

# ***Murton Parish***

## ***Neighbourhood***



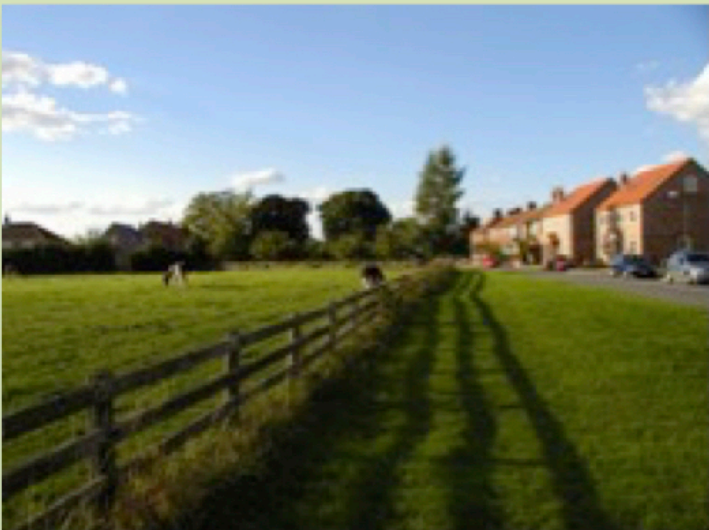
### **Habitat Regulations Assessment Screening Report**

### **Submission Version**

**(Regulation 14)  
April 2022**

## ***Plan***

**2022-2033**





# **Contents**

## **1 Introduction**

Legislative basis  
Planning context

## **2 Methodology**

Identifying European Sites and their qualifying features  
Qualifying features of the identified European Sites and summary of  
impacts Appraisal of the Murton Parish Neighbourhood Plan

## **3 Screening Assessment**

Part 1 Assessment of the Murton Parish Neighbourhood Plan  
Part 2 Cumulative effects of the Murton Parish Neighbourhood Plan

## **4 Consultation**

## **5 Conclusion**

## **Annex 1: Murton Parish Neighbourhood Plan Policies**

## **Annex 2: Designated Local Green Space and Important Local Green Space**



# 1. Introduction

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- 1.1 This Habitats Regulation Assessment Screening Report has been prepared by the Murton Parish Council in conjunction with the City of York Council (CYC) in accordance with the Neighbourhood Planning (General) Regulation 2012 and Habitats Directive to support the Murton Parish Neighbourhood Plan (MPNP).
- 1.2 The aim of this Screening Report is to assess whether there are likely to be significant effects on the qualifying features of European Designated Sites as a result of the emerging policies set out in the pre-submission draft Neighbourhood Plan that would make necessary the production of a full Habitats Regulations Assessment.
- 1.3 This report assesses, as far as practical, whether there are likely to be any significant effects on European Designated Sites within or relatively proximate to the approved Murton Neighbourhood Plan area.

## Legislative Basis

- 1.4 Article 6(3) of the EU Habitats Directive states that:  
*“Any plan or project not directly connected with, or necessary to, the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*
- 1.5 The purpose of the Habitats Regulations Assessment (HRA) is therefore to ensure the protection of European Designated Sites (Natura 2000<sup>1</sup>) wherever practicable.
- 1.6 European Designated Sites (Natura 2000) include **Special Protection Areas** (SPAs) and **Special Areas for Conservation** (SAC). As a matter of policy, the government also expects authorities to treat **Ramsar sites**, **candidate Special Areas of Conservation** (cSAC) and **proposed Special Protection Areas** (pSPA) as if they are European Designated Sites for the purpose of considering development proposals that may affect them.
- 1.7 Definitions (taken from the DEFRA- Joint Nature Conservation Committee):
  - **Special Protection Areas** (SPAs) are strictly protected sites classified in

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<sup>1</sup> **Natura 2000** is a network of core breeding and resting **sites** for rare and threatened species, and some rare natural habitat types which are protected in their own right. It stretches across all EU countries, both on land and at sea.

accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds and for regularly occurring migratory species.

- **Special Areas of Conservation** (SACs) are strictly protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).
- **Ramsar sites** are wetlands of international importance designated under the Ramsar Convention<sup>2</sup>.

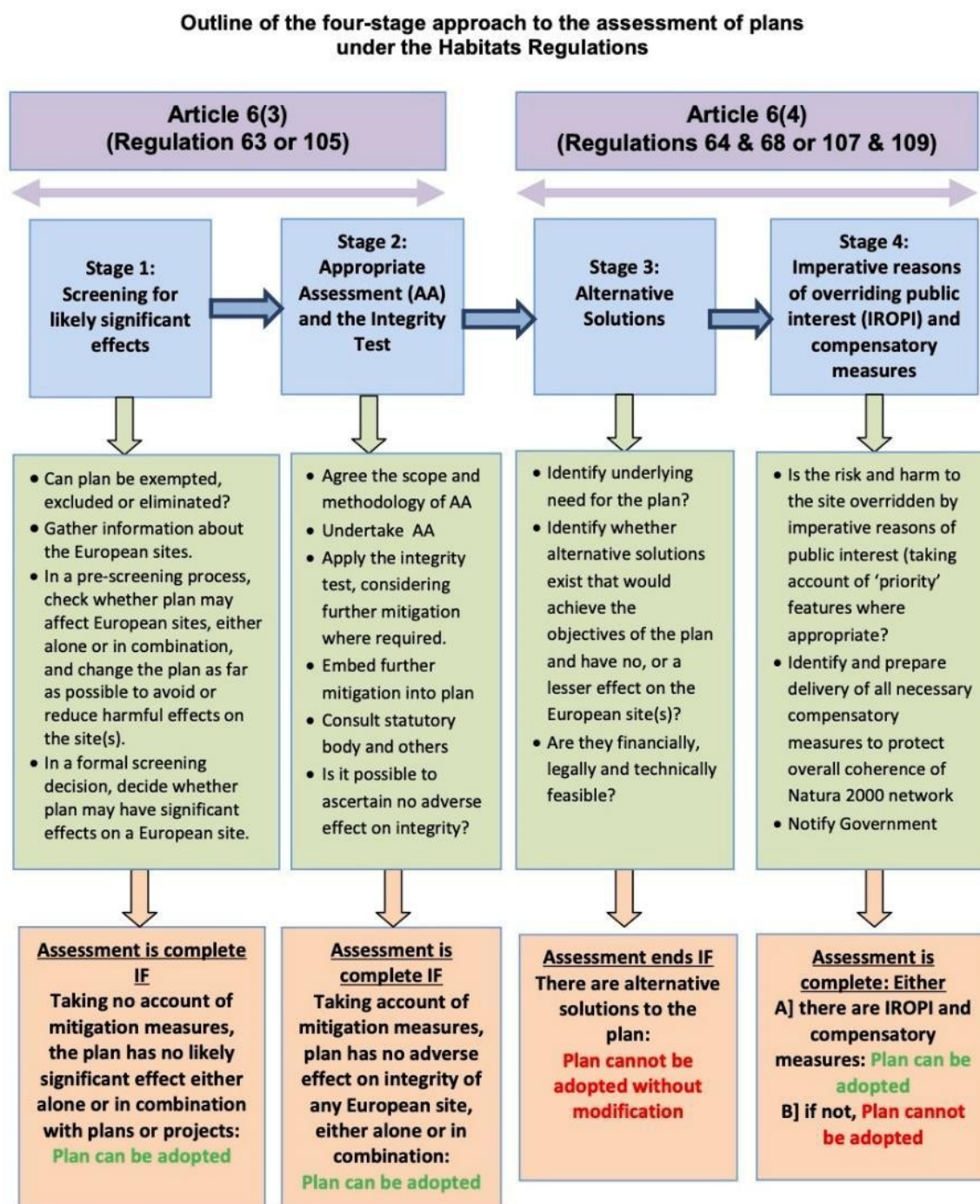
- 1.8 There are four main stages to consider in the Habitat Regulation Assessment process. Figure HRA1 outlines the key stages. This report represents stage 1 outlined in the diagram, the screening stage.
- 1.9 In April 2018, a notable judgment by the European Court of Justice gave its ruling on the *People Over Wind*<sup>3</sup> case which provided a new interpretation of when and how mitigation measures should be considered in an HRA. In departing from previous decisions, it clearly identifies that measures designed specifically to avoid or reduce likely significant effects should not be evaluated at the screening stage but reserved for the appropriate assessment. The implications of this recent judgment are still to be fully understood in those circumstances where the Plan itself includes policies which provide for mitigation. For the avoidance of doubt this HRA Screening Report takes full account of this ruling.

