
Examination of the City of York Local Plan 2017 - 2033

Examination in Public Hearing Statement – Phase I Hearings

Hearing Statement prepared by Savills on behalf of The Retreat,
Heslington Road, York YO10 5BN



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Executive Summary

This Hearing Statement has been prepared by Savills (UK) Limited on behalf of The Retreat – a mental healthcare facility located at Heslington Road, York YO10 5BN.

We consider there are serious deficiencies in the City of York Council evidence base where it relates to defining the detailed Green Belt boundaries. This Statement sets out in detail where these deficiencies lie. In essence, we do not consider that the evidence base contains any proper assessment of land around York against the five Green Belt purposes as defined by the NPPF. Accordingly, the emerging plan is neither justified nor consistent with national policy (as required by paragraph 182 of the Framework). These deficiencies go to the soundness of the Plan.

1. Introduction

- 1.1. This Hearing Statement has been prepared by Savills (UK) Limited on behalf The Retreat - a mental healthcare facility located at Heslington Road, York YO10 5BN. A site location plan is contained at Appendix 1 of this Statement.
- 1.2. This Statement should be read in conjunction with the Savills representations to the Proposed Main Modifications dated July 2019, the representations submitted by Carter Jonas at the Publication Draft Stage dated 4th April 2018 and the representations submitted by JLL at the Preferred Sites Stage dated 12 September 2016.
- 1.3. The Retreat is an institutional campus consisting of a number of buildings set in mature grounds on Heslington Road, York. It has remained in its original use as a mental healthcare facility since its establishment in 1792 by the Society of Friends (known as Quakers) and today, promotes and supports the wellbeing of people affected by mental ill-health in a campus setting. The Retreat was a pioneer in the 'moral treatment', a more humane method of treatment, and influenced the development of care in the UK, North America and beyond. The main buildings have seen organic growth through extension over many years, some of which has been sympathetic to the character of the original main building and some significantly harmful.
- 1.4. The main health care facility is currently housed in the Grade II* listed Retreat building set within the wider site totalling circa 16ha (40 acres). The campus is bound by housing to the north-west, north and north-east. The University of York - Heslington Campus is situated to the east and south-east. To the west and south-west lie the urban greenspaces of York Cemetery and the Low Moor Allotments, with Walmgate Stray to the immediate south. Saint Lawrence's Primary School is also located opposite the site.
- 1.5. The existing buildings on The Retreat Estate are no longer considered fit for health related and clinical purposes. Following a detailed review of assets and approach to healthcare provisions, The Retreat is exploring potential development options for the remainder of the Estate. The Retreat is currently engaged with positive pre-application discussions with City of York Council (CYC).

Adopted Land Use, Heritage and Environmental Designations

- 1.6. The site in its entirety falls within the wider Retreat and Heslington Road Conservation Area, with a number of heritage designations (Listed Buildings and Scheduled Monuments) also situated across the wider site. In summary, the relevant built heritage designations are:
- a) The Retreat, Listed Grade II*;
 - b) Garrow Hill (aka Garrow House), Listed Grade II;
 - c) Summerhouse, Listed Grade II;
 - d) Various, including East Villa and the Cottage - Curtilage Listed;
 - e) The Tuke Centre - Non-designated Heritage Asset;
 - f) Lamel Hill, Scheduled Monument; and
 - g) Listed Park and Gardens.
- 1.7. A Designations Plan is included at Appendix 2 of this Statement.
- 1.8. The site is located within Flood Zone 1 (low probability), and therefore the land is defined as having a less than 1 in 1,000 annual probability of flooding. The nearest natural watercourse is circa 1.5km west of the site. Online resources confirm there are no environmental statutory designations in or within 1km of the site in respect of Special Areas of Conservation, Ramsar Sites, SSSI's, Nature Reserves or records of Protected Species. There are also no Tree Preservation Orders covering the site although trees on site are afforded protection by the Conservation Area designation.
- 1.9. Non-definitive footpaths and a cycle path cross Walmgate Stray to the south. Public Rights of Way ref. 47/199/20 runs adjacent to the western boundary of the site and ref: 47/198/10 to the eastern boundary.

