

CITY OF YORK LOCAL PLAN EXAMINATION

MATTER 3: GREEN BELT

STATEMENT BY FULFORD AND HESLINGTON PARISH COUNCILS

NOVEMBER 2019

Principles

Q3.1: Exceptional Circumstances

- 1 Exceptional circumstances are not necessary for the York Green Belt as its principle has already been established by the saved RSS policies YH9(C) and Y1 (C1 and C2) . .
- 2 Fulford Parish Council (FPC) agrees with CYC that exceptional circumstances are required to justify alterations to the Green Belt's general extent, and in particular for the strategic sites within it. The general extent includes all the land between the urban edge and the outer boundary. Our view is consistent with the view taken by the Secretary of State on call-ins and appeals over the past decade.

Q3.2: Sustainable Patterns Development

- 3 FPC considers that the Submitted Local Plan (SLP) Green Belt is not in general conformity with RSS Policy YH9C as it would not establish "*long term development limits that safeguard the special character and setting of the historic city.*"
- 4 FPC considers that the SLP is not in accordance with NPPF1 (84) because:
 - A substantial proportion of development requirements are directed to new settlements within the general extent of the Green Belt. This is a form of unsustainable development not envisaged in paragraph 84 because of its potential harm to Green Belt purposes.
 - CYC has given no proper consideration to whether a proportion of the City's development needs should be met beyond the Green Belt (see our Matters 1 and 2 statements).
 - The SLP directs development to locations which EX/CYC/18 concedes are strategically important "*to be kept permanently open*" (Figure 7). Developing land of this character cannot be said to be sustainable development within the meaning NPPF1(7-9).
 - At the same time, the SLP proposes to include within the Green Belt large areas which EX/CYC/18 Figure 7 identifies as unnecessary to be kept permanently open. We are not

arguing that these areas should be developed but Figure 7 suggests that a completely different pattern of development locations may have been more appropriate to minimise harm to Green Belt purposes. This alternative pattern has never been assessed as a reasonable alternative by the SA.

Qs3.3 and 3.4: Permanent Boundaries

- 5 If the primary purpose of the York Green Belt (to preserve the setting and special character of the historic town) is to be maintained, it must inevitably mean that there are long-term physical limits to the growth of the City and that the urban area cannot be expanded indefinitely to meet identified needs. That is why the approach to defining Green Belt boundaries (and safeguarded land) needs to be slightly different in York and other historic towns than for large urban areas (such as Manchester and Leeds) where the primary emphasis is on preventing unrestricted sprawl. In the circumstances of York, Green Belt boundaries may have to endure even when these may restrict the ability to meet development needs in the longer-term. The alternative is that the primary purpose of the Green Belt is frustrated which would be contrary to national policy.

Q3.5: Appropriateness of Green Belt Boundaries

- 6 The SLP Green Belt is the residual of the open land not required to accommodate development needs in the plan period 2012-2033 and beyond to 2038. FPC considers this is not the correct approach for identifying Green Belt boundaries for a historic city like York of international and national importance where its open land setting is a very important part of its special character. Instead, Green Belt boundaries should be based upon an assessment of what land is important for the five purposes of the Green Belt as set in NPPF1(80) and in particular whether land needs to be kept permanently open to preserve the setting and special character of the City. Only land which is not important for the 5 purposes should be excluded from the Green Belt and considered further for potential development.
- 7 In the case of the York Green Belt the main test to establish whether land does or does not fulfil the primary Green Belt purpose should be a visual one. York's special character is not just related to the walled city or its conservation areas or even the green wedges extending into the City. It relates as much to the general size, scale and character of York, as a compact historic city set in the open countryside. Views from the Outer Ring Road (ORR) are of special significance, particularly when they include sights of York Minster across open countryside.