<sup>2</sup>The **Ramsar Convention** is an international treaty signed by 170 countries to protect wetlands ~~countries together designated over~~ 2,300 **Ramsar** wetlands that they promise to protect and manage in a sustainable way. Together these **sites** cover about 2.5 million km<sup>2</sup> of wetlands.

These 170

<sup>3</sup> [Case C/323-17 People Over Wind](#), Court of Justice of the European Union

**Figure HRA1: Four stages of Habitat Regulation Assessment**



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## **Planning Context**

- 1.10 The MPNP, once adopted, will present planning policy and guidance for the neighbourhood area. The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which include the need to undertake a Habitats Regulations Assessment.
- 1.11 The MPNP has been prepared in the context of the emerging City of York Local Plan which was submitted for independent examination on 25th May 2018. The Local Plan will, when adopted, provide a strategic framework for how future development across the City of York will be planned and delivered and will be fully compliant with the National Planning Policy Framework (NPPF).
- 1.12 Until such time as the City of York Local Plan is adopted, there is relevant planning policy applicable. The saved Yorkshire and Humber RSS policies referring to York's Green Belt, including the associated proposals map sets the strategic context for the general extent of the Green Belt around York to six miles from the city centre. As part of the proposed new Local Plan, the City of York is defining the detailed inner and outer Green Belt boundary for the first time.
- 1.13 In the context of Neighbourhood Planning, the MPNP provides an opportunity to meet community aspirations for the Neighbourhood Area whilst also helping to deliver the Local Plan's main objectives i.e. housing, employment and good transport links for the City.



## 2. Methodology

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### Identifying European Sites and their qualifying features

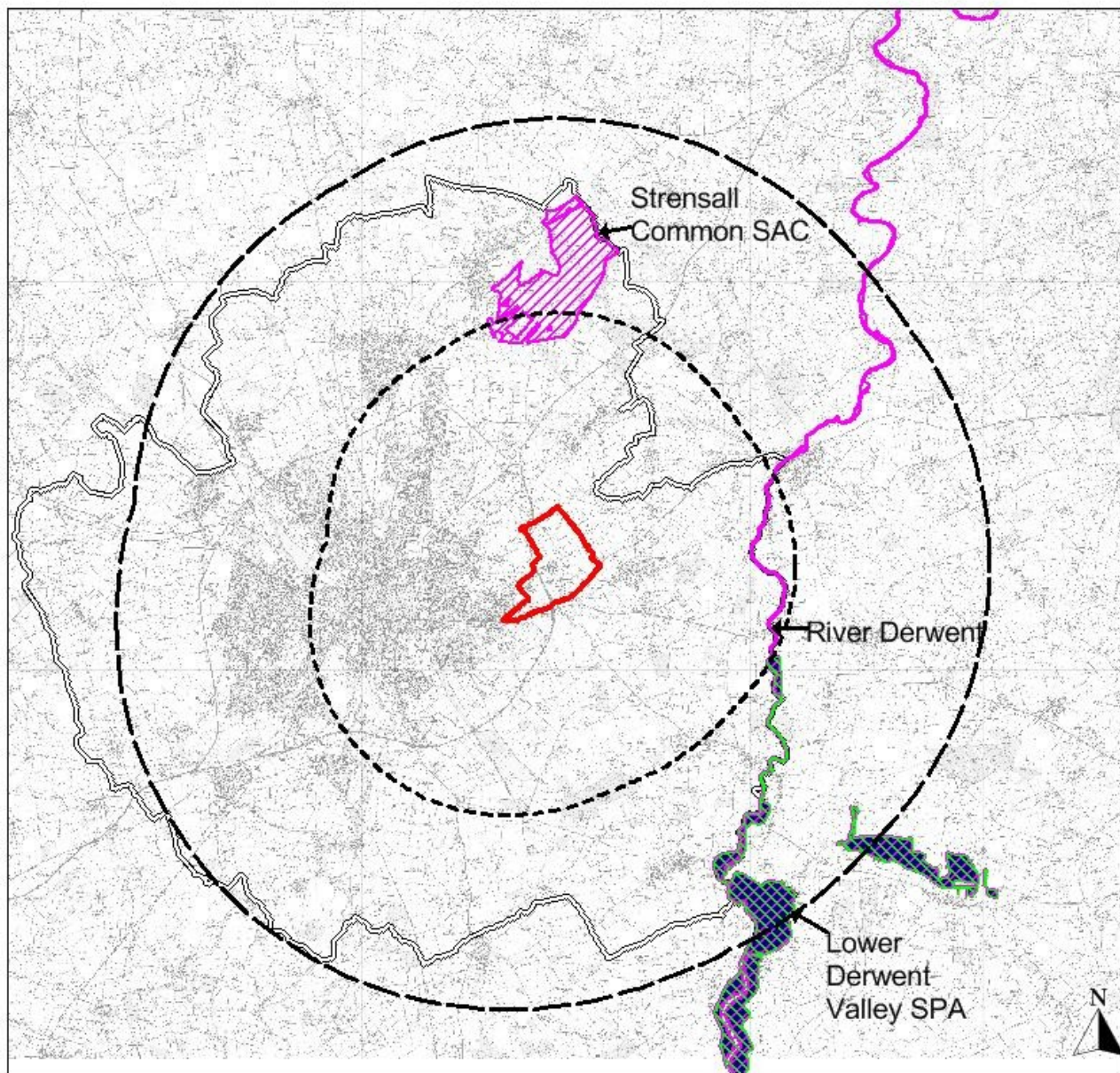
- 2.1 The first stage of preparing this Screening Report is identifying the European Designated Sites within the Neighbourhood Plan area or in close proximity to it.
- 2.2 This study considers potential effects on all European sites within 10km of the MPNP area boundary, together with any additional downstream sites that may be hydrologically linked to the plan's zone of influence. This is considered to be a suitably precautionary starting point for the assessment of the plan and is consistent with the draft HRA prepared for the emerging Local Plan.
- 2.3 European Designated Sites have been identified using data from Natural England (Figure HRA2). This identifies the following sites for consideration within the assessment:

Site name	Designation	Closest Distance (approx.)
Strensall Common	SAC	4.3 km
River Derwent	SAC	3.8km
Lower Derwent Valley	SAC, SPA, Ramsar	8.5km
Humber Estuary	SAC, SPA, Ramsar	Approximately 30km downstream via River Ouse

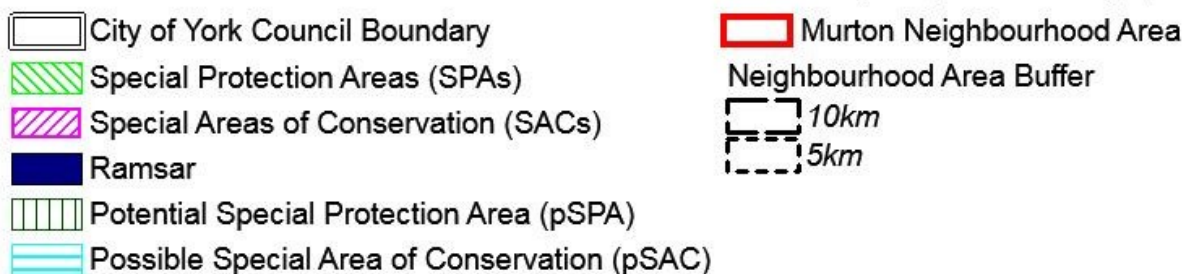
- 2.4 Table HRA1 sets out an outline of the qualifying features of the identified European Sites and a summary of impacts likely to affect the integrity of the protected sites.

