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| **Page, Section or paragraph** | **Comment from CYC** | **Comment from MPNPWP** | **ACTION** | **PROPOSAL** |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| p 59 | Diagram needs improving | Agree | To discuss before meeting |  |
| p 61 | Delete diagram Has very limited weight - see comments on 2005 Local Plan | Agree | Will do |  |
| p 62  Para 6.2.7 | Para 6.2.7 states *“All planning applications for development in Murton’s Green Belt that have gone to appeal have failed”* – remove as it is not necessary to support the plan. | Sad to see this go! | Will delete  sentence |  |
| p 66 | Policy MGB1  Remove ref to 2005 Local Plan | Agree  (*It was word for word what I was asked to write. Has something changed*?) | Will do |  |
| p 68 | Two paragraphs labelled 6.2.15 | Agree | Will renumber paragraphs and check no consequential problems |  |
| p 69  Para 6.3.2 | Add 2018 to ref on the emerging C Y Local Plan | Agree | Will do |  |
| p 74  Policy ENV1 Local Green Space | – Suggest that the final sentence of policy *“Development proposals that would result in the loss of, or have a significant adverse effect on, and identified Local Green Space will not be supported”* be made more specific, in line with the issues highlighted in paragraph 6.3.14. | Agree | Rewrite the last para of Policy ENV1  Rewrite para 6.3.14 | **Development proposals that would result in the loss of, or have significant adverse effect on, an identified Local Green Space, or adjacent or nearby to,it, will not be supported.**  **Paragraph 6.3.14**  **Should read:**  **It should be noted that the policy not only protects the identified Local Green Spaces but also requires the policy to be considered for any adjacent or nearly development proposals. Such impacts must include noise, visual impact, accessor blocking of sunlight.** |
| p 74  Para 6.3.13 | Define what a small scale development is | Think again! | Rewrite to eliminate the term. | **6.3.13 The policy precludes most development in Local Green Spaces, thus protecting community value, the Parish’s open character and allows openness, for the benefit of residents.** |
| p 75  Policy ENV2 | As above. Suggest more specific, refer to number of dwellings? | Agree  Avoid issue | Delete reference to Small scale | **Policy ENV2**  **Development proposals will only be supported….** |
| p 76  Policy ENV3 | Edges of village. Not a planning matter. Add to Section 7? | Agree | Delete ENV 3  Strengthen Section 7.3.4  . | **7.3.4 …………….**  **It is sometimes not appreciated how important the state of the fields, situated approaching the village. Are. They should always be kept tidy and in good order.** |
| p 76  Para 6.3.17 | The para refers to *‘Hard boundary treatments such as concrete and timber close board fencing, would not be appropriate”.* Whilst the aim of the policy is good, fences are, in many cases Permitted Development, so could not be controlled under planning policies. This paragraph could be amended to be clearer about what kind of character it is seeking to protect and how. | Agree | To discuss |  |
| p 82  Policy ENV4 | ….sentence structure does not make sense: *‘In line with the Murton Village Design Statement.’* Should this sentence be tagged on to the end of the previous sentence, to read *“……..through high quality, creative, site-specific design, in line with the Murton Village Design Statement.”* Or should it be added to the start of the following sentence, to read: *“In line with the Murton Village Design Statement, particular regard must be to avoid…….”.*  Also the policy refers to buildings which are designated in the Village Design Statement – what is their status? | Agree | Should read:  **In line with Murton Village Design Statement, particular regard must be to avoid………**  The status of buildings in the VDS:  Significant buildings and features:  A list is given of the 4 Grade II listed buildings followed by the definition :  **Many other buildings and features make a positive contribution to the character of Murton and are so important in the street scene that their value should be taken into consideration as part of any development proposal.** | Instead of regard, use the word **attention**  **Incorporate this explanation into Policy ENV4** |
| Page 84 – Policy ENV5 Design and Sustainability – | Final sentence *“In addition, any larger scale development should not compromise rural employment or operations of local farms and agricultural businesses”* – what is the intent of this? Is it seeking to protect viability of surrounding businesses in terms of competition , seeking to protect existing businesses in terms of amenity impacts or is it seeking to protect land? | Agree that it is too vague | The intention is to defend the rural nature of the Parish. Thus we should not support development that is detrimental to the farming community or the rural nature of that area.  More than just land…. | **To discuss** |
| Page 85  Policy ENV6  Alterations and Extensions | – the policy refers to extensions to historic buildings will be supported - suggest being more specific on their status (statutorily listed, locally listed or in conservation area)? What buildings? Those that are statutorily listed? Locally listed or within the conservation area? | Agree, it is vague | It is the words ‘historic buildings’ that need pinning down.  We could refer to the buildings nominated in ENV4 but also buildings nearby which would affect the street scene | **To discuss** |
