

York Local Plan (YLP) – EiP Hearing Statement

Our ref 50730/01/MHE/AWi
Date 29 November 2019
To Carole Crookes (York Local Plan Programme Officer)
From Lichfields (on behalf of Bellway homes)

Subject Matter 3: Green Belt

1.0 Introduction

- 1.1 This Statement is submitted on behalf of Bellway Homes in respect of 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.
- 1.2 This statement is to be read alongside the Matter 2 submissions and in conjunction with previous submissions on the YLP.
- 1.3 Set out below are responses to the Matter 3 – Green Belt questions.

2.0 Green Belt: 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?

- 2.1 As a general starting point in addressing the following questions, it is important to understand the basis on which the relevant policies of the Framework are formed. There are no policies in the Framework which deal explicitly with a situation where the general extent of Green Belt has been defined but the boundaries have not. Paragraph 83 relates to altering established boundaries, which assumes they have previously been defined, and is also not entirely relevant to the York situation.
- 2.2 In order to assess the York Green Belt boundaries in a measured and proportionate manner, with consideration of the general extent having been established, it is considered appropriate to assess the boundary proposals against paragraphs 83 – 86 of the Framework.
- 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?***
- 2.3 The Council sets out within Topic Paper TP1: Approach to defining York’s Green Belt Addendum (March 2019) (Document **EX/CYC/18**) at paragraph 2.2 that it is ‘not proposing to establish any new Green Belt’. However, review of the evidence base and the relevant text within the Framework casts doubt over this claim. The York Green Belt has a long and complicated history as explained at Annex A of the Topic Paper TP1: Approach to defining York’s Green Belt (May 2018) and, whilst it is agreed that the ‘general extent’ of Green Belt has been established, broadly extending six miles from the City Centre, it does not appear that any of the boundaries have ever been defined. This includes inner boundaries around the main urban area, inner

boundaries of other settlements and the outer boundaries. This position is confirmed at paragraph 7.5 of **EX/CYC/18**.

- 2.4 The relevant text from the Framework (2012) states at paragraph 83:
“Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan” (Lichfields’ emphasis)
- 2.5 It is clear from Framework paragraph 83 that this relates to boundaries which have been established. In the case of York, only the ‘general extent’ of Green Belt has been established with no policy document to ratify any of the boundaries. Paragraph 2.3 of **EX/CYC/18** confirms the Local Plan is tasked with formally defining the York Green Belt boundaries for the ‘first time’.
- 2.6 In defining the Green Belt boundaries on a map for the first time, the Council should assess the proposed boundaries against the requirements of paragraphs 83 – 86 of the Framework, rather than simply the requirements of paragraph 82 or the five purposes of Green Belt set out at paragraph 80.
- 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?***
- 2.7 Having regard to the position established under question a), it is our view that proposed allocations which adjoin the urban area can reasonably be considered to fall out with the Green Belt. The ‘general extent’ relates primarily to a need to protect the historic core of the City and an arbitrary six-mile radius thereof, with boundaries to be defined at a future date as part of a development plan document. There is no evidence within the historic documents that suggests any of the other boundaries are ‘defined’, with many areas (including the area to the east of Earswick) exhibiting no meaningful contribution to the purposes of Green Belt.
- 2.8 Where sites, such as proposed allocations ST14 and ST15, are clearly surrounded by the general extent of Green Belt with no relationship to any boundaries which are yet to be defined, it is considered these sites fall within the ‘established’ general extent of Green Belt (**EX/CYC/18** paragraph 2.3) and any deletion to facilitate development would require the demonstration of Exceptional Circumstances. The process of defining boundaries on a map for the first time does not create an opportunity to delete land from the ‘general extent’ by means of establishing new boundaries.

3.0 Green Belt: The approach to defining the Green Belt boundaries

3.2 Paragraph 1.1.1 of the Council’s “Approach to defining York’s Green Belt” Topic Paper (TP1) [CDO21] 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?***

