons set out in the Examiners Report. |
| ENV7 – Murton                     | Recommendation   | <b>Replace the second bullet point with: ‘They accord with Policy GB1 of the City</b>  | Agree with the  |

|                                      |                   |   |   |
|--------------------------------------|-------------------|---|---|
| Park                                 | 6                 | <b>of York Local Plan.'</b>   | modifications for the reasons set out in the Examiners Report.                |
| EMP1 – Employment                    | Recommendation 7  | <b>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.'</b>   | Agree with the modifications for the reasons set out in the Examiners Report. |
| HAC1 – Housing Development           | Recommendation 8  | <b>Replace the second part of the policy with:</b><br><b>'In all cases development proposals should</b> <ul style="list-style-type: none"> <li><b>• be capable of being accommodated in the local highways network;</b></li> <li><b>• safeguard the amenities of nearby residents;</b></li> <li><b>• accord with Green Belt policies; and</b></li> <li><b>• be compatible with any rural employment in the immediate locality or operations of farms and agricultural businesses.'</b> </li></ul> | Agree with the modifications for the reasons set out in the Examiners Report. |
| HAC2 – Houses in Multiple Occupation | Recommendation 9  | <b>Replace the final bullet point with: 'The proposal can be safely accommodated in the local highway network.'</b><br><br><b>Delete the final part of the policy.</b>  | Agree with the modifications for the reasons set out in the Examiners Report. |
| HAC3 – Community Facilities          | Recommendation 10 | <b>Replace the policy with:</b><br><br><b>'Development proposals for the adaptation or extension of existing community</b>  | Agree with the modifications for the reasons set out in                       |

|  |  |   |                       |
|--|--|---|-----------------------|
|  |  | <p><b>facilities will be supported where the community value of the facility concerned is retained or enhanced.</b></p> <p><b>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.'</b></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><b>'A8 Community facilities</b></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 Neighbourhood Plan (paragraph 117), there are children's play areas in both Murton</i></p> | the Examiners Report. |
|--|--|---|-----------------------|

|                             |                   |   |  |
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|                             |                   | <p><i>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><b>Replace the policy with:</b></p> <p><b>'Development proposals should respond positively to the character and the capacity of rural lanes in the parish.</b></p> <p><b>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.'</b></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 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></p> | <p>Agree with the modifications for the reasons set out in the Examiners Report.</p> |

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|  |                   |  |   |
| DC1 – Developer Contributions                      | Recommendation 12 | <p><b>Delete the policy</b></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 the CYC Local Plan | 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 Examiners Report. |

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**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

|   |   |  |                           |
|---|---|--|---------------------------|
| <b>Directorate:</b>                                       |   | City Development   |                           |
| <b>Service Area:</b>                                      |   | Strategic Planning Policy  |                           |
| <b>Name of the proposal :</b>                             |   | Murton Neighbourhood Plan Examiner’s Report and Decision Statement |                           |
| <b>Lead officer:</b>                                      |   | Alison Cooke<br>Head of Strategic Planning Policy                  |                           |
| <b>Date assessment completed:</b>                         |   | 11 <sup>th</sup> March 2025  |                           |
| <b>Names of those who contributed to the assessment :</b> |   |  |                           |
| <b>Name</b>   | <b>Job title</b>                            | <b>Organisation</b>  | <b>Area of expertise</b>  |
| Alison Stockdale  | Principal Strategic Planning Policy Officer | City of York Council   | Strategic Planning Policy |
| John Roberts  | Strategic Planning Policy Officer           | City of York Council   | Strategic Planning Policy |

