



PLANNING

RESPONSE TO THE CITY OF YORK LOCAL PLAN EXAMINATION

LINDEN HOMES

MATTER 2

RESPONSE TO THE CITY OF YORK LOCAL PLAN EXAMINATION

On behalf of: Linden Homes

In respect of: Matter 2

Date: November 2019

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1.0 Introduction

- 1.1 This Hearing Statement ('the Statement') is submitted on behalf of Linden Homes to assist the Inspectors in their examination of the City of York Local Plan ('the Local Plan').
- 1.2 Linden Homes have previously made representations to the City of York Council ('the Council') in respect of previous consultation exercises on the Local Plan with regard to their interest on land north of Haxby (Site Ref: ST9) and land rear of Rufforth Primary School, Rufforth (Site Ref: H38), amongst other sites.
- 1.3 This Statement provides specific responses to the Inspector's issues and questions in relation to Matter 2 set out in the Schedule of Matters, Issues and Questions document ('MIQ's') (EX_INS_11s) (published 28th October 2019).

2.0 Question 2.1

- 2.1 DPP do not wish to respond to this question.

3.0 Question 2.2

Part a)

- 3.1 The SHMA Update (2017) (SD050) was based on the 2014-based Sub-National Household Projections (published 2016) and 2015 mid-year estimates, while the 2019 Housing Needs Update (January 2019) (EX/CYC/9) is based on the 2016-based projections and 2017 mid-year estimates. I do not believe the use of 2016 projections provide for a robust evidence base when establishing the OAHN.
- 3.2 The 2016-based household projections see a reduction in the level of household growth across the Country and reflects life expectancy not increasing at the same rate as previously identified; a reduction in the rate of international in-migration; and a reduction in household formation rates.
- 3.3 The Ministry of Housing, Communities and Local Government ('CLG') published a Technical Consultation on updates to the national planning policy and guidance in October 2018. This document sought views on changes to planning practice guidance on the standard method for assessing local housing needs to ensure consistency with the Government's objective of building more homes. The paper confirmed that as a result of the 2016 Projections, the national minimum annual housing need had fallen to approximately 213,000; down from 269,000 homes (rounded up to 300,000 dwelling per annum) based on the 2014 projections.
- 3.4 In light of this the Government considered whether it needs to change its aspirations for housing supply in light of the new household projections. The consultation paper indicated at paragraph 11 that it would not be correct to change its aspirations and that although the 2016 Projections show a general decrease in household growth this would be at odds with the wider Government

aspirations to increase national housing delivery to 300,000 dwellings per annum by the mid-2020s. The national target would therefore not be achieved if the local planning authorities adopt the 2016 Projections to either calculate their OAHN or in utilising the standard method.

3.5 Whilst in relation to the standard method the Planning Practice Guidance (PPG) indicates that: -

“any method which relies on using the 2016-based household projections will not be considered to be following the standard method as set out in paragraph 60 of the National Planning Policy Framework.”

3.6 The impact of the 2016 Projections, if applied to a calculation based on an OAHN, is no different to their application under the standard methodology. It is therefore clear from the Government’s Technical Consultation and the PPG that the 2016 Projections should not be used.

3.7 I therefore do not consider that the evidence base used to prepare the OAHN in the Housing Needs Update (January 2019) is robust. The 2014 projections should be used instead.

Part b)

3.8 The York SHMA (June 2016) (SD051) acknowledges that York is very self-contained but is strongly linked to Selby. However, paragraph 2.106 of the same document states that the assessment of the housing need figure will not consider need across the wider HMA. As such, I assume that the figure of 13,152 dwellings does not take into account meeting housing need of adjoining districts and the wider HMA.

Part c)

3.9 DPP await the Council’s comments before responding.

4.0 Question 2.3

Part a)

See our response to part a of Question 2.1

Part b)

4.1 The Council’s SHMA (2017) (SD050) indicates that the Local Plan should include a 10% market signal adjustment to the OAHN figure of 867 dwellings per annum. This would increase the figure to 953dpa. Within this document it states that the market signals adjustment is based on an assessment of both market signals and affordable housing need. As such, without this adjustment neither of these elements have been taken into consideration within the housing requirement. Indeed, paragraph 5.10 of the SHMA (2017) (SD050) indicates that without the 10% uplift for market signals/affordable housing need, the City’s younger population would fail to form properly as a result of greater numbers residing with parents or friends or in shared accommodations such as HMOs.

