



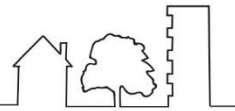
AIREDON
PLANNING & DESIGN

York Local Plan Examination

Matter 3 Statement

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November 2019



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

3.0.1 Summary of representations:

- Paragraph 137 of the NPPF sets out clear tests that an LPA needs to consider before releasing sites from the Green Belt. Insufficient evidence has been presented to indicate that density on brownfield or urban sites has been considered seriously in order to prevent the need to release sites from the Green Belt. Similarly, there is no evidence that the Duty to Cooperate has properly been fulfilled in order to minimise the need to release sites.
- Because there is no spatial strategy for the distribution of housing in the plan, there appears to have been no proper consideration of the most appropriate locations for development and how to ensure that sustainable locations are chosen. Some of the strategic sites do offer the opportunity for sustainable development but this is not true of all of them.
- No assessment appears to have been made of the impact of releasing some of the site from the Green Belt upon the remaining Green Belt area, or the opportunities to gain compensatory improvements to the remaining Green Belt land as a result of such releases.
- The Green Belt assessment carried out appears to have been produced after all the other stages of the plan, requiring modifications to some allocations in order for them to accord with the guidance. This Green Belt assessment is not comprehensive, and its late preparation underpins this. It is particularly inappropriate that the visual openness of the Green Belt has not been assessed in areas where it is critical to ensuring that York does not appear to sprawl over the defensible boundary created by the outer existing ring road.
- In summary, notwithstanding the previous past history of Green Belt issues being critical to York City Planning Policy, yet again, insufficient attention has been given to Green Belt issues, particularly at the early stages of the planning process. This has led to a plan that is fundamentally flawed which fails to address clear requirements set out in National Planning Policy.

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 [CD021], 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 8135 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?

3.1.1 No, no new Green Belt is proposed, but the detailed limits are defined.

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 135 of the Framework?

3.1.2 The broad parameters for the York Green Belt have been clearly set out in previous Regional Planning Policies. The current proposals require the removal of land from the Green Belt as it lies within the areas of open countryside that have been clearly established as part of the Green Belt for many years. The exclusion of areas of the Green Belt falls under paragraphs 136 and 137 of the NPPF instead.

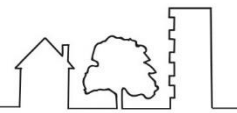
The approach to defining the Green Belt boundaries

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) [CD021] 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) How has the need to promote sustainable patterns of development been taken into account?

3.2.1 *There appears to have been little consideration given to the need to promote sustainable patterns of development: boundaries to existing villages have, in the main part, been drawn tightly against existing development ‘to prevent coalescence’ and yet large areas of Green Belt have been allocated for development which will not be sustainable as it does not provide good access to existing services and facilities. Paragraph 138 of the NPPF makes it clear that it is*



necessary, when reviewing boundaries, to consider the need to promote sustainable development in different locations in respect of the Green Belt areas, but this has not been done. It also indicates that, if land needs to be released from the Green Belt, first consideration should be given 'to land which has been previously-developed and/or which is well-served by public transport'.

b) With regard to Paragraph 138 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?

3.2.2 Some development has been provided in the form of sustainable urban extensions of existing settlements in the Green Belt. However, in the absence of a strategy as per our Matter 2 Statement, politics may have determined which settlements should be extended and which not, leaving significant amounts of housing that cannot be accommodated in this way and resulting in unsustainable development in the Green Belt. There does not appear to have been any study which considers the sustainability of different locational options in theory prior to the allocation of sites that have been put forward by landowners to the LPA.

c) 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?

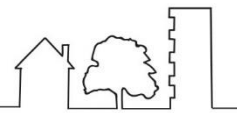
3.2.3 The defined Green Belt boundaries do not ensure consistency with the Local Plan strategy for sustainable development as they do not allow sufficient small scale and larger extensions to existing settlements, instead relying upon new isolated development in the Green Belt, some of which is unsustainable by their own assessment. As a result, the Plan is unsound.

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?*

3.3.1 The LPA has chosen to allocate more housing than required for the plan period in order to offer some longevity for the Green Belt. However, this is not a policy supported by National Policy which suggests that safeguarded land should be considered for longer term growth. In any case, if housing development levels continue at the current projected rate, only 5 years after the plan period ends the Green Belt will again need to be altered. This does not give a long-term permanence to the Green Belt which is required by Green Belt policy.

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?*

3.4.1 Yes, safeguarded land should be identified in order to ensure that there is no over provision of greenfield housing land, and that the Green Belt boundaries can be maintained for the foreseeable future (i.e. significantly beyond the plan period), therefore the Plan is not sound.



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?

