

**CITY OF YORK LOCAL
PLAN EXAMINATION
HEARING STATEMENT**

LAND AT BOROUGHBIDGE ROAD

MATTER 3 - GREEN BELT

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1.0 INTRODUCTION

- 1.01. This Hearing Statement is made for and on behalf of Karbon Homes (KH) and responds to selected questions set out within 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.
- 1.02. The Inspector's Issues and Questions are included in bold for ease of reference. Where a specific Question is not covered KH has no comment at this stage as part of this Statement of Case.
- 1.03. The following responses are pursuant to and should be read in conjunction with our comments upon the Proposed Modifications, dated June 2019. Carter Jonas on behalf of KH is scheduled to attend and participate in the examination hearing session for 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.
- 1.04. KH is promoting a 100% affordable housing scheme on land at Boroughbridge Road, Nether Poppleton (the site) and has progressed an option agreement with the owners of the land. The land is site reference 779 in the 2018 Strategic Housing Land Availability Assessment (SHLAA) and formerly ref. ST29 in the 2014 City of York Local Plan and associated Site Selection Paper Addendum (September 2014).

2.0 MATTERS 3 MIQS – GREEN BELT RESPONSES

Principles

Question 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?

- 2.01 Originally detailed within the North Yorkshire Joint Structure Plan, the general extent of the York Green Belt was retained by The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. The Plan therefore proposes in paragraph 1.50 of the February 2018 Publication Draft to define the outer and inner Green Belt boundaries for the first time, in order to safeguard the special character and setting of the City, an issue which goes to the heart of a sound plan for the City.
- 2.02 The Key Diagram of the February 2018 Publication Draft shows the “general extent of the proposed Green Belt” in green and includes all of the non-built up land within the York administrative area.
- 2.03 However we note that land to the North of Strensall and at Wheldrake, previously excluded from the Green Belt in earlier reiterations of the Plan, is now shown as on the Key Diagram of the February 2018 Publication Draft as being located within the Green Belt. These therefore represent new Green Belt proposals.

Question 3.1 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?

- 2.04 No exceptional circumstances for the inclusion of this new Green Belt has been presented nor is there any evidence which aligns with the criteria set out within Paragraph 82 of the NPPF.

Question 3.1 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?

- 2.05 The Local Plan proposes a number of ‘garden villages’ to be inset within the established general extent of the Green Belt and urban extensions on sites to be excluded from the inner Green Belt as part of the establishment of Green Belt boundaries for the first time.

2.06 Setting aside the arguments presented within our representation to the Proposed Modifications, dated June 2019 that the OAN is unrealistically low, we consider that the release of land within the general extent of the Green Belt can be justified as an exceptional circumstance given the pressing need to deliver new homes. This is also confirmed within the recent Appeal Decision for housing on land north of Boroughbridge Road, south of Millfield Lane, York Ref: APP/C2741/W/19/3227359 which states:

“there is a clear need for housing, with the main parties agreeing that the current housing land supply for the City of York is either 3.28 years or 3.82 years, depending on whether the emerging Local Plan allocations within the urban area are included or not. The evidence therefore shows that the Council is currently unable to demonstrate a 5 year housing land supply (5YHLS), without bringing forward sites outside the urban area”.

2.07 However as set out within our Matter 2 Statement we question the locations of land to be released from the Green Belt and consider that additional land should be removed from within the inner Green Belt boundary to provide a range of additional sustainable allocations for housing.

The approach to defining the Green Belt boundaries

Question 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?

2.08 Annex 3 of the TP1 Addendum aims to assess and justify the proposed inner edge of the Green Belt but fails to provide anything of any substance as the assessment neglects to objectively consider other potential boundaries. The proposed Green Belt boundaries within the Plan have clearly been drawn up with maximum development restraint in mind and offer no flexibility for long term sustainable development needs.

2.09 Furthermore, given the absence of any full review of the general extent of the Green Belt since its introduction within the North Yorkshire Joint Structure Plan, subsequent Yorkshire and Humber Plan and in view of NPPF advice at paragraph 85, it is also considered necessary to formally identify Safeguarded Land to meet longer term development needs stretching well beyond the Plan period, and to ensure the Council is satisfied that the adopted Green Belt boundaries will not need to be altered at the end of the Development Plan period. The approach taken is therefore not in conformity with the requirements of Policy YH9C or Policy YV1.