Approach to the Examination in Public

- 1.10. This Statement is directed at specific matters, issues and questions raised for the Phase I Hearings. Broadly, this Statement is directed at CYC's approach and methodology for setting the detailed boundary of the Green Belt.
- 1.11. It is anticipated that a later phase of the examination in public will be concerned with site specific matters, including the question of whether or not the Site (or parts of the Site) should be included within the Green Belt. The Retreat will submit Hearing Statements in respect of any later phase of the examination in accordance with the Inspectors' directions.
- 1.12. Reference has been made to the following CYC documents in producing this Hearing Statement: -
- i. Approach to the Green Belt Appraisal – February 2003 – Ref SD107A;
 - ii. Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C ;
 - iii. Green Belt Topic Paper 1 - May 2018 – Ref TP1;
 - iv. Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18;
 - v. Green Belt Topic Paper 1 Annex 1 – March 2019 – Ref EX/CYC/18f;
 - vi. Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d;



- vii. Green Belt Topic Paper 1 Annex 4 (Urban Areas in the Green Belt) – March 2019 – Ref EX/CYC/18c;
- viii. Green Belt Topic Paper 1 Annex 5 (Development Sites in the Green Belt) – March 2019 – Ref EX/CYC/18b; and
- ix. Green Belt Topic Paper 1 Annex 6 – March 2019 – Ref EX/CYC/18a;

2. Matter 3 – Green Belt

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 [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 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?

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?

- 2.1. Whilst the general extent of the York Green Belt is identified through saved (“non-revoked”) Policies YH9c and Y1c of the Yorkshire and Humberside Regional Spatial Strategy, the detailed boundaries of the Green Belt are being set for the first time. The general extent of the Green Belt is identified by reference to an approximate 6 mile radius from the City Centre. Self-evidently, identification of the general extent of the Green Belt did not comprise any detailed assessment of land against the five Green Belt purposes (in national policy) and never involved Ordnance Survey mapping. The mapping¹ which accompanies the saved RSS policies is high level and individual sites and boundaries are indistinguishable.
- 2.2. The 2005 'City of York Draft Local Plan Incorporating the 4th Set of Changes' is used by CYC for the purpose of development control. However, this Plan never achieved adopted status, is dated and never formally set detailed York Green Belt boundaries.
- 2.3. This Examination therefore represents the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries. Such an exercise should proceed on the basis of a robust analysis against the five Green Belt purposes set out at paragraph 80 of the NPPF. We contend that the assessment conducted by CYC is deficient. This is explored further below.

¹ Figure 2 Page 7 Approach to defining York’s Green Belt (TP1)

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:

2.4. We agree with the acknowledgement at Paragraph 1.1.1. that this Local Plan will formally define the boundary of the York Green Belt for the first time. We address the question of how CYC has sought to define GB boundaries in the context of the emerging Local Plan in the commentary set out below.

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?

2.5. We do not consider that the Green Belt boundaries in the draft Local Plan have been appropriately defined and nor are they consistent with national policy as set out in the NPPF. We have undertaken a detailed review of the evidence base relating to the York Green Belt and draw on the following evidence to support our position.

City of York Local Plan - Approach to the Green Belt Appraisal – February 2003 – Ref SD107A and Approach to the Green Belt Appraisal South Map – February 2003 – Ref SD107C;

2.6. This document is dated, but is referred to and relied upon in more recent evidence base documents which are considered below. The document sets out the five Green Belt purposes and then identifies², on a desk based assessment, a number of elements which the document considers defined the character and setting of the City. These are Open approaches to the City; Green Wedges, Views of the Minster, Character of the Landscape, Urban form, Relationship between the urban edge and the countryside and the Relationship with surrounding villages. The document then goes on³ to identify areas which retain, reinforce and extend the pattern of historic Green Wedges. Nowhere in this document are the identified areas of land assessed in terms of their performance against the five Green Belt purposes identified in national policy.