- 4.2 The report to the Executive dated 13th July 201 (SD027B) recommends that the 10% uplift should be applied but members resolved not to accept this as members believed that the conclusions of GL Hearn were speculative and arbitrary and relied too heavily on recent short-term trends.
- 4.3 The City of York Housing Needs Update (Jan 2019) (EX/CYC/9) states that the updated market signals show that housing affordability has significantly worsened over the last five years. As a result, the 2019 Update proposes a 15% uplift to address the increasing unaffordability. Despite this, the 2019 Update suggests that this uplift be applied to the demographic baseline of 484dpa which results in an uplifted OAHN figure of 557dpa. This figure is some way short of the economic growth led projections of 790dpa and therefore the 2019 Update concludes that the latter is the most appropriate OAHN for York. This approach however completely neglects market signals and any necessary increase in the OAHN to address the widening affordability gap within York.
- 4.4 It is therefore considered that the Local Plan is not compliant with the NPPF or the PPG as it has not properly taken into account market signals and housing affordability. .

Part c) and d)

- 4.5 DPP do not wish to respond to these criteria.

Part e)

- 4.6 In light of our responses above, as well as our response to question 2.2, we do not believe that the OAHN figure is based on a robust and sound methodology.

Part f)

- 4.7 The OAHN does not take into account all of the housing need. The 2019 Update has not reassessed the need for affordable housing as part of the 2019 SHMA (EX/CYC/9) and instead relies on the evidence of the 2016 SHMA (2016) (SD051).
- 4.8 The SHMA (2017) identifies a net affordable housing need of 573dpa which is significant. One of the ways to address this evident issue would be to over allocate land for house building. However, it is my view that a housing requirement based on an OAHN of 790dpa, which is an employment driven figure¹, will not provide a sufficient supply of land to materially reduce this level of need; especially when the Local Plan is heavily reliant on delivery from windfall sites (21% of supply or 169dpa) many of which will be small in scale and will not be required to provide affordable accommodation. It is therefore considered that the housing requirement should be further uplifted to address the evident need for affordable homes.
- 4.9 Turning to whether the revised OAHN figure takes account of the existing housing shortfall. The 2017 SHMA (2017) (SD050 p.11) refers to guidance within the PPG and states that “*if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan*”. The 2017 SHMA also urges that the

¹ Paragraph 5.7 – SHMA 2019 (EXE/CYC/9)

assessment of housing need will need to reflect the consequences of past under-delivery of housing.

- 4.10 Despite this guidance, the 2017 SHMA considered that the past under-delivery is not a discrete part of housing need analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. As such, the document suggests that under delivery is addressed through consideration of migration and household formation rates rather than just a blanket increase based on the level of previous shortfall (see paragraph 3.15 of the 2017 SHMA).
- 4.11 Further, while I accept that the undersupply of homes is linked to several factors, I do not agree with this methodology as it does not provide a transparent method to demonstrate clearly that the undersupply of homes (519 dwellings in the past five years in York's case) has been taken into account.
- 4.12 It is common for under supply to be added directly back into the housing requirement and not discounted. However, even if I accept GL Hearn's conclusions in this regard this factor points strongly to a more significant uplift.
- 4.13 Given the chronic undersupply of homes within York, which until recently, had seen 10 years of consistently undersupply, I feel that this matter needs to be transparent and properly addressed.

5.0 Question 2.4

- 5.1 DPP do not wish to comment on this question.