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

- 2.10 It is clear that the promotion of sustainable patterns of development has not been taken into account in the Plan. We consider that the promotion of 'garden villages' (or stand-alone settlements) as a preference over the release of more sustainable urban extension sites such as our client's site - land at Boroughbridge Road, Nether Poppleton is not the most sustainable option and demonstrates the flaws within the Council's retrofitted approach to the location development through the Plan.
- 2.11 Whilst the Council have undertaken a Green Belt review (Topic Paper 1: Approach to Defining York's Green Belt (May 2018), and Addendum (March 2019) and Approach to the Green Belt Appraisal (2003)) it is based on evidence which is out of date, going back as far as 2003, preceding the 2012 NPPF. The work that the Council has undertaken in relation to the Green Belt does not constitute a comprehensive Green Belt review. It has been simply a retrofit process, with no clear strategy or principles from the outset.
- 2.12 The review should have begun with a clear assessment of the current and future growth needs for the City of York and the capacity of the existing urban areas (suitable brownfield sites and underutilised land) to enable the amount of Green Belt land required for de-allocation to facilitate sustainable growth as well as safeguarded land to be identified. An analysis of the general extent of the Green Belt to determine which sites would best meet the identified need having regard to the Green Belt harm and purposes (paragraph 80) and other relevant considerations including whether they are suitably located and developable. Such analysis would enable the promotion of a sustainable pattern of development in line with paragraph 84.

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?

- 2.13 As above we consider that the need to promote sustainable development has not been taken into account in the latest reiteration of the Plan. There is land available between the current built edge of York and the Outer Ring Road (such as our clients land at Boroughbridge Road, Nether Poppleton) which doesn't meet the Green Belt Purposes detailed within paragraph 80 of the NPPF and could assist in meeting the housing needs in a sustainable way for the Plan period and beyond. Such sites should have been compared against the proposed spatial strategy to ensure that a comprehensive review has taken place that aligns with paragraph 84.
- 2.14 There is no available supporting evidence to demonstrate that an alternative strategy of having a wider inner boundary (instead of tightly drawn) to facilitate development in sustainable locations adjacent to the urban edge has been considered. Such a strategy would have helped to minimise the need to inset development within the Green Belt and/or increase density of development on previously developed land and meet the requirements of NPPF paragraph 84 and a realistic OAN/housing land requirement.

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?

2.15 As detailed within our Matter 2 Statement we consider that the five spatial principles set out within the Local Plan strategy SS1 provide a clear focus for the location of development across the City in line with the sustainability objectives of the NPPF (paragraphs 7 – 16). However we have considerable concerns that the proposed Plan does not follow the spatial strategy set out within Policy SS1. The tightly drawn inner boundaries restrict sustainable growth and also the opportunity to remove land from the general extent of the Green Belt which serves little purpose as Green Belt (paragraph 80 of the NPPF) and therefore have no need to be kept permanently open. Such land would form sustainable urban extensions to the urban area.

Question 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?

2.16 Yes, the proposed Green Belt boundaries will need to be altered at the end of the Plan period if not before to enable growth. As identified within our representations to the Main Modifications in July 2019 we consider that more land should be released from the general extent of Green Belt for housing to meet a significantly increased OAN and also safeguarded land for future development needs well beyond 2038.

2.17 As previously mentioned the additional evidence based provided by the Council in the form of Topic Paper TP1 Addendum (May 2019) and the accompanying Appendices demonstrate the fundamentally flawed approach that the Council have taken to justify the Green Belt boundaries in York. The TP1 Addendum and original documents do not constitute a comprehensive Green Belt review as they are based on evidence which is out of date, going back as far as 2003 preceding not only the current NPPF but also the 2012 NPPF. As a result the boundaries identified are not clearly identified nor are they robust or permanent.

2.18 The proposed Green Belt boundaries are therefore not in line with paragraph 85 of the NPPF.

Question 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?