2.7. In terms of The Retreat, the accompanying map identifies the Southern portion of the site as falling within a Green Wedge with the identification of area C3⁴ as an extension to Walmgate Stray. The Northern portion of the site is excluded from these suggested designations. These aspects will be discussed in greater detail later in the Examination process.

Green Belt Topic Paper 1 - May 2018 – Ref TP1 – TP001

2.8. This document draws on the February 2003 Appraisal identified above⁵. However, as noted above, the February 2003 Appraisal failed to test the performance of parcels of land against the five Green Belt purposes.

² Section 4 Page 6

³ Section 6 Page 9

⁴ See map and Page 12

⁵ Figure 4 Page 15 and paragraph 4.3.12 Page 16

- 2.9. Whilst paragraph 4.2.4 of the Green Belt Topic Paper 1 records that, “The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development”, there is a continuing failure to assess parcels of land against Green Belt Purposes.
- 2.10. At paragraph 4.3.19 it is stated that Figure 7⁶, “shows how land around York contributes to one or more green belt purposes...”. Self-evidently, Figure 7 does not show how land around York contributes to one or more of the green belt purposes. In particular:
- i. there has been no assessment of individual parcels of land against the five Green Belt purposes. This is a fundamental flaw in the evidence base,
 - ii. whilst the NPPF⁷ identifies sustainable patterns of development as a relevant consideration when drawing up or reviewing Green Belt boundaries, the relevance of that factor does not dilute the requirement for an assessment against the five Green Belt purposes. The correct approach should be to assess the relevant land against the five Green Belt purposes and then to consider other factors (for example, as part of the process of identifying whether or not land should be made available for development),
 - iii. Figure 7 contains ‘islands’ of Green Belt within central York. The fact that CYC’s analysis (that purports to show land said to serve one or more Green Belt purposes) identifies islands of land in central York demonstrates the flaws in CYC’s approach. These spaces may perform other environmental roles, or have other open space designations or constraints, but this does not mean they perform a Green Belt purpose.
- 2.11. Table 1⁸ identifies the five Green Belt purposes and then applies site selection criteria. In terms of Green Belt purpose 1 – checking unrestricted sprawl and purpose 3 – safeguarding the countryside from encroachment, CYC appears to rely on other open space designations, access to services, sites of nature conservation, ancient woodland and flood zones as a proxy for measuring the performance of sites against Green Belt purposes. This approach is self-evidently incorrect. These other environmental designations are not the equivalent of Green Belt purposes.

Green Belt Topic Paper 1 Addendum – March 2019 – Ref EX/CYC/18

- 2.12. At paragraph 4.1 (page 11) of “the Addendum”, CYC states that its section 4 adds further detail to TP1, “in particular how the approach and evidence base relates to the five NPPF (2012) purposes of Green Belt”. This document at page 12 works through the five Green Belt purposes.
- 2.13. The analysis with regard to Purpose 4 relies, for the most part, on the 2003 Appraisal (commented on above).

