

Murton Parish

Neighbourhood



**Submitted Basic
Conditions Statement**

**(Regulation 16)
July 2024**

Plan

2024-2044



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1 Introduction

1.1 A Neighbourhood Plan must meet the **'basic conditions'** set out in planning legislation¹. These can be summarized as

- having regard to national planning policies and guidance;
- being in general conformity with strategic local policy;
- achieving sustainable development;
- not breaching EU obligations.

1.2 In addition, the Neighbourhood Plan must comply with human rights legislation.

1.3 As stated above, the Plan must be guided by the National Planning Policy Framework (NPPF)², which sets out three overarching objectives for achieving sustainable development, economic, social and environmental³:

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective**– to contribute to protecting and enhancing our*

¹ Based on Guidance. Neighbourhood Planning Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government Updated September 2020

² National Planning Policy Framework, Ministry of Housing, Communications and Local Government. December 2023

³ National Planning Policy Framework, Ministry of Housing, Communications and Local Government. December 2023, para 8

natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'

1.4 Another major condition is that the Neighbourhood Plan should in general conformity with strategic local policy. In this case, the guidance has come from the emerging City of York Local Plan⁴, which gives 'the strategy vision for the city'⁵.

1.5 The Neighbourhood Plan Area --- the 'Designated Area' --- is shown in Figure 1.

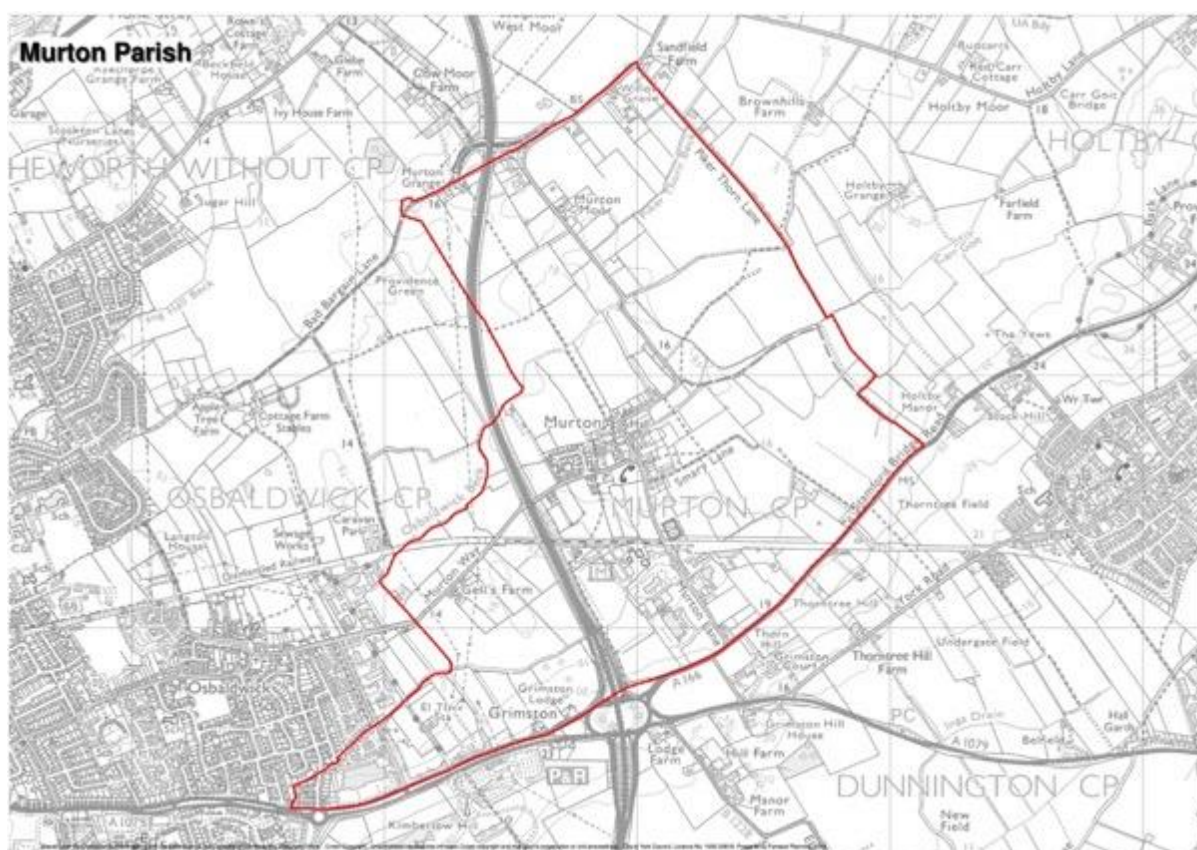


Figure 1 Murton Parish: Neighbourhood Plan Boundary Designated area agreed by the City of York Council, July 23rd 2015.