| Page 91  EMP 1 | Policy EMP1 Employment – Policy refers to *“new commercial and industrial development”* – does this include retail development? The policy refer to the re-use of existing agricultural buildings – are these in the Green Belt? If so, Green Belt policies would define them. In terms of the policy structure, after the sentence “This is subject to:” these sentences should have bullet points & punctuation. Also not clear if all the criteria need applying or just some. | Agree, another vague statement.  We may have been trying to be too clever! | We are looking at a 20 year time span…  We were concerned about large buildings which could need a different purpose.  in which to survive. From commercial to part commercial/ part residential  Bullet points to be added. | **To discuss** |
| Page 92 -Policy EMP2 – Broadband Internet | – Policy and supporting text should be deleted as they are the requirements of Building Regs (the same elements in the Local Plan Communications policy have been deleted for the same reason, following the Phase 4 hearings). | Agree. | Will delete Policy EMP2 | Should there be any reference to Broadband etc anywhere?  **To discuss** |
| Page 94 – | Policy titles above para 6.6.1 – policy HAC2 has incorrect title – should read HAC2 (Houses in Multiple Occupation). | Agree | To make change |  |
| Page 98 – *“Section 2. Houses in Multiple Occupation (HMO’s)”* – | needs to be clear whether it refers to C4 or Sui Generis HMOs or both. Paragraph 6.6.13 – HMOs are defined by Government, not City of York Council. The CYC guidance referred to only reflects national definitions. | Both  Agree | Alter heading  Alter first sentence of 6.6.13 | **Houses in multiple occupation and other rented accommodation**  **Asterisk title (HMOs)\***  **And have footnote explaining both C4 andSui generis**  **The City of York Council, in its Guidance notes** (footnote gives reference) explains the term …….. |
| Page 97 – Policy HAC1 Housing Development | – Policy refers to the change of use of former agricultural buildings – needs to ensure its aligned with national guidance and Local Plan policies. Bullet point referring to *“Being an appropriate use within the Green Belt”* – most housing is not acceptable in the Green Belt, is this referring to affordable housing on exception sites? | **To discuss** |  |  |
| Page 98/99 – | Para 6.6.14 needs to make it clear that the Article 4 Direction in relation to HMO’s covers the main built up extent of the City, excluding rural areas and stand alone villages such as Murton. Areas outside of the Article 4 direction can not seek to control C4 HMO’s as they are permitted development. | Agree | Add para to end of 6.6.14 | **The Direction covers the main built-up areas of the City but excludes villages. Thus our neighbourhood Plan has to consider one area that is covered by Article 4 (the southern periphery of the Parish) and the rest which is not covered.** Reference to map on CYC site which shows the Article 4 boundary |
| Page 100 – Paragraph 6.6.18 – | refers to emerging Local Plan policy H8 (Houses in Multiple Occupation) refers to neighbourhood & street thresholds being 20% and 10% respectively. Paragraph 6.6.18 also states that: *“However, in the rural areas (the village) that the thresholds are reduced to 10% and 5% respectively”*. Outside of the Article 4 area, CYC cannot control HMO’s and therefore do not set threshold. | Agree | Delete last sentence and add reference. | It now reads:  **Policy H8 in the emerging Local Plan is intended to control the number of …………… have been established.**  There is a reference to a resolution at Full Council:  **The City of York Council has passed a motion (on December 16th 2021)**  **which stipulated that the limits should be reduced to 10% and 5%, respectively.**  There will be a reference |
| Page 100 –Para 6.6.19 | *“Indeed, the Parish has one of the highest concentrations of HMOs in the City”* – this is somewhat misleading, as it would only apply to the south western corner of the Parish, around the Hull Road area. It would be helpful is this could be explained further with evidence or removed. | Agree  Add sentence to footnote | Alter 6.6.19  Add to footnote 142 | **Indeed the area of housing on the southern periphery, that is covered by Article 4, has one of the highest concentrations of HMOs in the city** (reference to map issued by CYC) and a new reference. **This area contains many houses which can be readily let……**  The reference goes to the map issued by CYC.  The published data on the City of York Council website only covers those houses which have permission, since 2012. Many houses were converted prior to Article 4 and do not appear in the data base. The only official information of the total is given in the map. |
| Page 101 – Policy HAC2 Houses in Multiple Occupation – | It is suggested that the policy clarifies if it relates to a C4 HMO or Sui Generis HMO, or both. Within the Article 4 Direction area, planning permission would be required, however outside the Article 4 Direction area, the change of use from a C3 dwelling to a small (C4) HMO does not require planning permission. The change of use to a Sui Generis HMO will require planning permission.  The phrase *“The proposal would not cause unacceptable harm to highway problems;”* doesn’t make sense – needs redrafting? | Agree | Alter wording in Policy HAC2 | Policy HAC2 Houses in Multiple Occupancy (C4 and Sui Generis)  Delete phrase. Covered in sentence above. |