3.5.1 The Green Belt boundaries are not appropriately defined. Green Belt assessments appear to have been applied to proposed allocations as an afterthought rather than a key element of the plan. No safeguarded land has been identified, meaning that the Green Belt will need to be reviewed soon after the end of the Plan period, which is not the degree of permanence suggested by National Policy. The Green Belt boundaries have not taken sufficient consideration of the need to identify sustainable sites that have good access to existing services and facilities, including public transport.

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?

3.6.1 In some circumstances there are exceptional circumstances that do justify the proposed alterations to the Green Belt where they will result in sustainable new communities. However, alterations which will result in unsustainable settlements do not fall into this category. It is also considered that the LPA has failed to consider the tests set out in Paragraph 137; whilst some brownfield urban sites are allocated, there is no evidence that these have been prioritised as they should have been or that density standards have been lifted particularly on urban sites to the extent suggested. It has already been noted that the LPA has chosen to accommodate all of the housing need identified rather than agree any share with Selby which is much less constrained by Green Belt than York as well as having a lower population and a larger authority area: Paragraph 137 makes it clear that this is an important step that needs to be taken prior to removing land from the Green Belt, and indicates that specific discussions should be had with neighbouring authorities about whether they could accommodate some of the identified need for development. There is no evidence that this was considered, and a Statement of Common Ground does not appear to be in the background papers. Therefore, it is considered that York have failed to properly assess whether there are exceptional circumstances which justify changes to the Green Belt boundaries. For these reasons, the plan is not sound.

b) What relationship, if any, is there between the exceptional circumstances leading to the Examination of the City of York Local Plan 2017-2033 alterations proposed to the Green Belt and the proposed spatial strategy/distribution of new housing?

3.6.2 There is no proposed spatial strategy / distribution of housing, the distribution appears to simply be related to sites that have come forward for housing where there is least political pressure to stop them.



c) What is the capacity of existing urban areas to meet the need for housing and employment uses?

3.6.3 There are urban and sustainable urban extension sites that would result in sustainable settlements. However, without a proper strategy providing the basis for such considerations, these have not necessarily been identified as sites suitable for development.

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)?

3.6.4 If the Duty to Cooperate had been fulfilled properly, there are potential non-Green Belt sites in Selby that may be able to accommodate some of the proposed housing required for York.

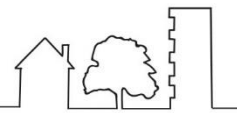
e) What is the justification for excluding the identified Strategic Sites (e.g. ST7, ST8, ST14 and ST15) from the Green Belt?

3.6.5 There is no justification for excluding all of the strategic sites from the Green Belt. For some of the sites there is justification, where they will result in a sustainable new settlement which will benefit from a wide range of services and facilities and have good connectivity with the centre of York. However, this is not true of all the strategic sites, particularly ST14.

3.6.6 Looking at the guidance of paragraph 138 which indicates sites should be chosen that are previously developed and/or well-served by public transport, the four strategic sites mentioned fare somewhat differently.

- ST15 is of a sufficient size, with its own planned facilities, that will easily support the development of a public transport route from the new settlement to the centre of York, and this site also incorporates significant areas of previously developed land.
- ST7 is green field land, but it lies very close to an existing public transport route that loops around Osbaldwick (No 6) which offers a 15 min service into the City Centre.
- ST8, the extension northwards from Monks Cross benefits from the park and ride service offering a 10 min service into the City Centre, as well as other services.
- ST14 does not lie near an existing route, and an existing bus service would need to be diverted significantly from its current route to run through the development, which is likely to be unviable for a development of this scale. The nearest route would be the No.40 which runs up Wiggington Road, and this provides an hourly service which is much less likely to encourage high public transport usage from the new residents.

It is very clear that ST14 does not fall within the requirements of sites that should be first considered as possibilities for development if justification is made for the release of sites from the Green Belt. Further, more detailed analysis of the sustainability and accessibility of ST14 is contained within our Matter 1 Statement.



3.6.7 When considering the release of land from the Green Belt, the LPA has apparently failed to consider the impact of development and resultant harm to the Green Belt from it. This is most clearly shown by the initial allocation of land right up to the ring road for ST14 and the subsequent reduction of the allocation to the west, to prevent coalescence with Skelton, and to the south to create a gap between the ring road and the allocation. Critically though, this gap is less wide than that apparently 'necessary to avoid coalescence' between the ring road and the existing development at Skelton.

3.6.8 Paragraph 138 also indicates that if land needs to be released from the Green Belt, LPAs "should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land." This has not happened because there was no strategy and no proper Green Belt assessment that has led to poor (or no) existing boundaries being followed by some allocations, and no compensatory improvements identified or required.