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1.6 The Murton Parish Neighbourhood Plan has been subject to both Strategic

⁴ City of York Local Plan Pre Publication Draft Regulation 19 Consultation. February 2018

⁵ City of York Local Plan Pre Publication Draft Regulation 19 Consultation. February 2018, p 3 para 1.11

Environment Assessment (SEA) and Habitat Regulations Assessment (HRA) screening reports. These screening reports indicate that neither a full SEA nor Appropriate Assessment under HRA are required.

1.7 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.

1.8 This Basic Conditions Statement is submitted together with its supporting documents to City of York Council (CYC) to show how our Neighbourhood Plan meets the requirements of the Neighbourhood Planning Regulations.

2 Murton Parish Neighbourhood Plan: Its conformity to the National Planning Policy Framework.

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 referendum⁶.

2.1 The Murton Parish Neighbourhood Plan has been prepared within the context of national policy, in particular the National Planning Policy Framework (NPPF 2023)

2.2 This section shows how the Murton Parish Neighbourhood Plan fulfils the requirements of the National Planning Policy Framework in two ways.

2.3 **In Table 1**, the NPPF policies are listed in the order they are written in the December 2023 edition. **In Table 2**, the MPNP Policies are listed and against each, the Policies and statements of both the NPPF and the emerging City of York Local Plan are given.

⁶ National Planning Policy Framework, Ministry of Housing, Communications and Local Government. February 2023, para 37

TABLE 1

NPPF Policies: How the Murton Parish Neighbourhood Plan takes account of national policies

NPPF Policies	Relevance to the Murton Parish Neighbourhood Plan	How the MPNP takes account of NPPF policies
<p>Introduction Para 1-6</p>	<p>NPPF 1 The NPPF provides a framework within which locally-prepared plans..... can be produced.</p> <p>NPPF 2 The NPPF must be taken into account in preparing the development plan</p> <p>NPPF 3 The Framework should be applied in the way that is appropriate to the type of plan being produced.</p>	<p>The MPNP has been prepared with these three cardinal points in the forefront.</p> <p>See MPNP Para 1-5</p>
<p>Achieving sustainable development Para 7-14</p>	<p>NPPF 7 The purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>NPPF 8 There are three overarching objectives, economic, social and environment</p> <p>NPPF 9 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework.</p> <p>NPPF 10 – 14 Achieving the presumption of sustainable development</p>	<p>NPPF 7 - 9 are reflected in MPNP Para 7 and in Section 4 (Our Aims)</p>
<p>Plan-making Para 15-37</p>	<p>Many of the paragraphs appear to be aimed at larger entities than our Parish.</p> <p>NPPF 29: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by</p>	<p>Our Plan is not allocating land for specific purposes.</p> <p>As can be seen from the Consultation Statement, the MPNP has engaged the community through the process. The Plan, while consistent with the emerging City of York Local Plan, nevertheless emphasizes local</p>

	<p>influencing local planning decisions as part of the statutory development plan.</p> <p>Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.</p>	<p>aspirations.</p> <p>Care was taken to avoid such action</p>
<p>Decision making Para 38-59</p>	<p>NPPF 39 – 57 refer to decision making and implementation of planning applications, in our case, by the City of York Council. NPPF 59 is a very important paragraph concerning enforcement</p>	<p>The vast majority of these policies are not directly relevant to the policies set out in the MPNP. We agree with paragraph 59. Public confidence in the planning system will only be maintained if enforcement is seen to be fair and effective.</p>
<p>Delivering a sufficient supply of homes Para 60-84</p>	<p>PPF 60 - 84 refer to the delivery of housing to meet demand.</p>	<p>The Parish is almost wholly within the Green Belt and this drastically circumscribes the ability of the Parish to propose any significant increase in housing (Para 105). 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) and Land adjacent to Hull Road (ca 211 dwellings) (Para 125). Given the constraints enumerated throughout the Plan, any development will have to be:</p> <ul style="list-style-type: none"> I) Extensions on existing houses II) Renovation of buildings that have distinct footprints (Para 107)
<p>Building a strong, competitive economy Para 85-89</p>	<p>The National Planning Policy Framework emphasizes the importance of creating and maintaining a prosperous rural economy.</p>	<p>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</p>

