

<b>Meeting:</b>	Executive
<b>Meeting date:</b>	2 <sup>nd</sup> September 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 – Referendum outcome and ‘making’ the Plan

### **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 outcomes of the referendum into the Murton Neighbourhood Plan and asks Members to formally ‘make’ the Murton Neighbourhood Plan. It should be noted that the declared positive result from the referendum means that the Neighbourhood Plan came into legal force with immediate effect and has become part of the statutory Development Plan for York. The ‘making’ of the Neighbourhood Plan at this stage is considered to be a procedural formality.

### **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. Following the referendum, the Murton Neighbourhood Plan has full weight as more than 50% of the votes cast were in favour of it. This plan will form part of the statutory 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 Council made a decision at its Executive meeting on 22<sup>nd</sup> April 2025 to endorse the Examiners Report, publish a Decision Statement to that effect and proceed to a referendum on the Neighbourhood Plan. Consequently, the referendum took place on 10<sup>th</sup> July 2025.
8. In line with the Regulations, the Neighbourhood Plan came into legal force upon completion of the referendum as more than 50% of the referendum votes were in favour of the Neighbourhood Plan. Consequently, the plan became part of the Development Plan for York at that stage. This purpose of this report is to 'make' the Neighbourhood Plan (formally decide that it will continue to be in legal force) pursuant to the requirements of section 38(A) of the Planning and Compulsory Purchase Act 1984.

## **Financial Strategy Implications**

9. 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

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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 27<sup>th</sup> April 2022.

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	£2,558.70
Referendum	£2,432.45 (estimate)
<b>Total</b>	<b>£8,991 (estimate)</b>

10. Murton Parish Council was provided with a £3k grant from the Council to support the development of the neighbourhood plan to Submission.
11. 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. In line with the CIL Regulations 2010 (as amended 2019), the CIL draft Charging Schedule was submitted for independent examination on 18 July 2025. The examination hearing is anticipated to take place in late summer 2025 and the CIL Charging Schedule is likely to be adopted by the end of the year.

## **Recommendation and Reasons**

12. Executive is asked to
  - i) Note the results of the referendum that the Murton Neighbourhood Plan now forms part of the City's Statutory Development Plan.
  - ii) Agree that, in accordance with the statutory requirements the Murton Neighbourhood Plan is formally 'made'.
  - iii) To approve the Decision Statement attached at Annex B to be published in accordance with the statutory requirements.

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

## Background

13. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of examination and referendum
14. The Murton Neighbourhood Plan has been prepared by Murton Parish Council, with on-going engagement with the local community and City of York Council. The Plan 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);
  - 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).
  - Examination commenced 13<sup>th</sup> January 2025;
  - Examiners Report received 1<sup>st</sup> April 2025.
15. The Independent Examiner's report concluded that subject to a number of modifications, the Neighbourhood Plan should proceed to referendum.
16. Members considered the Examiner's report at Local Plan Working Group on 15<sup>th</sup> April 2025 and Executive on 22<sup>nd</sup> April 2025 and agreed that the Plan should proceed to referendum (as modified to accord with the agreed recommendations of the Examiner and an additional modification by the Local Planning Authority).
17. A referendum was held on Thursday 10th July 2025, which was organised by the City of York Council. As per the Examiner's recommendations, the referendum area is the neighbourhood area, which in this case represented the Parish of Murton.

Residents eligible to vote were asked to answer 'yes' or 'no' to the following question as set out in the Regulations:

*“Do you want City of York Council to use the Neighbourhood Plan for Murton to help it decide planning applications in the neighbourhood area?”*

18. The Declaration of Results of Poll contained at Annex A to this report confirms that 83 ballot papers were issued in the referendum, out of a potential 509 on the electoral roll (16.31% turnout). The results on whether to accept the Murton Neighbourhood Plan were:
  - YES = 74 (89.16%)
  - NO = 9 (10.84%)
18. The Regulations require that where over 50% of those voting in the referendum, vote in favour of the Neighbourhood Plan, then the Council is legally obliged to 'make' the plan (i.e. formally adopt it as part of the statutory Development Plan) within 8 weeks, which in this case is 4 September 2025.
19. The Regulations also provide that a Neighbourhood Plan becomes part of the statutory development plan immediately after it is approved through referendum, regardless of whether it is 'made' by the Council or not. Given the referendum result the Murton Neighbourhood Plan is now part of the statutory development plan for the City of York. Its policies will therefore be used in determining planning applications that are located within the defined Neighbourhood Area.