**Figure HRA1**

## Identifying European Designated Sites within 10km of Murton Neighbourhood Plan Area



Source: Natural England Spatial Data Catalogue, 2017



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# Qualifying features of the identified European Sites and summary

## of impacts **Table HRA1: Description of European Sites**

Description (including summary of qualifying features)	Qualifying features and Conservation objectives
<b>Lower Derwent Valley SPA, SAC, Ramsar</b>	
<p>The Lower Derwent Valley (LDV) supports the largest single expanse of wet, neutral (MG4) hay meadow in the UK. The site also hosts alluvial, alder woodland and internationally important populations of breeding and wintering waterbirds. The habitats are reliant in part on the maintenance of a favourable hydrological regime, including periodic inundation, whilst mobile species remain susceptible to development, public pressure and disturbance both within and on 'functionally-linked' land beyond the European site boundaries, sometimes several kilometres distant. In common with the River Derwent SAC, the qualifying features include otter which is similarly vulnerable.</p> <p>The Ramsar designation adds wetland invertebrates, passage birds, ruff and whimbrel on spring passage.</p> <p>Most of the site is privately owned and farmed with limited public access but all is managed for nature conservation with Natural England, as part of or alongside the LDV National Nature Reserve. Limited car parking and a formal arrangement of paths and hides effectively reduces the impact of existing recreational pressure although some 'informal' access or trespass occurs. Despite this, the site is relatively robust but large increases in visitors may be difficult to accommodate without adequate mitigation.</p> <p>The grassland and water bodies remain vulnerable to nutrient enrichment and so, for instance, the addition of inorganic nitrogen fertiliser by farmers is not allowed, but birds, mammals and the alluvial alder woodland are more resilient.</p> <p>There are five component SSSIs. Over 99% of both Derwent Ings SSSI and River Derwent SSSI are considered to be in 'favourable' or 'unfavourable recovering' condition. All of Newton Mask SSSI, Brighton Meadows SSSI and Melbourne and Thornton Ings SSSI are in favourable condition. All SSSIs carry a range of threats of varying severity.</p> <p>For the avoidance of doubt, the Lower Derwent Valley SAC and Ramsar site exclude the river (ie the River Derwent SAC); in contrast, it is included in the Lower Derwent Valley SPA. Given the overlap between the majority of Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to reduce repetition. However, the 'unique' wetland invertebrate assemblage of the Ramsar site is not reflected in the corresponding SAC.</p> <p>This assemblage forms an integral component of the grassland, wetland and woodland complex of the Lower Derwent Valley and it is considered that the assessment of impacts on this group is fundamentally linked to those of its supporting habitats. Therefore, it is not assessed independently and instead, reflecting the ecology of the species and habitats, an approach based on the evaluation of just the SAC habitats is considered adequate to embrace this feature. This approach is given weight by the fact that as a Ramsar feature it does not benefit from bespoke conservation objectives nor is it considered in Natural England's SIP or its Supplementary Advice.</p>	<p><b>SPA features</b></p> <p>A037 <i>Cygnus columbianus bewickii</i>; Bewick's swan (Non-breeding)</p> <p>A050 <i>Anas penelope</i>; Eurasian wigeon (Non-breeding)</p> <p>A052 <i>Anas crecca</i>; Eurasian teal (Non-breeding)</p> <p>A056 <i>Anas clypeata</i>; Northern shoveler (Breeding)</p> <p>A140 <i>Pluvialis apricaria</i>; European golden plover (Non-breeding)</p> <p>A151 <i>Philomachus pugnax</i>; Ruff (Non-breeding)</p> <p>Waterbird assemblage</p> <p><b>SPA objectives</b></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The population of each of the qualifying features, and,</p> <p>The distribution of the qualifying features within the site.</p> <p><b>SAC features</b></p> <p>H6510. Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>)</p> <p>H91E0. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); Alder woodland on floodplains*</p> <p>S1355. <i>Lutra lutra</i>; Otter</p> <p><b>SAC objectives</b></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical</p>



species) of qualifying natural habitats;  
The structure and function of the habitats of qualifying species;  
The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;  
The populations of qualifying species, and,  
The distribution of qualifying species within the site.

### River Derwent SAC

The River Derwent represents one of the best examples in England of a lowland river stretching from Ryemouth in the north to its confluence with the Ouse in the south of the District – a small section lies within the Lower Derwent Valley National Nature Reserve.

It supports diverse communities of flora and fauna, notably floating vegetation dominated by water crowfoot and, river lamprey, sea lamprey, bullhead and otter. The mobile species utilise extensive stretches of water throughout the catchment both upstream and downstream and beyond the boundaries of the SAC, and are dependent on the maintenance of a favourable hydrological conditions throughout their range. Consequently, they remain vulnerable to pollution events and the creation of even temporary physical or chemical barriers; lamprey migrate to the open sea via the Derwent, Ouse and Humber Estuary providing an intimate link between both sites.

The Derwent is meso/eutrophic with a high nutrient load providing a degree of resilience against nutrient enrichment from air pollution, and whilst otter can also be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.

Limited car parking and a formal arrangement of footpaths reduces the impact of existing recreational pressure and whilst informal access along both riverbanks occurs, this is largely restricted to local residents and the simple width of the channel reduces the frequency and magnitude of direct impacts. So, whilst bullhead and lamprey can be considered immune to recreational pressure, otter and the floating vegetation community remain vulnerable.

There are two component SSSIs – the River Derwent and Newton Mask. Natural England has assessed 99.2% of the River Derwent SSSI to be in 'favourable' or 'unfavourable recovering' condition; 0.4% is 'unfavourable no change' but the threat level is considered to be 'high' across a much wider area. All of Newton Mask SSSI is considered to be in favourable condition but carries a 'medium' threat level.

For the avoidance of doubt, the Lower Derwent Valley Ramsar site encompasses a similar area to the SPA but excludes the River Derwent SAC.

#### SAC features

H3260. Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot

S1095. *Petromyzon marinus*; Sea lamprey

S1099. *Lampetra fluviatilis*; River lamprey

S1163. *Cottus gobio*; Bullhead

S1355. *Lutra lutra*; Otter

#### SAC objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

The extent and distribution of qualifying natural habitats and habitats of qualifying species;

The structure and function (including typical species) of qualifying natural habitat;

The structure and function of the habitats of qualifying species;

The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;

The populations of qualifying species, and,

The distribution of qualifying species within the site.

#### Pressures and threats

1. Physical modification (P/T);
2. Water pollution (T);
3. Invasive species (T);
4. Change in land management (T);
5. Water abstraction (T).

### Strensall Common SAC

Strensall Common is managed by the Yorkshire Wildlife Trust and Ministry of Defence (MOD). The latter operate an extensive training facility and firing range within and adjacent to the European site. At over 570ha, it supports one of the largest areas of lowland heath in northern England. Extensive areas of both wet and dry heath occur and form a complex habitat mosaic with grassland, woodlands/scrub and ponds. Grazing, by sheep and cattle is the key management tool with stock typically present during summer and autumn. The

#### SAC features

H4010. Northern Atlantic wet heaths with *Erica tetralix*; wet heathland with cross-leaved heath;

H4030. European dry heaths.

#### SAC objectives

Ensure that the integrity of the site is

#### Pressures and threats

1. Public access/Disturbance (P);
2. Inappropriate scrub control (T);
3. Air pollution: impact of atmospheric nitrogen

Description (including summary of qualifying features)	Qualifying features and Conservation objectives
--------------------------------------------------------	-------------------------------------------------

heathland supports a diverse flora and fauna including such characteristic (and vulnerable) species as nightjar, woodlark, marsh gentian, pillwort, pond mud snail and dark bordered beauty moth, with Strensall Common representing the only site for this species in England. Footprint (2019) surveyed the status, extent and distribution of the main vegetation types and confirmed the importance of the management regime.

Bisected by a road, it is vulnerable to nitrogen deposition from traffic. It is also subject to considerable recreational pressure from visitors, especially those with dogs although an established network of paths and periodic closures of part of the heath by the MOD (to facilitate training activities) can influence visitor behaviour. However, both the dry and wet heath habitats are particularly vulnerable to trampling, erosion and vandalism such as fire, fly-tipping, pollution and other activities associated with visitor pressure; there is existing evidence of unauthorised use of vehicles.

Heathlands are also vulnerable to changes to the local hydrological regime and so construction nearby will require careful scrutiny.

In 2011, all of Strensall Common SSSI was considered by Natural England to be in favourable or unfavourable-recovering condition. However, the corresponding SIP identifies a number of threats including, *inter alia*, public pressure and air pollution. The Supplementary Advice<sup>5</sup> highlights the threat posed to the maintenance of the grazing regime by the worrying and subsequent disturbance of livestock by dogs brought by visitors. It states (p15):

*'any activity that threatened the viability of this management could pose a risk to heathland habitat'.*

A 'Site Check, carried out in 2019 by Natural England raised concerns regarding the impact of recreational pressure (especially with dogs) on the condition of the heathland qualifying features.

The MOD carries statutory obligations to have regard to conserving biodiversity under the NERC Act 2006<sup>6</sup> and operates a Conservation Group that includes Natural England and the Trust amongst others, and is a 'Section 28g (or public) body' under the Wildlife and Countryside Act 1981 (as amended)<sup>7</sup>. This means it must take reasonable steps to conserve and enhance the special features of SSSIs. Although identified as 'open access' land, it is also subject to restrictions from byelaws.

maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

The extent and distribution of the qualifying natural habitats

The structure and function (including typical species) of the qualifying natural habitats, and,

The supporting processes on which the qualifying natural habitats rely

deposition (P).