## Step 1 – Aims and intended outcomes

|     |   |
|-----|---|
| 1.1 | <p><b>What is the purpose of the proposal?</b><br/>Please explain your proposal in Plain English avoiding acronyms and jargon.</p>  |
|     | <p>The Murton Neighbourhood Plan has been through its Examination, following its Submission Consultation. The Neighbourhood Plan has been developed by the Parish Council in consultation with the community and in accordance with appropriate legislation including the Neighbourhood Planning Regulations 2012. Policies within the Plan relate to land use planning and seek to guide development within the plan area (in this instance Murton Parish). These have been produced to strategically align with York's Local Plan, which sets the planning policy framework for the York area.</p> <p>The Examination commenced on Monday 13<sup>th</sup> January 2025, and the independent Examiner, Andrew Ashcroft, has assessed the Plan for soundness and whether it meets the Basic Conditions and is compatible with legislation, as required by the Neighbourhood Planning (General) Regulations 2012. The Council has received the Examiner's report which makes recommendations for modifications considered necessary to make the Plan sound.</p> <p>The proposal now is for Members to consider the recommendations in the Examiner's report and agree that the Plan proceeds to a local referendum. Following a successful referendum, the Plan would be 'made' by the City of York Council and become part of the development plan for the area.</p> <p>Policies within the draft Neighbourhood Plan cover issues around green infrastructure; heritage, character and sustainable design; employment; housing and community; and transport and movement. These policies aim to guide development in the local area but do not for example, allocate new sites for development; they focus on conserving the character of Murton and key assets within the Parish.</p> <p>Prior to the examination, the City of York Council was required to undertake a public consultation on the neighbourhood plan for 6 weeks. Although the consultation was open to anyone to comment on it, it is aimed at those people who live, work, or carry out business within the neighbourhood plan area. The consultation was carried out in accordance with an agreed consultation strategy.</p> |

|            |   |
|------------|---|
| <b>1.2</b> | <b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)   |
|            | <p>Neighbourhood Plans were introduced under the Localism Act 2011 with the regulatory details defined within the Neighbourhood Planning Regulations 2012. A Neighbourhood Plan must also meet the basic conditions defined within Schedule 4b of the Town and Country Planning Act 1990. These include the requirement that the plan has regard to national policies and advice included in guidance issued by the Secretary of State.</p> <p>Regulation 16 of The Neighbourhood Planning (General) Regulations (amended) requires Local Planning Authorities to publicise a neighbourhood plan as soon as possible after receiving it. This includes publicising the documents on their website, in such a manner that they consider is likely to bring the proposals to the attention of those who live, work or carry out business in the neighbourhood plan area.</p> <p>Additionally, the Council's duties under the Equalities Act 2010 and the Human Rights Act 1998 are key considerations in the process.</p> |

|            |  |
|------------|--|
| <b>1.3</b> | <b>Who are the stakeholders and what are their interests?</b>  |
|            | The Neighbourhood Plan will provide policies to guide development in the area which will be relevant to residents, developers, businesses and other consultation (statutory) bodies. The stakeholders therefore include people who live, work and carry out business in Murton Parish as well as those submitting planning applications in the area. |
| <b>1.4</b> | <b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.  |
|            | Once the Neighbourhood Plan has been 'made' it will become part of the development plan for the area and will be used to guide development and in the determination of planning applications.  |

|  |  |
|--|--|
|  | <p>The Plan aims to provide a better knowledge and localised spatial planning framework for the future development of the Murton parish, within the statutory framework of the City of York Local Plan and National Planning Policy Framework. It aims to produce a policy compliant tool to help consider planning applications in the Parish, improving the environment and making the Parish a more fulfilling area to live and work.</p> <p>The Plan particularly links the following priorities in the Council Plan 2023-2027:</p> <ul style="list-style-type: none"> <li>• a) Health and wellbeing: A health generating city for children and adults;</li> <li>• c) Economy: A fair, thriving green economy for all;</li> <li>• d) Transport: Sustainable, accessible transport for all;</li> </ul> <p>Section 12 of the Council Plan (Working with Communities) champions working in partnership with providers in the City, learning from community groups, listening to residents through various mediums. This is reflected in the community led approach promoted by neighbourhood plans.</p> |
|--|--|