- 8 The green buffer of open land inside the ORR and encircling the city is of particular importance to York's special character. Serious harm would be caused if development is allowed to intrude significantly into this green buffer, and especially if it should come close to the ORR or even leap-frog it. This has already happened in the Clifton area where the harm to the special character is self-evident.
- 9 The SLP Green Belt boundaries would cause serious harm to the setting and special character of the City as:
- Development would be brought much closer to the ORR, intruding significantly into the sensitive buffer of open land between the urban area and the road. At some points, the buffer would be reduced to a very narrow gap, sometimes little more than a landscaped strip. Such development would significantly damage the current perception of York as a compact historic town set within a rural hinterland. Instead it would appear as a sprawling large urban area expanding out and beyond the ORR.
 - The two large new settlements proposed beyond the ORR would have major urbanising effects on the wider countryside setting of York. These urbanising effects would not just be confined to the sites themselves but would extend over much larger areas because of the need for major new transport and other infrastructure to service them. This infrastructure would include major new junctions onto the ORR with very substantial land-takes in vulnerable parts of the Green Belt. The combined result would be a substantial deterioration in the landscape and other rural qualities of the open countryside encircling York which the Green Belt is meant to preserve.
- 10 The faults in CYC's appraisal of Green Belt are exemplified by SLP Figure 3.1. This figure seeks to identify the areas of open land which contribute to the "*historic character and setting of York*", but is not based on any landscape analysis or appraisal.
- 11 Figure 3.1 does not show most of the open land beyond the ORR as contributing to the City's special character or setting. This is incomprehensible as the Green Belt around York has always been described by the Secretary of State as "*a belt*" of open countryside encircling the City "*whose outer edge is about 6 miles from York City Centre.*" The functions of a belt are not fulfilled by the narrow corridors of open land which Figure 3.1 identifies as "*extensions to green wedges.*" In reality these narrow corridors have a character not dissimilar to the rest of the belt of open countryside around York. A more appropriate way of considering the relationship between the green wedges and the surrounding open countryside is that the wedges provide a continuation of the encircling belt of open countryside into the urban area. If this so, all the open countryside around York beyond the ORR is of similar value to setting and special

character. A further major deficiency of Fig 3.1 is that it does not identify the value of the entirety of the green buffer of rural land which encircles the City within the ORR other than in the vicinity of Clifton. As previously said, this green buffer plays a major role in establishing the setting and special character of York. Significant areas of open land have been excluded from designation seemingly only because the Council wishes to promote development on them. Most of these undesignated areas have similar characteristics and fulfil the same open land functions as areas which are designated.

- 12 As the SLP Green Belt boundaries would frustrate the purposes of the Green Belt, they are consistent with national policy.

Exceptional Circumstances

Q3.6 Exceptional Circumstances

- 13 FPC agrees that CYC must demonstrate exceptional circumstances to justify altering the general extent of the Green Belt.
- 14 FPC agrees that the Calverton Parish Council judgement (cited in EX/CYC/18) provide the main criteria. The only other matter which should be taken into account is the extent of harm to other planning interests which would be caused, including to wider environmental interests. Applying these criteria, FPC considers that the Council has failed to demonstrate exceptional circumstances for the SLP proposals.

Justification for the Acuteness of the Need

- 15 EX/CYC/18 says the 2019 GLH Report [EX/CYC/9] provides the evidence for the acuteness of the housing need for the period up to 2038. However our Matter 2 statement shows that the conclusions of this report are deeply flawed and the identified requirement is substantially in excess of any that may be generated by official and up-to-date demographic projections, even when adjusted for market signals. The same applies to the employment land requirement which is over-ambitious and not properly justified.

Justification for the Quantum of Green Belt Releases

- 16 EX/CYC/18 (7.75) says there is a requirement for 17,102 dwellings over the 21 year period 2017 to 2038, inclusive of the inherited shortfall. We have already commented on the unreliability of this figure. To meet the identified requirement, EX/CYC/18(7.75) says there is

land outside the Green Belt for 13,122 dwellings; or 12,114 dwellings if a 10% non-implementation rate (NIR) is applied to the supply. This leaves a shortfall of between 3980 and 4988 dwellings to be met on sites within the Green Belt.