| Page 104 – Policy HAC3 Community Facilities – | does not refer to loss of community facilities, although the interpretation of the policy states that any loss of existing facilities and amenities will be resisted by the policy (but no relevant wording in the policy) | Agree | Add to Policy HAC3 to meet this point | Policy HAC3  **The Parish Council will work with the City of York Council to help in resisting the loss of community facilities, and in their development, providing that the community value….** |
| Page 112 – para 6.9.3 – | should say *“We believe that the Parish Council should work closely with the City of York Council to take enforcement action…….”* | Agree | Make change |  |
| Section 7 | General issue Community Actions are not policies. Delete the word “Policy” | Agree | Do not use the word Policy | **Use Community Action 7.1 etc** |
| Section 7 | General issue. Should some policies be in Section 6? | **To discuss before meeting** |  |  |
| Appendix E | Incorrect link to the VDS | Agree | Make change |  |
| Appendix F p 2/3 | Spacing at bottom of page | Agree | Make change |  |
| Appendix F | First sentence in Designation should refer to NPPF | Agree | Make change |  |
| **Basic conditions statement**  p 6 | Footnote should refer to Publication Draft Plan not Pre-Publication | Agree | Make change |  |
|  | NPPF 10-14 *“Achieving the presumption in favour of sustainable development;* | Agree | Make change |  |
| Page 8 - | In the section on Plan-making, should refer to NPPF paras 16 & 17 setting out key criteria for plan making; | Agree  About 16 but 17 does not appear to apply to our small parish |  | After first para add  **Para 16**  **Plans should be prepared with the objective of**   * **contributing to the achievement of sustainable development;** * **being positive (aspirational but deliverable);** * **being shaped by all the elements of the local community;** * **being clearly written and easily interpreted;** * **being easily accessible** |
|  |  |  |  |  |
| Page 9 – table (row 3, column 2) minor typo – should refer to NPPF; | Reference should be made to NPPF para 37 (Neighbourhood Plans must meet certain ‘basic conditions’ and other legal requirements ….’ | Agree | Add reference to page 9 | At the bottom para on 29, add  Para 37  **Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force.**  **These are tested through an independent examination before the neighbourhood plan may proceed to referendum.** |
| Page 12 – Protecting the Green Belt – | more description required in relation to the NPPF? | So much of this section of the NPPF is concerned with boundaries which are a given to us. | Rewrite this section’. | **Sections 137-151**  **The Green Belt proposed for the Parish provides the most important planning direction for the Murton Parish Neighbourhood Plan.**  **Section 137 explains the great importance to Green Belts given by the Government to prevent urban sprawl and to ensure openness and permanence.**  **Section 138 outlines five purposes of the legislation to**  **a)  check the unrestricted sprawl of large built-up areas.**  **b)  prevent neighbouring towns merging into one another.**  **c)  assist in safeguarding the countryside from encroachment.**  **d)  preserve the setting and special character of historic towns; and**  **e)  assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**  **Key to the Murton Parish development Plan is para 147 which states**  **Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.**  **This is developed further in paragraphs 148 and 149.** |
| Page 12 – | Meeting the challenge of climate change, flooding and coastal change – more description required in relation to the NPPF, particularly in relation to flooding? | Agree | Emphasise it is a wider issue and that we should play our part in CYC initiatives  Examples of problems of flooding in MPNP | **Paras 152-173**  **Planning for climate change, (paras 153-158), is a crucial aspect of planning and this is covered in the emerging City of York Local Plan, (Section 11; Policies CC1-CC3).**  **The emerging Plan deals with the problems of flooding and drainage (Section 12; Policies ENV4 and ENV5) and specific issues are highlighted in the Neighbourhood Plan (para 4.6.10).**  **SHOULD WE ADD FLOODING TO OUR POLICY ENV5?** |
| Page 17 – Compatibility with Human Rights legislation – | statement that the Plan has regard to fundamental rights and freedoms under the European Convention on Human Rights?  (ii) Should have section saying the Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation, as require by the Neighbourhood Planning (General) Regulation 2012 and that responses have been recorded and changes made.  (iii). should be a Conclusion saying that the Basic Conditions, as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) have been considered to be met and that the Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved policies from the Regional Strategy for Yorkshire and the Humber and the Submission Draft City of York Local Plan, and that it is respectfully suggested that the Murton Parish Neighbourhood Plan complies with Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act. |  |  | Please see draft **CONCLUSION** below |
| **Consultation statement** | Minor formatting error: Some of the Appendix titles aren’t at the top of each page / cover page (Appendices 2, 3, 4, 5, 6, 7, 8, 9) -due to pdfing the document (needs extra page breaks) | Agree | Will make changes |  |
|  |  |  |  |  |