## **Consultation Analysis**

20. As set out in paragraph 14, the Neighbourhood Plan has been through several stages of consultation, in accordance with the relevant regulations. This has provided interested stakeholders with the opportunity to comment on the Plan.
21. A Consultation Statement accompanied the submission version of the Neighbourhood Plan and sets out the consultation undertaken. All the consultation undertaken by City of York Council has been carried out in accordance with the Council's Statement of Community Involvement.
22. In accordance with the statutory requirements, publicity was carried out in advance of the referendum and the specified documents were made available on the Council's website, at West

Offices reception, York Explore Library and Dunnington Library, Tang Hall Explore and the Mobile Library. They were also provided to view at St James's Church, Murton Way, Murton.

## Options Analysis and Evidential Basis

23. Section 38A(4)(b) of the Planning and Compulsory Purchase Act 2004 requires that a Local Planning Authority must make a neighbourhood plan if more than half of those voting have voted in favour of the plan. The plan must be 'formally' made within 8 weeks of the referendum.
24. There are only limited circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the plan would breach, or otherwise be incompatible with, any retained EU obligations or any of the Convention rights (within the meaning of the Human Rights Act 1998), in which case the neighbourhood plan would cease to form part of the Development Plan. There is nothing to suggest that this is the case with regard to the Murton Neighbourhood Plan and there have been opportunities for these issues to be considered throughout the process during Examination of the Plan. Therefore, if the Council does not 'make' the Plan, it will not fulfil its statutory obligations and will be vulnerable to legal challenge.

## Organisational Impact and Implications

25. **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.
26. **Human Resources (HR):** There are no HR implications contained within this report.
27. **Legal:** The Legal implications are set out within the body of this report. The Council is legally obliged to 'make' the Murton Neighbourhood Plan (confirm its status as part of the statutory development plan) within eight weeks of the date on which the

referendum has been held if the majority of those voting in the local referendum have voted in favour of the Plan, unless it considers that the making of the Plan would breach or otherwise be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. In the very limited circumstances where the Council decides not to 'make' a neighbourhood plan, it would cease to be part of the statutory development plan for the area.

28. It is not considered that there are any circumstances which would justify the Council not making the Murton Neighbourhood Plan.
29. If the Council fails to 'make' the Neighbourhood Plan, then it would be in breach of its statutory obligations and it would be exposed to legal challenge.
30. A legal challenge could be made against the decision to 'make' the Murton Neighbourhood Plan. The risk of any successful legal challenge has been minimised by the thorough and robust way in which it has been prepared and tested.
31. **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.
32. **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.
33. **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.

34. 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.
35. **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.
36. **Equalities and Human Rights** - The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). An Equalities Impact Assessment has been carried out and is annexed to this report at Annex C. In summary, the results of the assessment are that there are no likely impacts from the policies in the Neighbourhood Plan.
37. **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.
38. **Communications:** The Murton Neighbourhood Plan comms will be contained to the announcement through Executive decision and reactive communications in response to media enquiries.
39. **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

40. 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.
41. The Examiner's conclusions state that he is satisfied that, with proposed modifications, the plan meets the statutory requirements. The referendum has been undertaken in accordance with the relevant regulations. Overall risk associated with failure to comply is therefore deemed to be low.

## Wards Impacted

42. 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.

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## **Background papers**

[Executive Member Decision Session on 23 July 2015](#) – Approval of the Murton neighbourhood plan application and boundary

[Executive on 22 April 2025](#) – Murton Neighbourhood Plan Examiner's Report and Decision Statement

## **Annexes**

- Annex A: Declaration of Result of Poll
- Annex B: Regulation 19 Decision Statement
- Annex C: Equalities Impact Assessment (EqIA)