		<p>York Local Plan which does not allow for any increase in the space allocated for employment (Para 91).</p> <p>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 (Para 101)</p>
<p>Ensuring the vitality of town centres Para 90-95</p>	<p>This section refers to town centres and primary shopping areas.</p>	<p>It is not relevant to the Murton Parish Neighbourhood Plan</p>
<p>Promoting healthy and safe communities Para 96-107</p>	<p>This section is concerned with achieving a ‘healthy, inclusive and safe’ community. Two paragraphs are particularly relevant to the Neighbourhood Plan:</p> <p>NPPF96: Planning policies should promote social interaction, be safe and accessible and support healthy lifestyles.</p> <p>NPPF 105: The designation of land as Local Green Space.</p>	<p>Policy HAC3 addresses the need to enable new community facilities and suitable adaptation of existing facilities and to ensure that there is no loss of community value, in accordance the National Planning Policy Framework (as described earlier, which seeks to ‘provide the social, recreational and cultural facilities and services the community needs’, and ‘guard against the unnecessary loss of valued facilities and services’) (Para 116).</p> <p>Murton’s Neighbourhood Plan supports the principles concerning the green infrastructure enumerated in the emerging City of York Local Plan (Para 63). Despite Murton’s rural character, there are few green spaces that have real community value as judged by the criteria.</p> <p><i>‘a) in reasonably close proximity to the community it serves;</i></p> <p><i>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and</i></p>

		<p><i>c) local in character and is not an extensive tract of land’.</i></p> <p>Nevertheless, application of these criteria has led to designations for seven Local Green Spaces which will give them similar protection to Green Belt land.</p>
<p>Promoting sustainable transport Para 108-117</p>	<p>These paragraphs consider how communities can encourage sustainable transport</p>	<p>The Neighbourhood Plan devotes two large sections to transport. One addresses concerns enumerated in the NPPF, Transport and Movement (Section 6.6) and the second is Traffic through the Parish (Community actions) which addresses the problems of sustainable transport in a rural Parish with narrow lanes (used by heavy lorries, cars, farm vehicles, cyclists, horse riders and runners and walkers), and which act as acting as arteries, close to a city.</p>
<p>Supporting high quality communication Para 118-122</p>	<p>This section of the NPPF is concerned with installing and supporting a high quality communications infrastructure.</p> <p>NPPF 118: Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.</p>	<p>The provision of communications infrastructure is now covered under Building Regulations and has therefore not been brought forward as policy within the Neighbourhood Plan.</p>
<p>Making effective use of land Para 123-130</p>	<p>NPPF 123: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.</p>	<p>The emerging City of York Local Plan deems the Parish to be in the Green Belt and this circumscribes the Neighbourhood Plan as far as housing is concerned but throughout it recognizes the importance of looking after the environment and encouraging farming.</p>
<p>Achieving well-designed places Para 131-141</p>	<p>The NPPF has as a fundamental theme, good design which is stressed in NPPF 131, which states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key</p>	<p>Policy ENV4, Design, is key to the Neighbourhood Plan, referring to both housing and employment. For detailed guidance, the Plan incorporates the Murton Village Design Statement.</p>

	<p>aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.</p>	
<p>Protecting Green Belt land Para 142-156</p>	<p>The NPPF devotes this section to the Green Belt emphasizing ‘its great importance’.</p>	<p>The Neighbourhood Plan is consistent with the emerging York Local Plan. The crucial importance of the proposed Green Belt to the City of York and Murton Parish is introduced in Paragraphs 45-53. Given that it is for the Local Plan to set Green Belt boundaries, there is no policy in the Neighbourhood Plan directly related to the Green Belt.</p>
<p>Meeting the challenge of climate change, flooding and coastal change. Para 157-179</p>	<p>Para 157 - The planning system should support the transition to a low carbon future in a changing climate.....</p>	<p>The Neighbourhood Plan notes that there is risk of flooding in the Parish.</p> <p>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 (Para 72). In Paragraphs 85-86, it is pointed out that there must be safeguards against developments in areas that are susceptible to flooding which is much more significant in recent years.</p>
<p>Conserving and enhancing the natural environment Para 180-194</p>	<p>Para 180 - Planning policies should contribute to and enhance the natural and local environment.</p>	<p>A large proportion of the land in the Parish is devoted to farming (Para 36) and the Neighbourhood Plan emphasises the need to preserve and enhance natural assets (Para 61) and to conserve</p>

		flora and fauna. One specific example is the survey carried out for the Plan on hedges in the Parish. ENV1(Local Green Spaces) and ENV2 (Green infrastructure) are particularly important policies.
Facilitating the sustainable use of minerals Para 215-223	This section is concerned with safeguarding mineral resources.	The section does not apply to the Neighbourhood Plan.

3 Murton Parish Neighbourhood Plan Policies and their relationship with the National Planning Policy Framework and the emerging City of York Local Plan.

3.1 There are five policy topics in the Murton Parish Neighbourhood Plan:

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

3.2 These topics in turn contain 12 policies. In this section, a Table is constructed (Table 2) which demonstrates how the Neighbourhood Plan has 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.