## Step 2 – Gathering the information and feedback

|            |  |   |
|------------|--|---|
| <b>2.1</b> | <b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc. |   |
|            | <b>Source of data/supporting evidence</b>  | <b>Reason for using</b>   |
|            | Submission version of the Murton Neighbourhood Plan and consultation on it   | The Submission version of the Murton Neighbourhood Plan and its consultation, together with its supporting documents (Consultation Statement, Basic Conditions Statement, HRA & SEA) provide an important source of evidence and insight into the needs and expectations of the residents of Murton Parish. |

|  |   |
|--|---|
|  | The Murton Neighbourhood Plan Examiner considered the impacts of the Submission version of the Neighbourhood Plan on human rights and concluded in his report (paragraph 6.18):<br><i>“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.”</i> |
| Pre-Submission version of the Murton Neighbourhood Plan and consultation on it.                        | The Pre-Submission version of the Murton Neighbourhood Plan and its consultation, together with its supporting documents (Consultation Statement, Basic Conditions Statement, HRA & SEA) provide an important source of evidence and insight into the needs and expectations of the residents of Murton Parish  |
| City of York Local Plan (Submission version 2018) and its subsequent modifications (between 2018-2025) | Provides the overarching planning policies and framework to address the spatial framework for the Murton Neighbourhood Plan; the neighbourhood plan has been prepared to be in strategic conformity with this framework. The Local Plan has been subject to equalities assessments at key stages of preparation.  |
| City of York adopted Local Plan (2025)   | The City of York Local Plan was adopted on 27 February 2025. The Examiner has considered the adopted plan in their examination and to inform their conclusions.   |
| Statutory legislation as set out in Section 1.2 above  | Sets out the requirements and formal framework for developing a neighbourhood plan.   |

### Step 3 – Gaps in data and knowledge

|            |   |                                 |
|------------|---|---------------------------------|
| <b>3.1</b> | <b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b> |                                 |
|            | <b>Gaps in data or knowledge</b>  | <b>Action to deal with this</b> |
|            | N/a   | N/a                             |

## Step 4 – Analysing the impacts or effects.

|  |   |  |  |
|--|---|--|--|
| <b>4.1</b>                               | <b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?</b> Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations. |  |  |
| <b>Equality Groups and Human Rights.</b> | <b>Key Findings/Impacts</b>   | <b>Positive (+)<br/>Negative (-)<br/>Neutral (0)</b> | <b>High (H)<br/>Medium (M)<br/>Low (L)</b> |
| <b>Age</b>                               | The Neighbourhood Plan includes policies regarding residential design but does not expand on the strategic position in relation to older persons standards; this continues to be reliant on the local plan and national policy context. This proposal therefore is not expected to impact on that characteristic.   | 0  | N/A  |
| <b>Disability</b>                        | The Neighbourhood Plan includes policies regarding residential design but does not expand on the strategic position in relation to accessibility standards; this continues to be reliant on the local plan and national policy context. This proposal therefore is not expected to impact on that characteristic.   | 0  | N/A  |
| <b>Gender</b>                            | This proposal is not expected to impact on that characteristic.   | 0  | N/A  |
| <b>Gender Reassignment</b>               | This proposal is not expected to impact on that characteristic.   | 0  | N/A  |
| <b>Marriage and civil partnership</b>    | This proposal is not expected to impact on that characteristic.   | 0  | N/A  |
| <b>Pregnancy</b>                         | This proposal is not expected to impact on that characteristic.   | 0  | N/A  |