6.0 Question 2.5

Part a)

- 6.1 Notwithstanding our comments on the OAHN, the annual housing requirement needs to be a net figure to guard against under delivery. This is now critical given the focus the 2019 NPPF places on delivery. Policy SS1 should be revised to clarify this matter.
- 6.2 In addition, we have significant concerns that the Council will be able to deliver 867 net dwellings per annum in the early years of the plan.
- 6.3 The Detailed Housing Trajectory found at Figure 6 of the SHLAA indicates the Council's delivery assumptions. I have a number of concerns.
- 6.4 Firstly, starts on the strategic sites are likely to be staggered. Secondly, some of the start times are unrealistic, for example, ST14, a site with capacity for 1,348 dwellings, is projected to start delivering 35 dwellings per annum in 2020/21. Given that the Local Plan will not be adopted until at least mid-2020 and probably more likely 2021 this would allow only a limited period of time to gain planning permission, discharge all pre-commencement conditions, complete all necessary site

infrastructure and enabling works and begin delivering dwellings. The 'Start to Finish'² document prepared by Lichfield's indicates that larger sites of between 1,000 and 1,499 dwellings take, on average 4.8 years, to gain the necessary planning approvals including outline permission and subsequent reserved matters approvals. Following this, the document then indicates that there are a further 2.9 years until the completion of the first dwelling on site to take account of the delivery of necessary infrastructure and any mitigation measures. I am sure that some work has already been done to deliver, for example, ST14 and to bring down these timescales. However, it nevertheless appears to me that some of the timescales for delivery set out in the Detailed Housing Trajectory are unrealistic.

- 6.5 Thirdly, some of the delivery rates are ambitious. It is conceivable that 3/4 developers may build on some sites, such as ST1a. However, ST15, is expected to deliver 3,339 dwellings at a rate of up to 280 dwellings per annum between 2028 and 2036. To deliver such a large quantum of housing per annum would require 8 large housebuilders working on the site at one time, which would simply not be feasible when considering constraining factors and this is unheard of in the region.
- 6.6 Fourthly, housing delivery is not linear, as assumed by the Council. If you add another house builder, it does not simply double the build rate. When there is only 2 house builders the effect is minimal but on ST15, where so many house builders are expected to be operating in the same area, market saturation would be reached thereby reducing the delivery.
- 6.7 It is therefore my view that the housing trajectory should be revised to account for realistic delivery timeframes and delivery rates. As a result of these changes, a number of other sites that have been identified in previous versions of the Local Plan, should be allocated for development in order to provide sufficient supply of land throughout the plan period.

Part b)

- 6.8 The Local Plan document states that the plan covers the period from 2017/18 to 2032/33.
- 6.9 The 2032/33 plan period will not ensure a 15-year time horizon post-adoption as is preferred by the Paragraph 157 of the 2012 NPPF. It is recommended that the Council considers extending the end date of the Local Plan and a logical date would be 2033/34.

Part c)

No comment.

Part d)

- 6.10 The Council have confirmed in EXE/CYC/8 that the figure of 867dpa is the housing requirement of the Local Plan and the alternative figure of 790dpa provided in the Housing Need Update – January

² 'Start to Finish' Lichfield's, [Online]. Source: <https://lichfields.uk/media/1728/start-to-finish.pdf>

2019³, (which for the reason given in respect of question 2.1 we disagree with) is not the housing requirement to be used. I agree.

- 6.11 It is common practice for a Local Plan housing requirement to be higher than the identified need for a number of reasons such as to boost the supply of housing land, guard against changes in housing market conditions or to provide flexibility. It is my view that this is acceptable as it will assist in ensuring that the Green Belt, once defined, will remain permanent.

Part e)

- 6.12 See above.

7.0 Question 2.6

- 7.1 The SHMA identified a net affordable housing need of 573 dwellings, which had not been reviewed by the SHMA(2019) or the SHMA (2017). As such, the level of need remains at least 573 dwellings and it is clear that the proposed housing requirement is unable to meet this identified need.

8.0 Question 2.7

- 8.1 I do not consider that the housing requirement is sound or that it is based on robust evidence. It should be increased.

9.0 Question 2.8

- 9.1 Rather than set out an area-based distribution strategy the Local Plan has sought through the five spatial principles set out in Policy SS1 to identify areas where development would be the most sustainable and have the least harm to Green Belt considerations and the spatial character of the City of York.
- 9.2 In broad terms, I think given the size and constraints of York, in particular its historical context, this is a sound and robust strategy when applied properly and consistently as it has been in the context of ST9 and H38.