⁶ Pages 20 and 22

⁷ NPPF 2012 para 84

⁸ Table 1 – Site Selection principles relevant to Green Belt Purposes – Page 24

- 2.14. With regard to Purpose 1, paragraphs 4.23 - 4.25 address the broad requirement of achieving sustainable development patterns as set out at paragraph 84 of the NPPF. That requirement is separate from the purposes to be served by land within the Green Belt. The exercise of drawing up Green Belt boundaries requires a clear assessment against the five Green Belt purposes. Other considerations (for example, related to sustainable patterns of development) are not a substitute for that assessment. In this document the assessment against Green Belt Purpose 1 appears to have been substituted by an assessment against NPPF paragraph 84.
- 2.15. With regard to Purpose 2, CYC states at paragraph 4.27 that, 'York does not have any major towns close to the general extent of the Green Belt, so the potential issue of towns merging does not arise'. However, at paragraph 4.29 CYC refers to other designations including Strays, and Common Land that form part of Green Wedges that are said to, "have prevented lateral coalescence of different parts of the urban area and have played a role in retaining the distinctive characteristics of earlier individual settlements". Self-evidently, that role is not the same as Purpose 2. Accordingly, there has been no clear assessment of the performance of land parcels against Purpose 2.
- 2.16. With regard to Purpose 3 at paragraphs 4.36 and 4.37, CYC identifies Nature Conservation Sites, Existing Open Space, Green Infrastructure Corridors and Ancient Woodlands as important features of the open countryside which should remain permanently open. Again, this approach fails to assess land against the Green Belt purpose. Whilst these other designations are relevant in their own right, they are not the equivalent of performing a Green Belt purpose. The NPPF⁹ states that 'once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'. In other words, once land has been designated as Green Belt (because it performs a Green Belt purpose), steps should be taken to enhance its use (e.g. in landscape, recreation or ecological terms).
- 2.17. The same Figure 7 appears in the Addendum as appears in TP1. Paragraph 4.42 states that Figure 7, "shows land which, when assessed against the five purposes of Green Belt, has been identified as strategically important to keep permanently open." It is clear that by reference to TP1 and the Addendum, there has been no proper assessment of land against the 5 purposes of Green Belt.
- 2.18. Section 5 of the Addendum considers the identification of Green Belt boundaries and from paragraph 5.16 onwards considers the Inner boundary. Paragraph 5.16 records the appropriate objective ("to establish long term development limits to the built up area, and distinguish land that needs to be kept permanently open to meet the purposes of Green Belt..."). However, paragraph 5.17 simply sets out that the inner boundary is 'taken to be that which adjoins the main built up areas which radiates out from the historic core of the city'. Self-evidently, that is not the correct approach. Each parcel of land which is in or close to the inner boundary needs to be assessed against the five Green Belt purposes.
- 2.19. At paragraph 5.25 – 5.26 the Inner boundary is divided into eight main sections for analysis. The Retreat falls within Section 7 of Figure 15. The Inner boundary is said to be defined by the 'built up edge of York' (see "Summary" on page 30).

⁹ NPPF 2012 paragraph 81

- 2.20. Section 5c on page 31 identifies criteria for boundary delineation. On page 31 of the Addendum previous errors are repeated and compounded in that environmental and heritage designations are put forward as the equivalent to performance of the five Green Belt purposes (see part 1 of the “Openness Criteria”). As set out previously in this Statement, that approach is incorrect. These environmental and heritage designations are important in their own right, but they are not the same as performance of a Green Belt purpose.
- 2.21. Accordingly, contrary to paragraph 5.41 of the Addendum, land has not been identified by reference to its fulfilment of Green Belt purposes, whether in section 4 of the Addendum or anywhere else (for completeness, we note that the word ‘not’ in paragraph 5.39 is a typographical error).
- 2.22. Part 2 of the “Openness Criteria” (the “Local Assessment”) confuses matters further by referring to local historic assets as being somehow relevant to the designation of land as Green Belt. Paragraphs 5.46 – 5.48 refer again to local historic assets and in particular the identification of conservation areas, listed buildings, scheduled ancient monuments, historic park and gardens and city views. These assets and designations have significance in their own right but that significance is not the same as performance of a Green Belt purpose.
- 2.23. In a similar way paragraphs 5.59 – 5.60 identify other assets such as school playing fields which in some cases may be considered part of the urban environment, but in other cases part of the open countryside.
- 2.24. The suggestion (at paragraph 5.44) that, “Whilst some of these local considerations relate to the 5 purposes...they have been assessed broadly in relation to their contribution to overall openness” does not provide any adequate (or coherent) explanation to justify CYC’s flawed approach.