|  |   |   |     |
|--|---|---|-----|
| <b>and maternity</b>                           |   |   |     |
| <b>Race</b>                                    | This proposal is not expected to impact on that characteristic.   | 0 | N/A |
| <b>Religion and belief</b>                     | This proposal is not expected to impact on that characteristic.   | 0 | N/A |
| <b>Sexual orientation</b>                      | This proposal is not expected to impact on that characteristic.   | 0 | N/A |
| <b>Other Socio-economic groups including :</b> | <b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>  |   |     |
| <b>Carer</b>                                   | This proposal is not expected to impact on that characteristic.   | 0 | N/A |
| <b>Low income groups</b>                       | Whilst affordable housing may come forward as a proposal, guided in design by this plan, no specific sites are allocated. This proposal is expected to have a low positive impact on that characteristic. | + | L   |
| <b>Veterans, Armed Forces Community</b>        | This proposal is not expected to impact on that characteristic.   | 0 | N/A |
| <b>Other</b>                                   | N/A – no other groups identified  | 0 | N/A |
| <b>Impact on human rights:</b>                 |   |   |     |
| List any human rights impacted.                | This proposal is not expected to impact on that characteristic.   |   | N/A |

**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

|   |   |
|---|---|
| <b>High impact</b><br>(The proposal or process is very equality relevant)       | There is significant potential for or evidence of adverse impact<br>The proposal is institution wide or public facing<br>The proposal has consequences for or affects significant numbers of people<br>The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.      |
| <b>Medium impact</b><br>(The proposal or process is somewhat equality relevant) | There is some evidence to suggest potential for or evidence of adverse impact<br>The proposal is institution wide or across services, but mainly internal<br>The proposal has consequences for or affects some people<br>The proposal has the potential to make a contribution to promoting equality and the exercise of human rights |
| <b>Low impact</b><br>(The proposal or process might be equality relevant)       | There is little evidence to suggest that the proposal could result in adverse impact<br>The proposal operates in a limited way<br>The proposal has consequences for or affects few people<br>The proposal may have the potential to contribute to promoting equality and the exercise of human rights                                 |

## Step 5 - Mitigating adverse impacts and maximising positive impacts

|  |   |
|--|---|
| 5.1  | <b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b> |
| <p>The Murton Neighbourhood Plan has been developed by the Parish Council in consultation with the local community to produce land use planning policies to guide development in the area. The submission consultation was run by City of York Council; this took place in accordance with relevant legislation, including our Statement of Community Involvement with an agreed consultation strategy. Consultation sought to ensure all those who work, live and carry out business within the parish as well as consultation bodies, as defined within the legislation, we're notified and informed.</p> <p>The Examination into the Neighbourhood Plan considered the Submission version of the Neighbourhood Plan, together with the responses to the public consultation to ascertain its soundness and whether it meets the Basic Conditions and is compatible with legislation, as required by the Neighbourhood Planning (General) Regulations 2012. The independent Examiner has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and concludes that it complies with the Human Rights Act.</p> |   |

## Step 6 – Recommendations and conclusions of the assessment

|  |  |
|--|--|
| 6.1  | <b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b> |
| <p>- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p> |  |

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

| Option selected                 | Conclusions/justification   |
|---------------------------------|---|
| No major change to the proposal | The EIA demonstrates the proposal is robust. The neighbourhood plan has been developed by the Parish Council in consultation with the community to produce land-use policies to guide development in the area. It has been through a further period of consultation, undertaken by CYC in accordance with an agreed consultation strategy and in line with Regulation 16 of the Neighbourhood Planning Regulations, prior to the Examination. The conclusion of the independent Examiner also states they consider this are satisfied that the plan has been prepared and is in accordance with the requisite equalities and human right legislation. |

## Step 7 – Summary of agreed actions resulting from the assessment

| 7.1          | What action, by whom, will be undertaken as a result of the impact assessment. |                    |           |
|--------------|--|--------------------|-----------|
| Impact/issue | Action to be taken   | Person responsible | Timescale |
| N/A          | N/A  | N/A                | N/A       |

## Step 8 - Monitor, review and improve

|      |  |
|------|--|
| 8. 1 | <b>How will the impact of your proposal be monitored and improved upon going forward?</b><br>Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?  |
|      | This Executive report asks for a decision to proceed to referendum. Subject to a successful referendum, then CYC are required to formally 'make' the Plan. While there is no requirement to update or review a neighbourhood plan, best practise would suggest that the policies are regularly reviewed to reflect current national and local policy. At this time, new local or national level policy will be considered in the production of the plan. |

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