- 3.1 In defining the main urban area and other urban area inner boundaries, the Council has had due regard to the historic purposes of the York Green Belt general extent, which is principally concerned with protecting the setting of the historic city. A logical approach of considering boundaries within the main ring road has been adopted for this purpose. Protecting the historic setting is considered within document **EX/CYC/18** to be a matter of great significance in promoting sustainable patterns of development. However, this is not a constraint shared by other areas, such as Earswick.
- 3.2 Document **EX/CYC/18** goes on to explain the methodology for defining boundaries in the other urban areas at Section 6. Paragraph 6.1 highlights parts of Framework (2012) paragraphs 83, 84 and 85, however it is noted that it does not consider the first part of paragraph 84 of the Framework which states:
- “When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development.”*
- 3.3 Neither does it consider the first bullet point of paragraph 85, requiring authorities to:
- “ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development”*
- 3.4 The document continues to identify those areas and settlements of sufficient scale (broadly those which do not contribute towards the openness of the Green Belt) that warrant Green Belt boundaries and those smaller settlements which are proposed to be washed over by Green Belt.
- 3.5 Having completed this exercise the document defines boundaries for those settlements but does not provide any justification for the boundaries proposed which appear to follow the built form of the settlements with no consideration for their potential future expansion. There is no further consideration of any reasonable alternatives within the Sustainability Appraisal or other evidence documents.
- 3.6 Without consideration of any reasonable alternatives which take account of the need to promote sustainable development and meeting identified requirements for sustainable development, the proposed boundaries for settlements such as Earswick are not justified and cannot be considered sound.
- b) 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?***
- 3.7 As set out under part a) of the question, the Council has not addressed this element of paragraph 84 in defining the proposed boundaries and the policy is not justified.
- 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?***
- 3.8 As explained in responses to part a) and b) to the question, it is evident the Council has not appropriately considered the requirements for meeting sustainable development needs or including land which is unnecessary to keep permanently open.

- 3.9 We have explained in our Matter 2 statements that the Local Plan is not planning to provide sufficient housing and is suppressing housing growth through the revised OAN figures, based on unreliable 2016-based projections which generate a requirement significantly below that which would be required by the Standard Methodology if the plan was being examined under the 2019 Framework. The suppressed housing target has the effect of 'baking in' significant housing supply problems at future reviews of the Local Plan which will be based on the Standard Methodology, thereby increasing future pressure on the Green Belt.
- 3.10 Even if the Council's position on the housing requirement over the plan period was accepted, it is clear from the assessment of allocated sites within document **EX/CYC/18b** that there are several proposed allocations requiring land to be deleted from the Green Belt which result in the delivery of less sustainable development than could be achieved on land east of Strensell Road, Earswick. Furthermore, it is clear from that document that many of the proposed allocations make significantly greater contributions to the purposes of Green Belt than the Earswick site (this is expanded upon under question 3.6). As such the policy is not based on the most appropriate strategy and is not demonstrated to be justified.
- 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?**
- 3.11 As set out above, the approach to Green Belt boundaries in the other urban areas appears to have followed the existing built area with limited opportunity for future growth. In that respect they can be considered to follow physical features but they are insufficiently flexible to allow future growth either in the current or future plan periods. The SA and supporting evidence does not consider any reasonable alternatives and is not sound in this regard.
- 3.12 The plan period is proposed to run until 2032/33, although the plan considers there is sufficient land allocated to ensure Green Belt boundaries will endure until 2037/38. Paragraph 7.101 of document **EX/CYC/18** sets out the Council's position of releasing sufficient land now to deliver 2,004 homes more than would be required by 2038 (broadly equivalent to another 2.5 years' supply, assuming the annual requirement does not increase after 2032). It is further noted at paragraph 7.102 that the original annual housing requirement of 867 dpa resulted in an over supply equivalent to just 0.6 years' in 2038. The Council's theory is that this will ensure boundaries will endure 'well beyond' the plan period. We consider 'well beyond' must amount to more than a maximum of 7.5 years (ie only 50% of a plan period) if they are not to review Green Belt boundaries.
- 3.13 There are several failings to this theory which demonstrate a lack of flexibility in the plan which will result in a requirement to review Green Belt boundaries at the end of the plan period. Firstly, these figures assume the plan delivers the exact annual requirement and not a dwelling more over the plan period; on the basis that OAN is a minimum figure and exceeding the minimum would be considered as a positive outcome of the plan, the over supply at the end of 2038 (which is in a different plan period) would be less.
- 3.14 Secondly, the figure assumes the OAN remains at 790 dpa from 2032. For the reasons set out above and within our Matter 2 statement, this appears to be an unlikely outcome, particularly if housing delivery has been arbitrarily suppressed over the plan period through the avoidance of adopting the Standard Method figure.

3.15 Finally, assuming the plan runs to its full period and is not replaced until 2032, it is quite clear from the Council's own published figures that there will be a significant shortage of available land for the next plan period and it is highly likely a Green Belt review will be required for the next plan period.

3.16 The Council has adopted a timeframe for Green Belt review of 20 years. This timeframe is not established in planning policy and the requirement of paragraph 85 of the Framework is absolute in stating:

"When defining boundaries, local planning authorities should...satisfy themselves that Green Belt boundaries will not need to be altered at the end of the plan period."

3.17 The Council's approach is completely contrary to paragraph 85 of the Framework as it can only result in a need to review Green Belt boundaries at the end of this plan period. Such an approach is not justified, positively prepared or consistent with national policy.