## Humber Estuary SAC, SPA & Ramsar

The Humber Estuary carries a high suspended sediment load which sustains a dynamic system of intertidal and subtidal mudflats, sandflats, saltmarsh and reedbeds extending to around 37,000ha. Other notable habitats include sand dunes, coastal lagoons and sub-tidal sandbanks. Qualifying (mobile) species include river and sea lamprey which migrate through the estuary to rivers in the Humber catchment.

Importantly, the estuary regularly supports around 150,000 wintering and passage waterbirds. At high tide,

### SPA objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

The extent and distribution of the habitats of the qualifying features;

The structure and function of the habitats of the

### Pressures and threats

1. Water pollution (P/T);
2. Coastal squeeze (T);
3. Changes in species distributions (T);
4. Undergrazing (P);
5. Invasive species (T);
6. Natural changes to site conditions (P/T);

<sup>5</sup> Supplementary advice on conserving and restoring features. Natural England. Strensall Common SAC. 15 March 2019

<sup>6</sup> HM Government (2006) Natural Environment and Rural Economies Act  
<http://www.legislation.gov.uk/ukpga/2006/16/section/40>

<sup>7</sup> HM Government (1981) Wildlife and Countryside Act

large mixed flocks congregate in key roost sites often beyond the European site boundary due to the combined effects of extensive land claim, coastal squeeze and lack of grazing marsh and grassland on both banks of the estuary. In summer, the site supports important breeding populations of bittern, marsh harrier, avocet and little tern. All could be vulnerable to development or recreational pressure on functionally-linked land.

Natural England has assessed that almost 99% of the underpinning Humber Estuary SSSI to be in 'favourable' or 'unfavourable recovering' condition. Only just over 1% of the site is assessed to be in 'unfavourable no change' or 'unfavourable declining' condition. However, the 'threat' level is considered to be 'medium' or 'high' across a much wider area.

The corresponding SIP for the European site identifies, *inter alia*, a number of threats including water pollution and public pressure.

Whilst therefore potentially vulnerable to a wide range of factors, its size, considerable distance from any point sources within the Council area and relative robustness of many of the features make the likelihood of harmful effects remote.

The one possible exception to this is the population of lamprey which migrate from the sea, via the Humber to breeding grounds in the River Derwent. Physical or chemical barriers to migration may cause harm and so factors like wastewater disposal can require careful scrutiny if not addressed effectively in policy terms. Similarly, grey seals could also be vulnerable to similar factors.

Given the similarity between Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to avoid repetition.

qualifying features;

The supporting processes on which the habitats of the qualifying features rely;

The population of each of the qualifying features; and,

The distribution of the qualifying features within the site.

#### **SAC objectives**

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

The extent and distribution of qualifying natural habitats and habitats of qualifying species;

The structure and function (including typical species) of qualifying natural habitats;

The structure and function of the habitats of qualifying species;

The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;

The populations of qualifying species; and,

The distribution of qualifying species within the site.

7. Public access/Disturbance (P);
8. Fisheries: Fish stocking; (P)
9. Fisheries: Commercial marine and estuarine (P);
10. Fisheries: Commercial marine and estuarine (T);
11. Direct and take from development (T);
12. Air pollution: impact of atmospheric nitrogen deposition (P);
13. Shooting/scaring (P);
14. Direct impact from third party (T);
15. Inappropriate scrub control (P)

2.5 The outputs of Figure 1 allow this HRA to focus solely on a restricted number of possible impacts on five European sites: the Humber Estuary, Lower Derwent Valley, the River Derwent and Strensall Common. However, by drawing on the additional information provided in Table 1, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 2.

**Table HRA2: Summarised initial list of European sites, potential effects and features at risk**

European site	Potential effects	Qualifying features at risk
Lower Derwent Valley SPA, SAC & Ramsar	(5) Impacts on mobile species	Breeding, non-breeding birds and otter
	(6) Impacts from recreational pressure	Lowland hay meadows, alluvial alder woodland Breeding, non-breeding birds and otter
	(7d) Impacts from air pollution	Lowland hay meadows, alluvial alder woodland
River Derwent SAC	(5) Impacts on mobile species	Otter, bullhead and lamprey
	(6) Impacts from recreational pressure	Otter Floating vegetation dominated by water crowfoot
	(7d) Impacts from air pollution	Floating vegetation dominated by water crowfoot River and sea lamprey, and bullhead
Strensall Common SAC	(2) Impacts on the aquatic environment	Wet heath and Dry heath
	(6) Impacts from recreational pressure	Wet heath and Dry heath
	(7d) Impacts from air pollution	Wet heath and Dry heath
Humber Estuary SAC, SPA, Ramsar	(5) Impacts on mobile species	River and sea lamprey, grey seal and both breeding and non-breeding birds
	(6) Impacts from recreational pressure	Breeding and non-breeding birds

2.6 It is important to reiterate comments embedded in Table HRA2, regarding the assessment of Ramsar site features. The Humber Estuary Ramsar features are effectively duplicated by the SPA/SAC features. There is, therefore, no need for separate assessment and so further assessment in this HRA will focus entirely on the latter unless outcomes demand otherwise.

### **3. Screening Assessment**

- 3.1 The next stage of the Screening is to understand the extent to which the MPNP could have a significant effect on the European Designated Sites. Specifically, the assessment considers any potential effect that the policies may have on the 'qualifying features' and vulnerabilities of each European Designated Site.
- 3.2 All proposed policies and site allocations included within the Pre-submission Murton Parish Neighbourhood Plan are therefore to be appraised against identified site's features and vulnerabilities. Cumulative effects have also been considered within the assessment to understand whether the Neighbourhood Plan is likely to have significant effects in combination with other plans or programmes.
- 3.3 Section 3 of this report sets out the findings of this appraisal split into:
- Part 1: Assessment of the Murton Parish Neighbourhood Plan
  - Part 2: Cumulative effects of the Murton Parish Neighbourhood Plan.

#### **Part 1 Assessment of the Murton Parish Neighbourhood Plan**

- 3.4 The next step is to identify if there is a credible risk that a proposal in the Neighbourhood Plan may lead to a likely significant effect on a European site (by threatening to undermine its conservation objectives). It achieves this by evaluating the proposals in the plan against the following criteria to identify if they can be:
- Screened out from further scrutiny (because the individual policies or allocations are considered not 'likely to have a significant effect on a European site, either alone or in-combination with other plans and projects');
  - Screened in for further scrutiny (because the individual policies or allocations are considered 'likely to have a significant effect on a European site, either alone or in-combination with other plans and projects').

Mindful of the People Over Wind decision, section 6.3 of the Handbook describes a list of 'screening categories' (summarised in Table HRA4, itself adapted from an earlier edition of the Handbook) designed to evaluate both policy and site-based allocations to provide a rigorous and transparent approach to the screening process. Importantly, this process helps to provide a distinction between the essential features and characteristics, and mitigation measures of the Plan where relevant.



**Table HRA3 Screening codes used in Table HRA4**

A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	General plan-wide environmental protection/site safeguarding/threshold policies	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in-combination with other aspects of this or other plans or projects)	Screened out
I	Policy or proposal which may have a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but unlikely to be significant alone, so need to check for likely significant effects in-combination	Check
K	Policy or proposal unlikely to have a significant effect either alone or in-combination (screened out after the in-combination test)	Check
L	Policy or proposal which might be likely to have a significant effect in-combination (screened in after the in-combination test)	Check
M	Bespoke area, site or case-specific policies intended to avoid or reduce harmful effects on a European site. Excluded from formal screening but re-considered in appropriate assessment	Screened out
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- 3.5 Table HRA4 provides an assessment of any likely significant effect of each Neighbourhood Plan policy on the European Designated Sites. For the purposes of this assessment the policies appraised are those that were issued in the Murton Parish Neighbourhood Plan Pre-submission version.