- 17 To meet the outstanding requirement, EX/CYC/18(8.8) says that land for 7769 dwellings is being excluded from the Green Belt. The excess against the requirement amounts to 3789 dwellings (95%); or 2781 dwellings (56%) if a NIR is applied to the existing supply. When a NIR is also applied to the Green Belt allocations (equivalent to 777 dwellings), the trajectory [EX/CYC/16] shows the excess reducing to 2004 dwellings (40%).
- 18 EX/CYC/18 (7.103) says that such a significant over-supply is necessary to provide flexibility, especially in the current "*period of national planning policy flux.*" However FPC must point out that the housing provisions of the Plan already contain substantial elements of flexibility without additional over-provision against the requirement as:
- The identified requirement (790dpa) is the highest possible figure from a range of alternatives.
 - There is no evidential or policy basis to include additional provision for an inherited shortfall from 2012 to 2017 (512 dwellings).
 - There is substantial flexibility built into the supply figure if a 10% non-implementation rate (NIR) is applied, amounting to 1785 dwellings. The NIR is unduly high as it is applied not only to unimplemented permissions but also the very large greenfield SLP allocations which the SHLAA has assessed as deliverable/developable.
 - There is no provision in the supply figure for any contribution from the Strensall Barracks site which is likely to contribute a significant number of dwellings over the plan period to 2038 (whether as a windfall or an allocation). The site is unlikely to be allowed to remain vacant and derelict over a twenty year period.
- 19 There is also no flux in national planning policy. The Government has recently issued NPPF2 which makes clear (paragraph 73) that the Local Plan on adoption will form the basis for the calculation of the five-year supply. Any calculation based on the standard methodology would be irrelevant.
- 20 FPC considers that the Council has not justified the quantum of housing releases proposed from the Green Belt. In particular, it has not reduced to the minimum the losses to Green Belt and harm to wider planning objectives. Similar points can be made about the employment provision as the Plan significantly over-provides against potential realistic requirements.

Assessment of the Harm to be caused to Green Belt Purposes

- 21 FPC considers the Council's conclusions that the proposed losses to the Green Belt would not cause harm (EX/CYC/18 7.116 and 7.117) are not credible. The scale of the development being proposed within the Green Belt (7569 dwellings plus employment allocations) is bound to damage its purposes, including the primary purpose of preserving the setting and special character of the City. This seems self-evident from EX/CYC/18 Figure 7 which shows most of the proposed Green Belt losses as being within areas which should be kept "*permanently open.*"

Alternatives to Green Belt Releases to secure sustainable development

- 22 One alternative is for York not to fully meet its development requirements within its own boundaries and for neighbouring authorities to meet part of York's needs. It is clear from EX/CYC/18 that there has been no timely request from CYC that these authorities meet some of York's identified development needs.

Minimising Harm to Green Belt Purposes

- 23 Even if the quantum of losses required is accepted, FPC considers that there has been no proper site selection exercise to choose the sites which would cause least harm to Green Belt and wider planning interests. The Council has never carried out a comprehensive exercise to assess the contribution to Green Belt purposes of all the parcels of land making up the general extent of the Green Belt. Instead, it has only assessed the potential development sites which have been submitted to it. This is not the type of comprehensive sieving exercise which should be undertaken and which other Authorities have done before making substantial alterations to Green Belt boundaries (for example, Knowsley Council).

Green Belt Releases

Q3.7: Selection of Sites for Release

- 24 EX/CYC/18 (section 4) sets out how the Council has appraised areas of land important for Green Belt purposes. This appraisal is seriously flawed as follows:

Purpose 4: To preserve the setting and special character of historic towns.