Safeguarded Land

- 2.25. We do have concerns that the setting of Green Belt boundaries are not being approached with sufficient longevity in mind. Green Belt boundaries are supposed to endure beyond Plan periods. It is important that the boundary endures not just for this Local Plan, but for at least the next one as well.
- 2.26. The Plan currently proposes to allocate enough land to endure for a minimum of 20 years to 2037 / 2038 i.e. beyond the Plan period of 2033¹⁰. Accordingly, the Green Belt boundary will be in need of review to meet further employment and housing needs by the end of the current Local Plan period (in order to make provision for the next Plan period). Even if the proposed allocations are not developed in their entirety during the emerging Local Plan period, they are insufficient, on their own, to accommodate the likely development needs for the next Plan period. Additional sites will need to be found and this is highly likely to require a further Green Belt review.
- 2.27. The proper means for avoiding that outcome is the identification in the emerging plan of Safeguarded Land.

¹⁰ Paragraph 7.15 – Green Belt TP1 Addendum - March 2019

Green Belt Topic Paper 1 Annex 3 (Inner Boundary) – March 2019 – Ref EX/CYC/18d

- 2.28. This document is more site specific in nature and for the first time in the evidence base, more detailed boundaries are considered based on Ordnance Survey mapping. We intend to submit a Hearing Statement on site specific boundaries for the Green Belt (that are relevant to the Retreat) at the appropriate time i.e. before the Phase 2 Hearings. We note at this stage that insofar as the drawing of detailed boundaries adopts and relies on the flawed approach in the TP1 and TP1 Addendum documents outlined above, then this exercise (set out in Annex 3) is also flawed.
- 2.29. In the meantime, we have the following initial comments to make : -
- i. even in this more detailed site specific analysis, there is still no proper assessment against the five Green Belt purposes,
 - ii. under the very brief commentary against purposes 4 & 2 reference is made to 'The Approach to the Green Belt Appraisal' 2003 on which we have already commented in this Statement and drawn attention to its lack of assessment against the five Green Belt purposes,
 - iii. the commentary in respect of The Retreat refers to 'adjacent land' as being important in terms of Green Wedges and Walmgate Stray. The presence of other designations on adjacent land does not support Green Belt designation of The Retreat,
 - iv. the analysis is factually incorrect. For example, there is a Scheduled Ancient Monument within the site, and,
 - v. it would appear that ECUS did not undertake a landscape appraisal of The Retreat.
- 2.30. As stated above, our site specific evidence in respect of The Retreat will be submitted in accordance with the Inspectors' directions directed at later Examination Hearing sessions.



Appendices



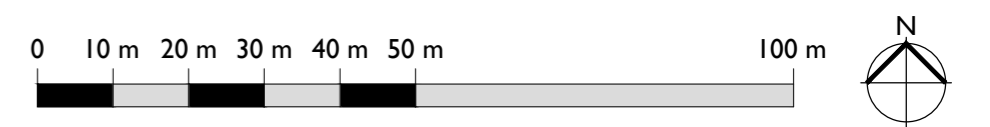
Appendix 1
Site Location Plan



I Site Plan
005 I:1000

- Key:**
- Extent of The Retreat Ownership
 - Existing Buildings
 - Building to be demolished
 - Roads, Paths, Parking
 - Green Space

- Indicative Parameters:**
- Zone 2a South Garrow Triangle
 - Zone 2b North Garrow Triangle
 - Zone 3 Main Building - Residential Use or Hotel Use
 - Zone 4
 - Zone 5



Notes:
Drawings are based on survey data and may not accurately represent what is physically present.
Do not scale from this drawing. All dimensions are to be verified on site before proceeding with the work.
All dimensions are in millimeters unless noted otherwise.
Purcell shall be notified in writing of any discrepancies.

B	07/12/2018	JHB	JHB	
A	27/11/2018	DZ	JHB	
C	08/08/2019	TB	TB	
First Issue	06/11/18	RM		
ISSUE	DATE	DRAWN	CHECKED	DESCRIPTION