3.18 As a minimum, the Local Plan must identify safeguarded land now, if not release further land from the Green Belt for development.

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?

3.19 For the reasons set out above, the Council must identify Safeguarded Land as a minimum as part of the Local Plan. Anything else would represent a failure to satisfy the explicit requirements of the Framework. For clarity, any proposed sites for safeguarding should demonstrate a suitability for development in the future which does not mean they need to be limited to land between the main urban area and the Green Belt. Appropriate consideration should be given to sites on the edge of the other urban areas, such as Earswick, which did have land proposed for safeguarding at an earlier stage of the process.

3.20 In this regard, it should be noted that Bellway's Earswick site forms part of the larger site 810, identified as Safeguarded Land in the 2014 Further Sites Consultation. The recommendation sets out that the site should be designated as safeguarded land, with part of it possibly being brought forward in years 1 – 11.

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?

3.21 For the reasons set out above, the Green Belt boundaries in the plan are not appropriately defined and are not consistent with policies in the Framework. As such the plan is not sound in this regard.

4.0 Green Belt: 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:

4.1 We note a further response is requested from YCC on the following questions a) to e). We have provided answers based on the available evidence and reserve our position to respond further during the hearing sessions on any additional matters raised by the Council.

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?

4.2 Having considered the Exceptional Circumstances presented within document **EX/CYC/18**, we agree there is a strong Exceptional Circumstances case to be made for release of land from the Green Belt.

4.3 The Exceptional Circumstances are explained by the Council with reference to housing need which cannot be accommodated on other sites or by adjoining authorities, as well as a clear case for increased employment over the plan period which will improve commuting patterns and sustainability.

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?

4.4 The way in which the Council has applied the Exceptional Circumstances to the spatial strategy and ultimately identified proposed sites for development does not represent an appropriate strategy.

4.5 It is clear from a review of the Key Diagram that there are gaps in the urban areas which could reasonably accommodate growth, particularly Earswick which has good levels of accessibility to public transport services, providing connections to a wide range of services and facilities.

4.6 Document **EX/CYC/18b** provides an assessment of the contribution made by each of the Green Belt sites to the five purposes of Green Belt set out at paragraph 80 of the Framework. Importantly it does not include a comparable assessment of those sites which have been dismissed, including Bellway's land to the east of Strensell Road, Earswick. Neither is there any similar consideration contained within the submitted SA.

4.7 It is clear from the Council's assessment in Section 4 (Approach to defining York's Green Belt) of the Green Belt Topic Paper TP1 (2018) that the only contribution the area to the east of Earswick makes to the five purposes is the restriction of urban sprawl. To define this the Council adopts a threshold of any areas which are not within 800m of 2 or more services. This is not a methodology which is recognised in national policy or guidance and is not considered to be an appropriate means by which to measure this factor.

4.8 Notwithstanding this, when applied to all proposed Green Belt release sites in document **EX/CYC/18b**, it is immediately clear that many of the sites proposed for allocation contribute to at least two of the five purposes and in some instances, three. In particular, sites ST7, ST14, ST15, ST19, ST26, ST27, ST31, and ST37 all make the same contribution towards reducing urban sprawl and at least one other Green Belt purpose not exhibited by the Earswick site.

4.9 The evidence base and SA does not make any attempt to rationalise this issue and the plan cannot be considered to represent the most appropriate strategy in this respect.

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

4.10 We expect YCC to respond on this question. However, it is evident that York's urban area is already densely developed and heavily constrained by heritage and archaeology constraints. It is therefore unlikely to be able to meet needs, particularly for family housing.

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)?

4.11 Due to the coverage of the general extent of Green Belt, there is not sufficient non-Green Belt rural land to meet any meaningful element of the housing and employment needs of the plan.

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

4.12 For all of the reasons set out in response to previous questions, we do not believe the Local Plan has properly considered alternatives to enable it to conclude that these sites should be released ahead of preferable sites such as east of Strensell Road, Easrwick.

5.0 Green Belt: 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:

5.1 We note a further response is requested from YCC on the following questions a) to e). Answers to each of the following questions are appropriately addressed in our previous responses in this hearing statement and, as such, we have not repeated here.

5.2 Overall, it is not considered the Council has provided the necessary evidence or tested appropriate alternatives to demonstrate the plan is sound on each of the following questions. Fundamentally, however one considers the approach to defining Green Belt boundaries, housing requirements, spatial distribution and other matters, it is clear from the Council's own statement that the Green Belt boundaries are proposed to endure for 20 years, meaning there will need to be another review of boundaries at the end of this plan period. This represents a significant failing of the Local Plan and further sites must be identified as safeguarded land as a minimum now.

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 Turner¹ and Samuel Smith Old Brewery;

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

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