2.19 Again, as highlighted within our representations to the main Modifications consultation we consider that even if the Plan is amended to designate land for sufficient new homes to meet a robust OAN/housing land requirement, safeguarded land should also be identified to meet future development needs stretching well beyond the plan period in line with paragraph 85 of the NPPF.

Question 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?

2.20 In light of the above we consider that the Green Belt boundaries (inner and outer) defined by the Council within the Plan are not consistent with the NPPF and therefore the Plan is unsound.

Exceptional circumstances

Question 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?

2.21 It is well documented that there is a significant need for housing (including affordable housing) across the City coupled with a history of under delivery. The recent Appeal Decision for land north of Boroughbridge Road, South of Millfield Lane, York Ref: APP/C2741/W/19/3227359 states that *“there is a clear need for housing, with the main parties agreeing that the current housing land supply for the City of York is either 3.28 years or 3.82 years, depending on whether the emerging Local Plan allocations within the urban area are included or not. The evidence therefore shows that the Council is currently unable to demonstrate a 5 year housing land supply (5YHLS), without bringing forward sites outside the urban area”*.

2.22 We therefore consider that this identified need will provide the necessary exceptional circumstances to justify the removal of additional land from the Green Belt.

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?

2.23 There is a strong interlinked relationship between the exceptional circumstances justifying the need for Green Belt release and the proposed spatial strategy/distribution of housing however further. Once the OAN has been defined a new robust Green Belt review and Sustainability Appraisal should be undertaken to determine the most appropriate spatial strategy and distribution of housing for the City.

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

2.24 Due to the flaws identified with the Council’s retrofitted approach to Green Belt review the capacity of the urban area to meet the need for housing an employment use within the Plan is limited. If the Council were to undertake a comprehensive and methodical Green Belt review prior to identifying the distribution of housing it would be

clear that there are opportunities for the release of Green Belt land adjacent to the urban area to meet housing and employment need.

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)?

2.25 Due to the tightly drawn general extent of the Proposed Green Belt which extends from the edge of the urban area to the York administrative boundaries there is no non-Green Belt land which could meet all or part of the District's housing and employment needs in a sustainable manner.

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

2.26 As mentioned within our Matter 2 Statement there appears to be no robust evidence to justify the exclusion of these sites from the Green Belt. A comparative review of these strategic sites against the opportunities for the release of Green Belt land adjacent to the urban area is required once a robust OAN and housing land requirement has been identified.

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

Question 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;

2.27 As mentioned earlier in this statement it is clear that the process of selecting the land proposed for removal from the Green Belt has not been based on a robust assessment. The evidence based relied upon (Approach to Defining York's Green Belt (May 2018) and Topic Paper TP1 Addendum (May 2019) plus Appendices do not provide a comprehensive Green Belt Review as they fail to provide a comparison of how land in the Green Belt performs in respect of the five Green Belt purposes. There is also no comparison of the proposed land to be removed from the Green Belt against alternatives.

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;

2.28 The Green Belt review undertaken does not assess land and/or compare potential development options in terms of potential spatial or visual intrusion and/or whether development would preserve or harm Green Belt openness.

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;

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?

2.29 The evidence which makes up the Green Belt review reflects paragraph 80 of the NPPF and the preservation of the setting and special character of the historic city which follows the approach set out within RSS Policy Y1.

2.30 Whilst the review makes reference to the promotion of sustainable development the fact that a comparative assessment of the different options available for Green Belt release highlights the flaws within the assessment and therefore the option being promoted by the Council cannot be justifiably in sustainability terms.

Question 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?

2.31 As mentioned above the proposed alterations to the Green Belt boundaries have not been prepared with regard to paragraphs 84 and 85. We also have concerns over the OAN and the identified housing land and as a result consider that the inner Green Belt boundaries will not even be capable of enduring the Plan Period let alone beyond.

Question 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]?

2.32 The alterations proposed within Annex 6 of the Topic Paper 1: Addendum [EX/CYC/18] are relatively minor amendments, covering mainly 'cosmetic' issues rather than seeking to address the key fundamental concerns of the quantum of Green Belt development land required and where this should best be located.

Question 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?

2.33 We consider that overall the approach to the release of Green Belt land is not robust given the flaws identified above and as a result the Plan is unsound in this regard.