3.2 In the Murton Parish Neighbourhood Plan sections are arranged in terms of the objectives in the National Planning Policy Framework. Sections 6.2 and 6.3 of the MPNP cover the **environmental** objectives. Sections 6.4 and 6.5 address the **economic and social** objectives, respectively. Section 6.6 surveys Transport and Movement.

3.3 The 13 policies are described in the Murton Parish Neighbourhood Plan using the following structure where possible:

1. **The purpose of the policy** – a summary of what it aims to achieve
2. **The justification for why the policy is needed** - based on
 - The National Planning Policy Framework
 - The emerging City of York Local Plan

- Responses from consultations⁷
- Where applicable, other information

3. The Policy – the official wording of the policy

4. The interpretation of the Policy – how it will be used.

3.4 **Table 2** below brings together the policies in the Murton Parish Neighbourhood Plan and the relevant policies in the national and in the emerging City of York Local plans. The Table is, in effect, the structure of the section on POLICIES in the Plan document, Section 6.

TABLE 2

Murton Parish Neighbourhood Plan Policies and their relationship with the National Planning Policy Framework and the emerging City of York Local Plan.

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework	Conformity with Emerging CYC Local Plan
ENV1 (Local Green Space)	180-188 Conserving and enhancing the natural environment	Policy GI1: Green Infrastructure;
ENV2 (Green Infrastructure)	180-188 Conserving and enhancing the natural environment	Policy GI3: Green Infrastructure Network; Policy GI4: Trees and Hedgerows; Policy GI5; Protection of Open Space and Playing Fields.
ENV3 (Historic Environment)	124 Good design for sustainable development	Policy D1: Placemaking
ENV4 (Design)	125 Plans developed with local communities	Policy D3: Cultural provision
ENV5 (Alterations and Extensions)	184 Historic assets are irreplaceable	Policy D4: Conservation areas; Policy D5: Listed Buildings;
ENV6 (Flood Risk Management)	185 Conservation: Positive strategy	Policy ENV4: Flood Risk
ENV7 Murton Park	165-175 Planning and flood risk 97 Support for cultural facilities	

EMP1 (Employment)	88 & 89 Supporting a prosperous rural economy	Policy EC5: Rural Economy
HAC1 (Housing Development) HAC2 (House in Multiple Occupation) HAC3 (Community Facilities)	7-14 Achieving sustainable development 82-84 Rural Housing 96-101 Promoting healthy and safe communities 28 Non-Strategic Policies; 88 Supporting a prosperous rural economy; 97 Promoting healthy and safe communities	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 HW1: Protecting Existing facilities; Policy HW2: New Community Facilities.
TRA1 (Traffic and Movement)	108-110 Promoting sustainable transport	Policy T1: Sustainable Access; Policy T4: Strategic Highway Network Capacity Improvements; Policy T5: Strategic Cycle and Pedestrian Network Links and Improvements; Policy T7: Minimising and Accommodating Generated Trips
DC1 (Developer Contributions)	55-58 Planning Conditions and Obligations	Policy DM1: Infrastructure and Developer Contributions
Community Actions CA1 Traffic Calming CA2 Safer routes for cyclists and pedestrians CA3 Parking CA4 Anti-social behavior CA5 Signage, Street Furniture, Lighting and Tidiness in the		Policy HW7: Healthy Places; Policy D1: Placemaking Policy T1: Sustainable Access; Policy T2: Strategic Public Transport Improvements; Policy T5: Strategic Cycle and Pedestrian Network Links and Improvements. Policy GI5: Protection of Open Space and Playing Fields; Policy GI6: New Open Space Provision.

Parish		
CA6 Public Rights of Way, Footpaths and Cycle Ways		
CA7 Allotments		
CA8 Communications with the Parish Council		
CA9 Public Transport		

4 Murton Parish Neighbourhood Plan: Compatibility with EU regulations

4.1 Neighbourhood Plans must not breach and must be compatible with EU regulations. The Plan complies with these requirements, being closely allied to the National Planning Policy Framework and the emerging City of York Local Plan.

4.2 In line with Regulation 9 of the SEA Directive, the Murton Parish Neighbourhood Plan has been subject to a Strategic Environmental Assessment (SEA) and a Habitat Regulations Assessment and the City of York Council agree that they do not need to go forward for complete assessment.

4.3 Paragraph 1 of Schedule 2 of the Neighbourhood Planning Regulations 2012 (as amended) prescribes the following conditions for the purpose of this section of the Basic Conditions Statement:

“The making of the Neighbourhood Development Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(d) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007) (either alone or in combination with other plans or projects)”.

The appropriate environmental body (City of York Council) is of the view that the Murton Parish Neighbourhood Plan will not have a significant effect upon a European Site (as considered above in Section (f) of the Statement). For details, see the Habitats Regulations Assessment Screening Report.