**Table HRA4 Assessment of any likely affect of each of the Murton Neighbourhood Plan policies on the European Designated Sites within 10 km of the Parish**

Policy	Policy intention and commentary					
		Strensall Common SAC	River Derwent SAC	Lower Derwent Valley SAC	Lower Derwent SPA	Lower Derwent Valley
<b>Policy MGB1 York Green Belt</b>	<p><b>Purpose of the Policy</b> The Policy</p> <ul style="list-style-type: none"> <li>prevents new development from having a negative impact on the countryside around the village; it stops new build from spreading into it and maintains a farming zone between the village and urban mass of York</li> <li>protects the historic village centre's rural setting and character by encouraging all development in more sustainable locations.</li> </ul> <p><b>Conclusion</b> <i><b>This policy will not affect the Designated Sites' vulnerabilities.</b></i></p>	F	F	F	F	F

<b>Policy ENV1 Local Green Space</b>	<b>Purposes of Policies ENV1, ENV2, ENV3</b> The Policies <ul style="list-style-type: none"> <li>• identify, protect and enhance Murton Parish's Local Green Spaces</li> <li>• identify, protect and enhance Murton Parish's rural environment</li> <li>• protect the village from activities that are harmful to its character</li> </ul>	E	E	E	E	E
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<b>Policy ENV 2 Green Infrastructure</b>		E	E	E	E	E
<b>Policy ENV 3 Edges of the village</b>	<b>Conclusion</b> <i>Policies ENV1, ENV2, ENV3 will not affect the Designated Sites' vulnerabilities</i>	G	G	G	G	G
<b>Policy ENV4 Historic Environment</b>	<b>Purposes of Policies ENV4, ENV5, ENV6</b> The Policies <ul style="list-style-type: none"> <li>• ensure that development is well-designed and sustainable</li> <li>• contribute to the distinctive rural environment of Murton Parish</li> <li>• preserve and enhance the historic character of Murton Parish.</li> </ul>	F	F	F	F	F
<b>Policy ENV5 Design and Sustainability</b>		F	F	F	F	F
<b>Policy ENV6 Alterations and Extensions</b>	<b>Conclusion</b> <i>Policies ENV4, ENV5, ENV6 will not affect the Designated Sites' vulnerabilities.</i>	G	G	G	G	G

Policy	Policy intention and commentary					
		Strensall Common SAC	River Derwent SAC	Lower Derwent Valley SAC	Lower Derwent SPA	Lower Derwent Valley
<b>Policy EMP1 Employment Policy</b>	<b>Purposes of Policies EMP1, EMP2, EMP3</b> <b>The Policies</b> <ul style="list-style-type: none"> <li>• create a sustainable settlement with a balanced mix of uses</li> <li>• enhance employment opportunities in the commercial and industrial areas, in particular where they help the rural economy</li> <li>• protect and enhance the rural economy</li> <li>• enhance opportunities for working at home</li> <li>• encourage the installation of internet connectivity</li> </ul>					
<b>Policy EMP2 Rural Employment</b>						
<b>Policy EMP3 Broadband</b>	<b>Conclusion</b> <i>Policies EMP1, EMP2, EMP3 will not affect the Designated Sites' vulnerabilities.</i>	F	F	F	F	F

Policy	Policy intention and commentary					
		Strensall Common SAC	River Derwent SAC	Lower Derwent Valley SAC	Lower Derwent SPA	Lower Derwent Valley
<b>Policy HAC1 Housing</b>	<b>Purposes of Policies HAC1, HAC2, HAC3</b>					
<b>Development</b>	<p>The Policies</p> <ul style="list-style-type: none"> <li>• enable housing developments to meet local needs</li> <li>• enable these developments to enhance the environment</li> <li>• ensure that the Houses in Multiple Occupation do not adversely affect the amenities of residents in other dwellings</li> <li>• ensure that the Parish is served by local community facilities</li> </ul>					
<b>Policy HAC2 Houses in Multiple Occupation</b>		F	F	F	F	F
<b>Policy HAC3 Community Facilities</b>	<p><b>Conclusion</b></p> <p><i><b>Policies HAC1, HAC2, HAC3 will not affect the Designated Sites' vulnerabilities</b></i></p>	G	G	G	G	G

<b>Policy TRA1 Transport and Movement</b>	<p><b>Purpose of the policy</b> The Policy</p> <p>This policy highlights existing capacity problems, due to the restricted rural highway network.</p> <p>The policy requires impacts of highway improvements on historic and rural character to be judged fully when developments are being considered. If such improvements harmed historic or rural character and development depended on such improvements, then the development in question would be unsustainable</p> <p><b>Conclusion</b>  <i><b>This policy will not affect the Designated Sites' vulnerabilities.</b></i></p>	G	G	G	G	G
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## Part 2

## Cumulative effects of the Murton Parish Neighbourhood Plan

- 3.6 It is necessary to understand whether the Neighbourhood Plan is likely to have significant effects in combination with other relevant plans or programmes.
- 3.7 It is most likely that in-combination effects will occur with strategic plans in place in York and adjacent authorities. Table HRA5 provides an assessment of any likely significant effect of each Neighbourhood Plan policy on the European Designated Sites in-combination with the emerging City of York (CYC), Harrogate and Selby Local Plans and Minerals and Waste Joint Plan.

**Table HRA5 An assessment of any significant effect on the European Designated Sites by the Murton Parish Neighbourhood Plan policies in combination with emerging City of York, Harrogate and Selby Local Plans and the Minerals and Waste Joint Plan**

Plan/ Program me	Comments	Impact
<b>City of York Local Plan</b>	<p>CYC is currently preparing a Local Plan for the city. This will set out the policies and site allocations to meet the city's needs until 2033.. A Local Plan Publication draft (2014) was halted from going to consultation following Members decision at Full Council (October 2014) to undertake further work in relation to housing demand. Subsequently, the Local Plan underwent a Preferred Sites Consultation (2016), Pre-Publication Consultation (Regulation 18) Consultation (2017) and its final Publication (Regulation 19) consultation from 21st February – 4th April 2018.</p> <p>The Local Plan was submitted to the Secretary of State for independent examination on 25th May 2018. City of York has been appointed two Planning Inspectors. The first phase of Local Plan hearings considered housing figures, legal compliance and the Green Belt principle, the hearings took place in December 2019. The Council awaits confirmation of the next examination phase and the associated timetable. The plan includes policies on housing, employment, recreation, biodiversity and transport.</p> <p>The City of York Council formally submitted its Regulation 19 Publication Draft of its Local Plan in February 2018. This was accompanied by a Habitats Regulations Assessment (HRA) dated April, 2018. However, following comment by Natural England and the production of new evidence, it was found that the 2018 HRA had to be updated. The 2019 version of the HRA document replaces the 2018 edition and presents different outcomes.</p>	<b>NLSE</b>



The 2018 HRA concluded that the Plan would not have an adverse effect on the integrity of any European sites. This outcome was challenged by Natural England which prompted the production of visitor surveys at three European sites to assess the impact of recreational pressure - the Lower Derwent Valley, Skipwith Common and Strensall Common - and the re-evaluation of existing air quality data. Natural England made similar comments in relation to the anticipated increase in air pollution associated with residential development promoted by the Plan with regard to the River Derwent and Strensall Common European sites. This too prompted further re-assessment. Overall, this HRA found that likely significant effects could be ruled out for the vast majority of policies and allocations which meant they could be excluded from any further scrutiny.

However, likely significant effects could not be ruled out alone in terms of Policies SS19/ST35, E18 and H59 because of anticipated increases in recreational pressure, changes to the hydrological regime and the effect of air pollution on the adjacent Strensall Common European site. Again, because of anticipated increases in recreational pressure, likely significant effects could not be ruled out alone for Policy ST33 on the Lower Derwent Valley European site. Finally, even though situated several kilometres from the Lower Derwent Valley, likely significant effects could not be ruled out alone for Policy SS13/ST15 for two reasons: again because of anticipated increases in recreational pressure but also for impacts on the bird communities of the European site that utilised land beyond the European site boundary.

Accordingly, an appropriate assessment was carried out. The outcome of this further scrutiny was as follows: With regard to air pollution, the evidence produced allowed a conclusion that an adverse effect on the integrity of the European sites could be ruled out, effectively confirming the outcomes described in the 2018 HRA. In terms of recreational pressure, the additional work also confirmed that an adverse effect on the integrity could be ruled out at the Lower Derwent Valley, again effectively confirming the outcomes of the 2018 HRA.

At Strensall Common, in contrast, a comprehensive visitor survey was carried out in summer 2018, identified there would be a 24% increase in recreational pressure as a result of the plan. This evidence has been considered in the revised 2019 Habitat Regulation Assessment, which has concluded that in order to avoid adverse effects on the integrity of Strensall Common SAC, the site allocations of ST35 and H59 should be removed. Officers recommended removing the sites in a report considered by City of York Council's Executive on 7th March 2019 in order for the local plan to be in compliance with the HRA Regulations and for the plan to remain legally compliant. The recommendations of the report were approved by the Executive and were submitted to the Local Plan Inspectors which were considered at the Local Plan Examination phase 1 hearing session.