10.0 Question 2.9

Part a)

- 10.1 As per our answer to Question 2.8 the overall distribution of new housing within the Local Plan is not based on specific geographic locations or percentage splits but instead directed through the 5 spatial principles which have been used to identify, when applied appropriately, the most

³ EXE/CYC/9

appropriate and sustainable locations and those areas that result in the least harm to the key characteristics of the Green Belt.

- 10.2 I find this approach a clear and robust method for establishing development areas and I consider that the Key Diagram is useful in this regards and illustrates the board location of Strategic Sites and the general extent of York's Green Belt.

Part b) and c)

- 10.3 DPP await the Council's response to these criteria.

Part d) e) and f)

- 10.4 The spatial strategy for York is about identifying the factors which shape or affect the District rather than setting out a distribution strategy.

- 10.5 Policy SS1 states that the location of development will be guided by five spatial principles which, as well as promoting sustainable patterns of development, are linked to the five purposes of the Green Belt⁴. I consider that most housing sites, but not all, conform to this strategy and policy SS1 and the evidence has been used to guide the distribution of housing. In particular, I consider that ST8 and ST9 conform to this strategy.

- 10.6 With particular reference to ST7 and ST14, it is my view that the proposed allocation of these sites, which ignore some of the spatial principles of SS1, is down to other conflicting strategic considerations. According to TP1, the Council's spatial strategy is that of a main urban centre surrounded by a clock-face of villages. I accept this approach. However, rather, than expanding some of the existing villages, which in my view would be sensible and promote sustainable patterns of development, the Local Plan elects to allocate a number of isolated new villages, particularly ST14 and ST7, which are unsustainable in terms of size and their location, in that they are no serviced by any service and give their size they may never be.

- 10.7 The various sustainability appraisals and updates appear to provide little assistance to the Council, in considering the most sustainable sites and patterns of housing growth insofar as the majority of the strategic sites have received similar scores as part of this exercise. It is my view that some of the strategic sites have received inflated scores; in particular those sites that conflict with some of the spatial principles under Policy SS1.

- 10.8 Whilst the Council can allocate new settlements as part of the Local Plan this should not be, in my view, to the detriment of other sustainability principles and more sustainable options such as the expansion of existing urban areas and existing settlements. Figure 7 within the TP1 (p.21) provides a composite plan of where development could be directed, taking account of the spatial strategy, and shows that there is potential to accommodate the development needs in accordance with the spatial strategy without resulting in unsustainable patterns of development.

⁴ Paragraph 80 of the 2012 NPPF.

- 10.9 Directing growth to the edge of the existing urban area and the existing network of settlements would still retain the clock face of villages and would also provide access to existing services and facilities which would benefit these existing facilities and the future residents. In my view this would deliver a more balanced distribution of development which would accord with the focusing development to the main urban centre surrounded by a clock-face of villages.

11.0 Question 2.10

- 11.1 In light of our response to Question 2.9 we feel that the methodology for identifying development sites and defining the Green Belts is sound in most cases, however, the Council's approach in utilising this methodology is questionable.

Appendix 1

The Inspector's Schedule of Matters, Issues and Questions Document

City of York Council

**Examination of the
City of York Local Plan
2017 – 2033**

**Schedule of
Matters, Issues and Questions for the Examination**
(Revised November 2019)

Phase 1 Hearings

**Legal Requirements
The Housing Strategy:
Need, Requirement & Spatial Distribution
and
The Approach to the Green Belt**

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Where respondents answering the following questions identify a deficiency in the Local Plan they should make clear how it should be changed.

In accordance with the Transitional Arrangements set out in Annex 1 of the revised National Planning Policy Framework (February 2019), where a plan is being examined that was submitted on or before 24 January 2019, the policies in the previous 2012 version of the Framework will continue to apply, as will any previous guidance which has been superseded. Accordingly, the Local Plan is being examined against the National Planning Policy Framework 2012. As such, all further references in this document to the 'National Planning Policy Framework' and 'the Framework' are to the 2012 version.