CLIENT
The Retreat York

PROJECT
The Retreat York

DRAWING TITLE
Parameters Plan

SIZE & SCALE
A1L

DRAWING STATUS
Work in Progress

JOB NUMBER 238382

DRAWING NO. 005 recover

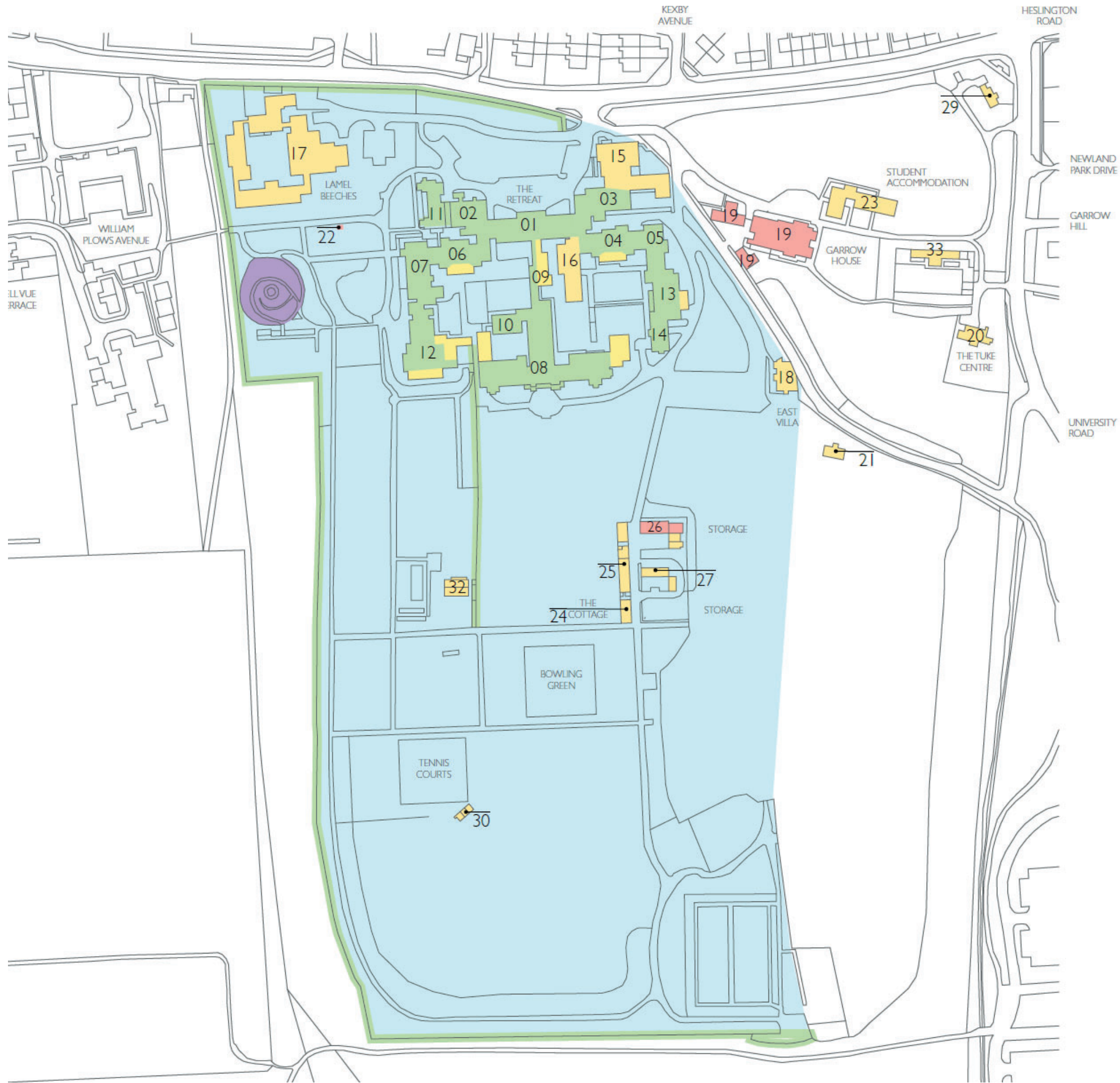
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Appendix 2 Designations Plan



THE RETREAT: DESIGNATIONS

- Registered Park and Garden
- Boundary
- Grade II*
- Grade II
- Unlisted
- Scheduled Monument

This plan is not to scale