It was agreed at the Phase 1 hearing sessions that the

	<p>Council should revise the HRA to take consideration for impacts resulting from recreational pressure on other sites outlined in the evidence base report for Strenall Common and to take consideration for additional evidence base submitted via consultation. Consideration of this evidence has lead to confirmation that the previously proposed modifications are still valid, to remove sites ST35 and H59 as allocations, and also identified further modifications to other strategic site policies which are identified to contribute to the uplift in recreational pressure.</p> <p>The policies set out in the Neighbourhood Plan aim to place- shape the Parish rather than allocate land for development. The emerging policies are consistent with the emerging Local Plan policy at the neighbourhood level and no in-combination effects are identified.</p> <p><b>Conclusion</b>  <i><b>It is therefore concluded that there are not likely to be any significant effects to the European Designated Sites as a result of in-combination effects between the emerging City of York Local Plan York Draft Local Plan and MPNP.</b></i></p>	
<b>Harrogate Local Plan</b>	<p>Following a successful examination the Harrogate district Local Plan 2014 - 2035 was adopted at full council on 4 March 2020. It sets out strategic policies, allocations and a new settlement within the Green Hammerton/Cattal area. The submitted Plan was accompanied by an HRA (2018) which does not identify likely significant impacts as a result of the strategy on any of the European sites identified in this report.</p> <p>Policy GS2: Growth Strategy to 2035 in the adopted Harrogate District Local Plan sets out growth within a new settlement at Green Hammerton/Cattal along the A59 which is approximately 20km from the boundary of the Murton Parish Neighbourhood Plan area. It is unlikely that there would be in- combination significant effects as a result of this on the sites identified due to proximity.</p> <p><b>Conclusion</b>  <i><b>It is therefore concluded that there are not likely to be any significant effects to the European Designated Sites as a result of in-combination effects between the Harrogate Local Plan and MPNP.</b></i></p>	<b>NLSE</b>
<b>Selby Local Plan</b>	<p>Selby District Council (SDC) adopted their Core Strategy in October 2013. This set out their strategic ambitions, policies and strategic development sites. Several of the policies of the Submission Draft Core Strategy were identified at the screening stage to have the potential to affect <i>Natura 2000</i> sites. The designations potentially affected were:</p> <ul style="list-style-type: none"> <li>• The Lower Derwent Valley SAC, Ramsar and SPA designations</li> <li>• Skipwith Common SAC</li> <li>• The Humber Estuary SAC, Ramsar and SPA designations</li> </ul>	<b>NLSE</b>

	<p>The potential impacts arising from the Core Strategy were identified as being:</p> <ul style="list-style-type: none"> <li>• An increase in housing allocations situated within 5km which could lead to increased visitor pressure to countryside sites including those covered by the <i>Natura 2000</i> designations listed above</li> <li>• An increase in economic activities that would encourage tourism generally and hence have the potential to indirectly result in increased visitor pressure to countryside sites, including the sites covered by the <i>Natura 2000</i> designations listed above</li> <li>• If wind energy sites are encouraged (as per Policy CP14 (Low Carbon and Renewable Energy)) and are situated in areas where they could affect bird populations which are designated features of the above <i>Natura 2000</i> sites, this may have the potential to result in adverse effects.</li> </ul> <p>It was concluded that the strategy was unlikely to have significant adverse effects on the issues raised above as a result of policy amendments made and it was considered unlikely that a large increase in numbers would visit the sites from the new housing and economic growth. Further work was recommended in relation to visitor survey at the Lower Derwent Valley for the purposes of future monitoring of recreational pressure.</p> <p>On 17 September 2019 Selby District Council began the preparation of a new Local Plan for the Selby district. Selby District Council held a six week Issues and Options Consultation from 24th January to 6th March 2020 on the Local Plan Issues and Options document. The results of this are still being processed. The spatial detail of housing, employment, retail, industrial and tourism allocations were intentionally limited at such an early stage of plan development. As a result, the HRA at this stage did not seek to go beyond determining likely significant effects. A further iteration of HRA will be undertaken by Selby District Council on the Regulation 19 Local Plan which will involve a more detailed analysis.</p> <p><b>Conclusion</b>  <b><i>It is concluded that there are not likely to be that significant effects to the European Designated Sites as a result of in- combination effects between the Selby Local Plan and the MPNP.</i></b></p>	
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<b>Joint Minerals and Waste Local Plan</b>	<p>North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority are working together to prepare a Joint Minerals and Waste Plan (JMWP) to provide for minerals and waste developments up to 2030. This plan covers the whole of the MPNP area. The joint councils submitted the Joint Plan to the government in November 2017 and produced a HRA to assess both policies and the preferred sites.</p> <p>A supplementary document to the Minerals and Waste Joint Plan HRA is currently being prepared in response to the decision at the Court of Justice of the European Union (CJEU) in the matter of People Over Wind and Sweetman v Coillte Teoranta (C-323/17, which confirmed that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage. This has led to a reassessment of a series of sites that are identified in the draft Minerals and Waste Joint Plan in the Appropriate Assessment. This update document is likely to be published in Autumn 2020.</p> <p><b>Conclusion</b>  <i><b>It is therefore concluded that there are not likely to be any significant effects to the European Designated Sites as a result of in-combination effects between the JMWP and MPNP.</b></i></p>	
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## **4. Consultation**

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- 4.1 Consultation is an important part of the HRA process to ensure that the process is robust and supports the plan development process.
- 4.2 The HRA Screening Report was subjected to consultation with relevant organisations listed in the Consultation Statement (Appendix 24) and local authorities.
- 4.3 The responses received through consultation and how issues raised have been addressed were taken into account in finalising the MPNP HRA.
- 4.4 Neighbourhood planning documents out to consultation may be viewed via CYC Neighbourhood Plan webpage: [www.york.gov.uk/neighbourhoodplanning](http://www.york.gov.uk/neighbourhoodplanning) and on <https://murtonneighbourhoodplan.org.uk>.
- 4.5 Views or comments on this work may be submitted via email to: [consultation@murtonneighbourhoodplan.org.uk](mailto:consultation@murtonneighbourhoodplan.org.uk)

## **5. Conclusion**

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- 5.1 The assessment in section 3 of this report ascertains that none of the policies in the MPNP are identified to have likely effects on the integrity of on the Designated European Sites within 10km of the MPNP area.
- 5.2 The report also identifies that no cumulative effects as a result of this plan are identified.
- 5.3 In conclusion, it is not necessary to continue to the next stage of the HRA process, an Appropriate Assessment, as part of the preparation of the Murton Parish Neighbourhood Plan.

## **Annex 1: Murton Parish Neighbourhood Plan Policies**

Source: Section 6 Murton Parish Neighbourhood Plan (Pre-Submission Draft)

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### **1. Murton Parish and the Proposed City of York**

#### **Green Belt Purpose of the policy**

The policy seeks to protect the countryside in Murton and prevent it from sprawl or from merging into the main urban mass of York. In doing this, it also protects the rural setting and character of the historic village centre and encourages development in more sustainable locations.

#### **MGB1 Proposed York Green Belt**

The general extent of the York Green Belt within the Parish of Murton, is shown on the RSS Key Diagram. The Green Belt will be defined through the Local Plan process. This policy shall apply to land included within the Green Belt boundary that is defined under the adopted Local Plan. Decisions on whether to treat land as falling within the Green Belt for development purposes in advance of the adoption of the Local Plan will be taken in accordance with the decisions made in the judgement for *Wedgewood v City of York Council* [2020] EWHC 780 (admin), taking into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt in advance of the adoption of the Local Plan.

Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in the National Planning Policy Framework.

Development proposals for the following uses will be supported provided that they preserve the openness of the general extent of the Green Belt and do not conflict with the purposes of including land in the Green Belt:

Minerals extraction;

Engineering

Operations;

Local Transport Infrastructure that can demonstrate a requirement for a Green Belt location;

The re-use of buildings provided that the buildings are of permanent and substantial construction; and Development brought forward under a Community Right to Build Order.

### **2. Murton's Green Infrastructure and Landscape**

#### **Purpose of the Policies**

To protect and enhance Murton's rural environment and green spaces.

#### **ENV1 Local Green Space**

Local Green Spaces must 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 Copse, Moor Lane and Moor Lane Verge;

The Churchyard of St James's Church;

And 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 or adjacent to one will not be supported.

### **ENV2 Green Infrastructure**

Small size development proposals will only be supported if they meet all of the following:

- The open and green character of the Green Space is not compromised, and they provide facilities to support the community use of space; and
- Community, wildlife, amenity space or other values are preserved or enhanced, and particular regard must be made to avoiding harmful impacts on hedgerows and trees and Public Rights of Way.

Where harmful impacts on the environment cannot be avoided, they must be mitigated and, as a last resort, must be compensated.

### **ENV3 Edges of the village**

Development which harms the character and approach to the village of Murton will not be supported. Care must be taken to keep the fields, where not cultivated, in good order.