**Conclusion**

As stated in the Introduction (Section 1) above**,** the Neighbourhood Plan must meet the ***‘basic conditions’*** set out in planning legislation[[1]](#footnote-1). These were summarized as

* having regard to national planning policies and guidance (the National Planning Policy Framework(NPPF)[[2]](#footnote-2)
* being in general conformity with strategic local policy (the emerging City of York Local Plan)
* achieving sustainable development
* not breaching EU obligations.

Further, the Neighbourhood Plan must comply with human rights legislation.

We submit, with the agreement of the City of York Council, that the Murton Parish Neighbourhood Plan does comply with these obligations.

We draw particular attention to the Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening exercises which showed that there are not likely to be significant adverse effects as a result of the Plan and the Neighbourhood Plan does not need to go forward with either a full SEA or HRA, again, which has the agreement of the City of York Council.

We also submit that we have complied with the relevant EU [[3]](#footnote-3),[[4]](#footnote-4) and human rights obligations.

Thus.the Basic Conditions as set out in the Schedule 4B to the Town and Country Planning Act 1990 are considered to be have been met by the Murton Parish Neighbourhood Plan.

1. Based on Guidance. Neighbourhood Planning Ministry of Housing, Communications and Local Government. March 2014. Revised September 2018 [↑](#footnote-ref-1)
2. National Planning Policy Framework, Ministry of Housing, Communications and Local Government. February 2019 [↑](#footnote-ref-2)
3. Town and Country Planning Act 1990. 8(2) (f) and (g). [↑](#footnote-ref-3)
4. Conservation of Habitats and Species Regulations 2010; Offshore Marine Conservation (Natural Habitats&c.) Regulations 2007 [↑](#footnote-ref-4)