Matter 1 – Legal requirements

Duty to cooperate

- 1.1 What are the strategic, cross-boundary issues of relevance to the Local Plan ('the Plan')? How does the strategy address them?
- 1.2 What actions have been taken in relation to the 'duty to cooperate'?
- 1.3 What have been the outcomes of the actions taken in relation to the 'duty to cooperate'?
- 1.4 How does the Plan address those outcomes?
- 1.5 Overall, has the Plan been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

In answering the above questions, we ask that the Council includes specific reference to identifying Housing and Functional Economic Market Areas, meeting housing needs, the Green Belt approach and the delivery of necessary infrastructure (e.g. school places).

Other legal requirements

- 1.6 Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the relevant Regulations?
- 1.7 Has the Plan's formulation been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the Sustainability Appraisal (SA) [**CD008, CD009, CD010 & CD011**] adequate?
- 1.8 Does the Plan include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change?
- 1.9 Does the Plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

In answering the following questions, we ask respondents to have regard to the submitted Habitat Regulations Assessment (HRA) [CD012] and the updated HRA [EX/CYC/14c], dated February 2019. Discussions at the hearings will be based on these documents.

- 1.10 Has the Habitats Regulations Assessment (HRA) [CD012] and its Update [EX/CYC/14c] been undertaken in accordance with the Regulations? Has Natural England confirmed that the information set out in the HRA and the Updated HRA is sufficient and that the conclusions drawn are supported? Specifically;
- a) Have mitigation measures been taken into account at the Screening stage (Stage 1)? If so, why?
 - b) Have all mitigation measures been considered as part of Appropriate Assessment (Stage 2)?
 - c) Have any 'in combination' effects been taken into consideration?
 - d) Have any other possible mitigation measures been considered?
- 1.11 With regard to the impact on Sites ST35 and H59, as a result of the *Updated HRA* [EX/CYC/14c]:
- a) What mitigation measures for those sites were initially considered to be acceptable?
 - b) Why are these mitigation measures relating to those sites no longer considered acceptable?
 - c) Have alternative mitigation measures been considered? If so, are there any that would satisfactorily address the problems identified?

Matter 2 – The housing strategy: the objectively assessed need for housing, the housing requirement and the spatial distribution of housing

The Housing Market Area (HMA)

- 2.1 We understand that the Council considers York to be within an HMA which includes the City of York and the area of Selby District Council, but that the two Councils are identifying housing need within their administrative areas separately.
- a) Is that correct? If so:
 - b) Is the identification of the HMA formed on a robust evidential basis?
 - c) What is the justification for assessing housing needs separately?

The objectively assessed housing need

- 2.2 Policy SS1 and Paragraph 3.3 of the Plan say that the objectively assessed housing need ('the OAHN') is 867 dwellings per annum (dpa) in the Plan Area for the plan period to (2017 to 2033) (16 years). However, since the submission of the Plan for examination, the Council has put forward further evidence to indicate that the OAHN is now considered to be 790 dpa in the Plan Area for 2017 to 2033.
- a) We understand that this calculation initially was derived from the conclusions of Technical Work carried out by GL Hearn in the *Strategic Housing Market Assessment Update (2017)* [SD050] which updated the demographic baseline for York based on the July 2016 household projections. However, the revised OAHN is now based on further work undertaken by GL Hearn presented within the *City of York – Housing Needs Update (January 2019)* [EX/CYC/9]. Is this correct? Is this a robust evidential basis?
 - b) Does the 13,152 total housing figure identified at the year '2032/33' in the *SHLAA Figure 6: Detailed Housing Trajectory Updated (790dpa OAHN)* [EX/CYC/16] include meeting housing need arising in parts of adjoining districts (e.g. Hambleton, Harrogate, East Riding, Ryedale and Selby) which fall within the York Housing Market Area, as set out in the *City of York Strategic Housing Market Assessment 2016* [SD051]?
 - c) Do the adjoining local planning authorities accept the initial OAHN of 867 dwellings per annum, as Policy SS1 indicates in the submission Local Plan? Do the adjoining local planning authorities accept the revised OAHN of 790 dpa, and if so, are they basing their housing need in the context of that OAHN figure?
- 2.3 What methodological approach has been used to establish the OAHN, and does it follow the advice set out in the Planning Practice Guidance (under the heading '*Methodology: assessing housing need*' – as updated on 20 March 2015)? In particular:
- a) The OAHN identified is founded on the 2016-based population projections as its starting point. What is the justification for using these projections? What is the justification for the household formation rates used to 'convert' the population projections into household projections? Overall, is the general approach taken here justified and consistent with the Planning Practice Guidance?
 - b) Have market signals been taken into account?
 - c) Have employment trends been taken into account? If so, how, and what conclusions are drawn in this regard?
 - d) Does the OAHN provide enough new homes to cater for those taking up the new jobs expected over the plan period?
 - e) Overall, has the OAHN figure been arrived at on the basis of a robust methodology?