## **3. Heritage, Character and Sustainable**

### **Design Purpose of the Policies**

To ensure that development is well-designed, sustainable, and contributes to the distinctive character of Murton Parish, complementing the historic and rural character.

### **ENV4 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.

Collectively these must be preserved to maintain the Murton village conservation area. 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

The following are designated Local Green Spaces within the Conservation area:

- The village pond
- The village green
- Grass verges
- The churchyard

The following are designated in the Murton Village Design Statement. The statement suggests that

‘Development must also preserve or enhance [the following] buildings and their setting. These are:

- Red and Buff Cottages
- Anvil Cottage and the several buildings in Prospect Farm
- Fern View
- Rose Farm
- The Villa
- Lilac Tree House

- Jasmine Cottage
- The Bay Horse
- The Old Smithy
- Cherry Tree House (formerly Lornik House)
- Pear Tree Farm House
- South View

### **ENV5 Design and Sustainability**

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 streets;
- 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.

In addition, any larger scale developments should not compromise rural employment or operations of local farms and agricultural businesses.

### **ENV6 Alterations and Extensions**

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

Extensions to historic buildings will be supported where they are designed and landscaped to complement the original building, and do not dominate the original building.

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

## **4. Employment**

### **Purpose of the**

### **policies**

To create a sustainable settlement with a balanced mix of uses, including employment opportunities.

### **EMP1: Employment**

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

- The established industrial estate
- Urban brownfield sites
- Reuse of use of existing agricultural buildings. 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, and are an appropriate use within the Green Belt.



- Not compromising rural development or operations of local farms and agricultural businesses

For a new-build development, a landscaped buffer zone must be provided to screen the development from any existing and adjacent housing and amenities.

## **EMP2: Broadband Internet**

New development must incorporate superfast-speed Internet connectivity where technically viable. This must be provided before the first occupation of development permitted.

## **5. Housing and Community**

### **Purpose of the policies**

To enable housing development to meet local needs and to ensure that the Parish is served by local community facilities.

### **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.

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

Change of use to a house in multiple occupation (HMO) will only be supported where:

- The proposal would not harm the character and appearance of the building, adjacent buildings or the local landscape context. This is subject to the design, layout and intensity of use of the building not having 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 so as not to harm visual amenity;
- The proposal would not cause unacceptable highway problems; and
- The proposal would not result in a contravention of the threshold 'tipping points' set out in the CYC

Article 4 Direction.

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

### **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 facility is maintained or enhanced. New community facilities will be supported, subject to:

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

## **6. Transport and Movement**

### **Purpose of the policy**

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.

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

New developments must not have any significant detrimental impact on traffic safety and congestion on rural lanes in Murton. 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 caused 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.

### **Community Actions**

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 and so we include them here.

#### **a) Traffic Through the Parish**

##### **Purpose of the policies**

To reinforce and take further steps to ensure safer roads in the Parish

##### **CA 1 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.

##### **CA 2 Safer Routes for Cyclists and Pedestrians**

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

##### **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.

#### **b) Enhancing Parish Ambience**

##### **Purpose of the policies**

To enhance the work already done to make the Parish a pleasant place in which to live and work.

##### **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 landlords to improve the results of poor behaviour by some residents.

#### **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 on keeping the Parish tidy.

### **c) General Policies**

#### **Purpose of the policies**

To address other concerns raised by residents and to safeguard/improve existing standards.

#### **CA6 Public Rights of Way and Footpaths**

Opportunities to secure improvements in the network of Public Rights of Way, other footpaths and cycleways should be encouraged.

#### **CA7 Allotments**

The Parish Council should ensure that the present provision is being used effectively and undertake a detailed 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.

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

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

#### **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, should keep this under review.

### **Developer Contributions**

#### **DC 1: 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 of community facilities

## **Annex 2: Designated Local Green Space and Important Green Space**

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Source: Section 6 Murton Parish Neighbourhood Plan (Pre-Submission Draft)

### **Introduction**

In Section 6.3 of the Murton Parish Neighbourhood Plan, *Murton's Green Infrastructure and Landscape*, six sites are proposed as Local Green Spaces.

- 1. The Village Pond, off Moor Lane**
- 2. The Village Green, Murton Way/Murton Lane**
- 3. Allotments, Moor Lane**
- 4. St James's Churchyard**
- 5. Grassed area, off Osbaldwick Link Road**
- 6. The Copse, Moor Lane**
- 7. Moor Lane verge**

Our proposal is to be found in Section 6.3.12, ***ENV1 Local Green Space***.

This Appendix provides additional evidence for these proposed designations and a brief explanation of the methodology used.

Discussions were guided by the National Planning Policy Framework, the emerging City of York Local Plan and a comprehensive booklet produced by Locality, entitled, *Neighbourhood Planning. Local Green Spaces*.<sup>8</sup> and by our advisor.

### **Evidence**

The National Planning Policy Framework introduced the concept of Local Green Space (LGS) designation.

The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in

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<sup>8</sup> Neighbourhood Planning. Local Green Spaces. Locality.

sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period<sup>9</sup>.

The NPPF gives guidance for their selection.

The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; 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), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land<sup>10</sup>.

The NPPF also points out that

Policies for managing development within a Local Green Space should be consistent with those for Green Belts<sup>11</sup>.

The protection of green spaces of importance to local communities is woven throughout Section 9 of the City of York Local Plan, *Green Infrastructure*, and which begins with the statement:

In planning positively for the creation, protection, enhancement and management of York's networks of green infrastructure it is essential that the Local Plan conserves and enhances York's landscapes, geodiversity, biodiversity and natural environment, recognising the important role of green infrastructure<sup>12</sup>.

## Designation

National planning policy enables a local plan to protect sites deemed to be significant. Whilst the NPPF establishes the concept of LGS designation and provides guiding principles, it gives communities preparing a Neighbourhood Plan discretion to determine how to implement this at the local level.

It was noted that there is an absence of definitions of what is 'special' or what comprises an 'extensive tract of land' and this was welcomed as it allows local groups to have leeway in making proposals.

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<sup>9</sup> National Planning Policy Framework, Ministry of Housing, Communications and Local Government. February 2019 para 99 page28

<sup>10</sup> National Planning Policy Framework, Ministry of Housing, Communications and Local Government. February 2019 para 100, page28

<sup>11</sup> National Planning Policy Framework, Ministry of Housing, Communications and Local Government. February 2019 para 101, page28

<sup>12</sup> City of York Local Plan Pre Publication Draft Regulation 19 Consultation. February 2018, Section 9 pages 165- 174

Following discussions within the Working Party and seeking advice from residents, a short list of possible sites was drawn up followed by further discussions<sup>13</sup>.

The sites on the short list were then assessed against the criteria enumerated in the NPPF<sup>14</sup>. The simple form designed and used successfully by the Huntington Parish Neighbourhood Plan was adapted and used<sup>15</sup>.

Most of the sites are given some protection through the draft Green Belt in the emerging City of York Local Plan but there are advantages in also including them in the Neighbourhood Plan as Local Green Spaces, where it can give additional safeguards. For example 'Green belts do not recognise the landscape quality or community value of land'<sup>16</sup>.

Through our process, a small number of sites were identified which were considered to locally significant, valued by the community and met the tests set out in the NPPF.

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<sup>13</sup> Neighbourhood Planning. Local Green Spaces. Locality.p5.

<sup>14</sup> National Planning Policy Framework, Ministry of Housing, Communications and Local Government. February 2019 para 100, page28

<sup>15</sup> Huntington Parish Neighbourhood Plan Supporting Evidence - Local Green Spaces

<sup>16</sup> Neighbourhood Planning. Local Green Spaces. Locality.p14.

# Murton Parish Neighbourhood Plan LOCAL GREEN SPACES Number 1 The Village Pond



***The Village Pond at Eastertime***

Public Access Is it in close proximity to the community it would serve?	Yes. It is located on Moor Lane at the end of Murton Hall and is in the conservation area.
Is it beautiful?	Especially beautiful in the Spring with daffodils in profusion
Does it have local and historic significance?	It is the last of at least 6 ponds in the 18 <sup>th</sup> century Township. Most probably dug out as a drinking place for farm horses. There is no written record of its name.
Does it have recreation value?	It is a good place to relax with seating. Used by walkers and cyclists as a resting place.
Is it tranquil? Is it a peaceful place away from noise and bustle?	Although there is much traffic along Moor Lane a peak times, it is well set back from the road and at other times, it seems a thousand miles away from the City as it is adjacent to farm land usually used for cattle.