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)

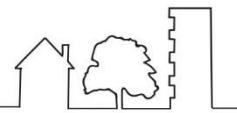
(v) The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

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;



3.7.1 The LPA has not gone through an appropriate process for selecting sites and as a result, the aims of protecting Green Belt have not properly been reflected by the proposed allocations. Initially it would appear that sites have been considered for release simply on the basis of what sites were put forward for allocation. There is no strategy for the spatial distribution of housing which clearly identifies the principals upon which sites will be allocated. During early stages of the plan it would appear that no consideration of the impact of the proposed development upon the purposes of Green Belt was made when sites were identified, and it was only due to objections that such considerations were taken into account. Even though these objections would appear to have been taken into account it is clear that the impact of the proposed new development has been given a lower level of impact than that of existing development, and that matters such as ensuring clear and permanent boundaries have been completely disregarded.

3.7.2 This means that, in places, the distance which the LPA has assessed to be essential to prevent urban sprawl between the ring road and outlying settlements is completely disregarded in relation to the distance between new proposals, such as the strategic allocations, and the ring road. This will result in coalescence between the greater York area and the outer York area.

b) reflects the essential characteristics of Green Belts, being their openness and permanence;

3.7.3 Please see above. The lack of both a clear vision for the spatial distribution and a proper Green Belt assessment means that the openness of the Green Belt in relation to new housing has not been properly assessed, and the boundaries set for allocations do not reflect the 'strong boundaries' suggested for Green Belt that will help to ensure their 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 Turner¹ and Samuel Smith Old Brewery²;

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

3.7.4 These judgements (particularly Turner V SSCLG & East Dorset Council) clearly place a significant importance upon the visual aspect as well as the spatial aspect of openness, and indeed, these judgements suggest that 'the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt'. It is therefore extremely surprising that, not only was a comprehensive Green Belt assessment not carried out at the start of the plan process, but that proposed allocations were not assessed against the main purposes of Green Belt, or the visual impact that they would have. This is typified by ST14 where, for neighbouring existing villages, a wide swathe of land is required around the ring road to ensure that the openness of the Green Belt is retained and the urban fabric of York does not appear to sprawl out beyond the ring road and yet a new development, with no clear boundary features and significant new infrastructure requirements between the ring road and the site, is apparently acceptable much closer to the ring road. There appears to have been no visual



impact consideration made at any point in the allocation process, including upon views from the Minster out towards the surrounding countryside.

d) reflects the five purposes that the Green Belt serves, as set out in Paragraph 80 of the Framework; and

- 3.7.5 Because the Green Belt assessment was not carried out properly, the allocations have not been properly tested against the five main purposes of Green Belt. As a result of this, in places the implications of the allocations create harm to a number of the main purposes of Green Belt. In particular, the allocations will result in apparent unrestricted urban sprawl; they will clearly indicate that the countryside has been encroached upon; and they will adversely affect the setting and special character of the historic city of York.

e) takes account of the need to promote sustainable patterns of development?

- 3.7.6 Originally the allocations were designed to promote sustainable patterns of development, but because of the impact upon the key characteristics of the Green Belt, ST14 no longer conforms to this requirement. The reduced size of the allocation, necessary because of its Green Belt location (although this actually indicates a further reduced size of allocation) means that this site no longer meets the LPA's own specification for sustainable standalone sites but unfairly the site was not assessed against the sustainability criteria that other smaller sites were assessed against. Had this happened, it would have been clear and obvious that the site is not sustainable.

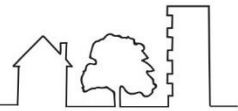
We ask that the Council's response to the above questions addresses all the points mentioned in Paragraph 84 of the National Planning Policy Framework.

- 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?*

- 3.8.1 The permanence of Green Belt boundaries was only considered when the Green Belt report was prepared, which was after the Inspectors had requested sight of it. This is clear by the number of boundary changes identified in the proposed changes document which specifically relate to the need to define permanent boundaries. Notwithstanding this, some of the boundaries do not follow any existing features and therefore do not accord with the relevant requirements.

- 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?*

- 3.10.1 There appears to have been little thought in the approach to 'releasing' sites from the Green Belt in terms of the impact that development will have upon the five main purposes of Green Belt. Instead, the approach appears to have been to allocate sites that have been put forward speculatively, which are hopefully far enough away from enough residents for them not to



cause too many problems from a political point of view. This does not result in sites which are acceptable in Green Belt terms nor a sustainable form of development, which is one of the reasons for Green Belt having been allocated in the first place. Given the lack of any apparent attempt to cooperate with surrounding authorities, lack of a spatial distribution strategy, lack of Green Belt assessment of land to be taken out of the Green Belt, disregard for the importance of the openness of the Green Belt in certain key areas and lack of sustainability assessment for some sites, the plan is fundamentally flawed and unsound on this matter.

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.