f) Does the revised OAHN figure (790 dpa) take account of all housing needs, including the need for affordable housing and any need that may be the consequence of any shortfall in housing delivery before the plan period?

2.4 Policy SS1 aims to ensure that around 650 new jobs are provided annually. Does either the OAHN identified or the housing requirement set out in Policy SS1 cater for the homes needed to meet this level of economic growth? What is the relationship between the number of new jobs anticipated and the OAHN and/or the housing requirement?

The housing strategy: the housing requirement

2.5 Policy SS1 aims to ensure that *“a minimum annual provision of 867 new dwellings [are delivered] over the plan period to 2032/33 and post plan period to 2037/38”*.

a) Is this 867 figure an annual average, or is it a commitment to providing at least that number during every year of the plan period and post plan period? Is it intended to be a net figure?

b) For the avoidance of any doubt, what period of time is the plan period?

c) Is the “plan period” the period of time for which the Plan and its policies will be in force as part of the development plan? Related to this, is it legitimate, or possible, for a development plan to include policies which purport to dictate or direct development beyond the “plan period”, as Policy SS1 appears to?

d) At 867 dpa, the housing requirement is higher than the OAHN of 790 dpa. Why?

e) Does setting a housing requirement that is higher than the OAHN undermine the Council’s arguments in relation to the justification for releasing land from the Green Belt for housing purposes – that is to say, does it reduce the degree to which “exceptional circumstances” exist, in principle, for amending the Green Belt boundaries for housing delivery purposes?

2.6 Will the housing requirement ensure that the need for affordable housing will be met?

2.7 Overall, is the housing requirement set out in the plan underpinned by robust evidence and is the Plan sound in this regard?

The housing strategy: spatial distribution

2.8 The Plan’s development strategy is set out in Policy SS1. This provides five spatial principles to guide the location of development through the plan. In broad terms, is this the most appropriate spatial strategy?

2.9 Policy SS1 says that the location of development will be guided by the five spatial principles. However, the Plan strategy does not quantify the spatial distribution of new housing across the Plan area.

- a) What is the overall distribution of new housing proposed through the Plan? Should it be clearer in this regard? Does the Key Diagram provide sufficient illustration of the broad distribution of new housing across the Plan Area?
- b) What level of new housing is directed towards the city centre and other parts of the Plan Area?
- c) How has this distribution been arrived at and what is the justification for it?
- d) Is the distribution consistent with the overall approach set out in Policy SS1?
- e) Is the distribution of housing supported by the SA and will it lead to the most sustainable pattern of housing growth?
- f) Has the Green Belt and/or any other constraints influenced the distribution of housing and, if so, how?

2.10 Overall, is the spatial distribution of housing justified and is the Plan sound in this regard?

Matter 3 – Green Belt: principles, the approach to defining the Green Belt boundaries, exceptional circumstances and the approach to identifying land to be ‘released’ from the Green Belt for development

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 2 hearings will address the issue of exceptional circumstances and other issues in relation to specific sites. In responding to the following questions, consideration should be in the context of the Council’s Topic Paper 1 relating to the Green Belt [TP001], the Council’s Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan resulting from that document, set out in Annex 6 [EX/CYC/18a].

Principles

- 3.1 Paragraph 10.1 of the Plan states that “*the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city*”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?
- a) If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at Paragraph 82 of the Framework?
 - b) If not, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as at the ‘garden villages’, for example – is a matter of

establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

We recognise that the Council has responded to us on this point previously. As such, a concise summary is all we require from the Council in relation to the above questions.