Does the site have wildlife value?	The pond provides a relatively undisturbed environment which encourages ducks and other pond life to flourish. It is a favoured place for ducks to breed. Following dredging, new wild flowers are being sought to compliment those along the wide verge along Moor Lane adjacent to the Grade II listed wall of Murton Hall.
Is the site local in character? (i.e. serves local community and not extensive)	It is at the entrance to the village from Holtby and Stockton on Forest and as such is an arresting site marking the start of the village.
Does site contribute to Local Plan strategic requirements for provision of homes, employment or services?	No
Other	



# **Murton Parish Neighbourhood Plan LOCAL GREEN SPACES Number 2 The Village Green**



***The Village Green consists of two triangular pieces of land at the junction of Murton Way (on the right) and Murton Lane. There is also a wide strip of land between Murton Lane and the field on its right***

Public Access Is it in close proximity to the community it would serve?	Yes. It is in the centre of the village where three roads of the Parish meet, Murton Way, Murton Lane and Main Street (leading to Moor Lane) meet.
Is it beautiful?	Yes. A green area with a variety of trees and plants. It gives the village a sense of space.

Does it have local and historic significance?	<p>It consists of two triangular pieces of land at the junction of the three roads plus a wide strip of land on the west side of Murton Lane from the junction to opposite Smary Lane.</p> <p>This area , in its present form dates from 1934 when the road was realigned by the North Riding County Council. To enable this, the County Council bought land from the owner of Prospect Farm, Harold Boynton.</p> <p>The land is registered as Village Green under the responsibility of the Parish Council.</p>
Does it have recreation value?	It is used by walkers and cyclists as a resting place. There is a bench and shade from the trees.
Is it tranquil? Is it a peaceful place away from noise and bustle?	Although it is at a junction of roads which are overused at peak times, it does have a restful feeling, helped by fields which are populated by alpacas and sheep.
Does the site have wildlife value?	Yes, particularly many blackbirds
Is the site local in character? (i.e. serves local community and not extensive)	It is a major feature of village, giving a physical centre to the conservation area.
Does site contribute to Local Plan strategic requirements for provision of homes, employment or services?	No
Other	

# Murton Parish Neighbourhood Plan LOCAL GREEN SPACES Number 3 Allotments



Public Access Is it in close proximity to the community it would serve?	Yes. The site is 200 metres along Moor Lane from the edge of the village.
Is it beautiful?	It provides an open space along the Moor Lane which is otherwise dominated by hedgerows and fields.
Does it have local and historic significance?	The two plots of land have been owned by the Township at least since the early 19 <sup>th</sup> century. One plot was the site of 4 Poor Houses, known as Town Houses, built in the early 1800s. There were two pairs of semi- detached single storey cottages. They were condemned in the early 1930s but still inhabited until the 1950s and only demolished at the end of that decade. The remains of a small brick building can be seen and which might have been an outside privy.
Does it have recreation value?	At the moment, the area is underused. It

	has considerable potential for serious development of traditional allotments
Is it tranquil? Is it a peaceful place away from noise and bustle?	Although alongside Moor Lane which can be busy at times, it can be described as usually quiet. Its partial screening helps to create a sense of separateness.
Does the site have wildlife value?	It has been proposed as a Local Green Space as it has significant potential for enhanced biodiversity
Is the site local in character? (i.e. serves local community and not extensive)	See above
Does site contribute to Local Plan strategic requirements for provision of homes, employment or services?	No
Other	



# **Murton Parish Neighbourhood Plan LOCAL GREEN SPACES Number 4 St James's Churchyard**



***This photograph shows a charity event organised by the village, using the new extension that was funded principally by the village's Murton Centenary Committee***

Public Access Is it in close proximity to the community it would serve?	The church, a chapel-at-ease, is along Murton Way, in the conservation area.
Is it beautiful?	The churchyard is set alongside Murton Way and on the other three sides there are fields, two of which are used for sheep farming. The views of the conservation area and further give it a rural setting.

Does it have local and historic significance?	The church building dates from the beginning of the 13 <sup>th</sup> century. It was devastated by a storm in the 1830s and rebuilt in 1912-14. The village recently raised £70 000 to build an extension for social events which commemorated the Centenary of the rebuilding. The field surrounding the church was only used as a burial ground from the 1950s.
Does it have recreation value?	Residents of the village, walkers and cyclists use the area for rest and reflection
Is it tranquil? Is it a peaceful place away from noise and bustle?	It has an air of tranquillity enhanced by its rural setting. This is frequently commented on by visitors who describe a sense of stillness.
Does the site have wildlife value?	The hedgerows attract wildlife.
Is the site local in character? (i.e. serves local community and not extensive)	The site contributes to the wholeness of the village. Besides being a place where residents go to for reflection, it is now used during social events in the space created by the village..
Does site contribute to Local Plan strategic requirements for provision of homes, employment or services?	No
Other	Proposed in the emerging City of York Local Plan. Evidence Base: Open Space and Green Infrastructure. Update September 2017 Number 757, p 53

**Murton Parish Neighbourhood  
Plan LOCAL GREEN SPACES  
Number 5 Grassed area off the Osbaldwick  
Link Road**



***The grassed area is bounded by Meam Close, Moins Court and the Osbaldwick Link Road***

Public Access Is it in close proximity to the community it would serve?	The grassed area is an integral part of the housing area built at the turn of the century part on the southern periphery of the Parish
Is it beautiful?	It provides a setting as one enters the area which contains houses in Redbarn Drive, Meam Close and Moins Court It resembles a lawn with backed by a variety of mature trees.
Does it have local and historic significance?	No
Does it have recreation value?	It is used, in particular, by children
Is it tranquil? Is it a peaceful place away from noise and bustle?	Surprisingly so, given its position at the main entrance to a large number of dwellings

Does the site have wildlife value?	The hedgerows and trees behind it encourage wildlife.
Is the site local in character? (i.e. serves local community and not extensive)	It enhances the setting of a very interesting new housing development
Does site contribute to Local Plan strategic requirements for provision of homes, employment or services?	No
Other	



**Murton Parish Neighbourhood  
Plan LOCAL GREEN SPACES  
Number 6 The Copse, Moor  
Lane**



Public Access Is it in close proximity to the community it would serve?	Approx 100 metres from the edge of the village along Moor Lane.
Is it beautiful?	The Parish Council is managing the woodland in this area and is planning to make the dense population of undergrowth, trees and shrubs more tractable. A plan is being forged to repair the fence, put in a new access gate, remove the ivy and plant bulbs and wild flowers.

Does it have local and historic significance?	The area used to be called the Bogs and was one of the village tips until the Local Council started collections. It was also used by the North Yorkshire County Council as a tip for road materials and has subsequently been built up. It is now a copse which is now getting closer management by the Parish Council. As the name implies, it was low lying and boggy.
Does it have recreation value?	It will afford observation of wild life
Is it tranquil? Is it a peaceful place away from noise and bustle?	It will become so when the work embarked by the Parish Council is complete.
Does the site have wildlife value?	At present, some but will be greatly enhanced when the work has been completed. The Parish Council is mindful that this is a largely undisturbed piece of land.
Is the site local in character? (i.e. serves local community and not extensive)	It will provide a good entrance into the village prior to the Village Pond.
Does site contribute to Local Plan strategic requirements for provision of homes, employment or services?	No
Other	

**Murton Parish Neighbourhood  
Plan LOCAL GREEN SPACES  
Number 7 Moor Lane verge**



***Moor Lane verge: Red Campion amongst Creeping Buttercup with Cow Parsley in the background***

Public Access Is it in close proximity to the community it would serve?	It is within the Conservation area of the Parish..
Is it beautiful?	The Parish Council is managing the verge as a wild flower sanctuary.
Does it have local and historic significance?	A 1796 map shows Moor Lane as a rough unmade track bounded on one side by the wall to Murton Hall, built about 12 years earlier and provided access for the village

	<p>farms and racehorse stables to the pond which was the main (only?) source of water for the village livestock. It also provided access to a large area of fields on Murton Moor and to the Long Causeway, which served as racehorse gallops (Both a Derby and a S leger winner were owned and trained in Murton). By the time the 1890 map was published, the verge is clearly seen. The land slopes away from the village centre and it appears that sometime between the two maps, the road was cut through the slope leaving the raised verge, as it is today, as the remaining original land .</p>
Does it have recreation value?	It affords observation of wild flowers through the year
Is it tranquil? Is it a peaceful place away from noise and bustle?	As the name suggests, it is alongside Moor Lane which affords access to the village.
Does the site have wildlife value?	Yes. It is devoted to wild flowers through a programme designed by the Parish Council with professional advice.
Is the site local in character? (i.e. serves local community and not extensive)	It provides a good entrance into the village after the Village Pond.
Does site contribute to Local Plan strategic requirements for provision of homes, employment or services?	No
Other	