- 25 As Purpose 4 is the primary purpose of the York Green Belt, the SLP should be based upon a full appraisal of which areas of land make a significant contribution to it. For the reasons set

out under Q3.5, FPC considers that the appraisal carried out to establish the areas important for Purpose 4 is wholly deficient. However, even on its own terms, CYC accepts that its appraisal has not identified all the areas important for Purpose 4. EX/CYC/18(4.17) says:

"The Green Belt Appraisal does not identify everything which is special about York. Areas not identified on the appraisal map (Figure 3) may still be important to the historic character and setting but the map only identifies the most important." (our underlining)

The failure to identify all the areas of land important to historic character and setting of York constitutes a major failure of the information base.

Purpose 1: To check the unrestricted sprawl of large built-up area.

- 26 EX/CYC/18 (4.22-4.26) seeks to define the areas important to Purpose 1 by identifying all the land which does not currently have access to two or more named services. FPC agrees that accessibility may be an important measure of sustainability. However, by itself, it is not a good indicator of whether development would constitute "*unrestricted sprawl*".
- 27 FPC considers that Purpose 1 is better understood as seeking to prevent the development of land which is not well-related to the existing urban pattern and may create a precedent for future unplanned development. It can only be mapped by examining each parcel of land around the urban area and applying an informed judgement.
- 28 For these reasons, FPC considers that Figure 4 is not an adequate basis to assess land which is important to achieve Purpose 1.

Purpose 2: To prevent neighbouring towns merging into one another.

- 29 EX/CYC/18 Figure 5 identifies the narrowest gaps between settlements around York but the boundaries drawn are arbitrary and exclude land which fulfils a separation purpose. Figure 5 is also flawed because it does not recognise that there are other areas of open land important for the separation of settlements, for example that between Elvington and Heslington. Although not as narrow as the areas identified by Figure 5, these gaps help achieve the objective of Purpose 2.

Purpose 3: To assist in safeguarding the countryside from encroachment.

- 30 EX/CYC/18 Figure 6 seeks to identify the areas important to Purpose 3 by mapping existing designations for nature conservation, open space and green infrastructure corridors. FPC considers that this is a wholly flawed approach.
- 31 Countryside is normally defined as open areas where rural land uses predominate. It is not confined just to areas important for wildlife, recreation and green infrastructure. Indeed, such

areas are generally protected from development by designations other than Green Belt. For this reason, Figure 6 is of no value to defining the areas important for Purpose 3. The only possible conclusion is that the Council has not carried out a proper exercise in respect of this purpose.

Purpose 5: To assist in urban regeneration by encouraging the recycling of derelict and urban land.

- 32 FPC agrees that land fulfilling this purpose cannot be mapped in the same way as the other Green Belt purposes. However over-allocation of greenfield land in the way proposed by the SLP will hinder its achievement by directing development away from urban areas.

Strategic Areas to keep Permanently open.

- 33 EX/CYC/18 Figure 7 shows those areas which have been identified by the above exercise as being "*strategically important to keep permanently open.*" However the Addendum provides no explanation of the relationship between this figure and the SLP proposals. Also, it does not explain why major SLP development proposals (for example the ST14 and ST15 new settlements and ST27: University Expansion) are located on sites which are shown by Figure 7 as being necessary to be kept "*permanently open*" for Green Belt purposes.
- 34 EX/CYC/18 and the other SLP documentation provides no evidence of any robust site selection exercise which has been carried out to identify the new settlement sites. As it stands, the sites are simply holes punched into the Green Belt which could have been located almost anywhere around York. The choice of sites appears totally arbitrary and there is no information about the potential impacts of the highway and other offsite infrastructure which will be necessary to serve them.

Qs 3.8, 3.10 and 3.11 Conclusions

- 35 FPC considers the SLP proposed Green Belt has not been properly justified and would cause immense harm to the setting and special character of York and other Green Belt purposes.