The approach to defining the Green Belt boundaries

The questions under this heading relate to the proposed broad 'inner' and 'outer' Green Belt boundaries. They do not relate to Green Belt boundaries around land proposed to be 'removed' from the Green Belt.

- 3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [TP001] says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:
- a) Is the approach taken in general conformity with those parts of the Regional Spatial Strategy for Yorkshire and Humber ('the RSS') that have not been revoked, namely Section C of Policy YH9, Sections C1 and C2 of Policy Y1, and the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York?
 - b) How has the need to promote sustainable patterns of development been taken into account?
 - c) With regard to Paragraph 84 of the Framework, how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?
 - d) How do the defined Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and/or include any land which it is unnecessary to keep permanently open?
- 3.3 Will the proposed Green Belt boundaries need to be altered at the end of the Plan period? To this end, are the boundaries clearly defined, using physical features that are readily recognisable and likely to be permanent? What approach has the Council taken in this regard?
- 3.4 Should the Plan identify areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period?
- 3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?

Exceptional circumstances

- 3.6 Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. It appears that the Plan proposes to ‘release’ some land from the Green Belt by altering its boundaries. In broad terms:
- a) Do the necessary exceptional circumstances exist to warrant the proposed alterations to Green Belt boundaries, in terms of removing land from the Green Belt? If so, what are they?
 - b) What relationship, if any, is there between the exceptional circumstances leading to the alterations proposed to the Green Belt and the proposed spatial strategy/distribution of new housing?
 - c) What is the capacity of existing urban areas to meet the need for housing and employment uses?
 - d) Is there any non-Green Belt rural land which could meet all or part of the District’s housing and employment needs in a sustainable manner (having regard to any other significant constraints)?
 - e) What is the justification for excluding the identified Strategic Sites (e.g. ST7, ST8, ST14 and ST15) from the Green Belt?

In answering the above questions, we ask the Council to explain:

- (i) The acuteness of the objectively assessed need for housing and the need for employment land*
- (ii) The inherent constraints on supply/availability of land for sustainable development (housing and employment development)*
- (iii) The consequent difficulties in achieving sustainable housing and employment development without impinging on the Green Belt*
- (iv) The nature and extent of the harm to the Green Belt (or those parts of it that would be lost)*
- (v) The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.*

Points (iv) and (v) should be dealt with in general terms – we ask this question on a site-specific basis under future matters.

The approach to identifying land to be ‘released’ from the Green Belt for development

- 3.7 How has the land proposed to be removed from the Green Belt been selected? Has the process of selecting the land in question been based on a robust assessment methodology that:

- a) reflects the fundamental aim of Green Belts, being to prevent urban sprawl by keeping land permanently open;
- b) reflects the essential characteristics of Green Belts, being their openness and permanence;
- c) takes account of both the spatial and visual aspects of the openness of the Green Belt, in the light of the judgements in *Turner*¹ and *Samuel Smith Old Brewery*²;
- d) reflects the five purposes that the Green Belt serves, as set out in Paragraph 80 of the Framework, particularly that of preserving the setting and special character of the historic city (*in answering this question, we ask that the Council refers specifically to the 'wedges' of Green Belt that would be created, for example those between the main urban area and Sites ST7 and ST8*);
- e) is in general conformity with RSS Policy Y1, which aims to protect the nationally significant historical and environmental character of York, including its historic setting, the need to safeguard the special character and setting of the historic city and to protect views of the Minster and important open areas; and
- f) takes account of the need to promote sustainable patterns of development?

We ask that the Council's response to the above questions addresses all the points mentioned in Paragraph 84 of the National Planning Policy Framework.

- 3.8 Have the Green Belt boundaries - as proposed to be altered - been considered having regard to their intended permanence in the long term? Are they capable of enduring beyond the plan period?
- 3.9 In this regard, what is the justification for the proposed alterations to the Green Belt boundary, as set out in *Annex 6 of the Topic Paper 1: Addendum [EX/CYC/18]*?
- 3.10 Overall, is the approach to identifying land to be 'released' from the Green Belt robust, and is the Plan sound in this regard?

The above questions are aimed at the strategic level. Later questions for the Phase 2 hearings will address the issue of long term permanence in relation to specific sites.

¹ *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466

² *Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489