

## **City of York Local Plan 2017-2033**

### **Hearing Statement prepared on behalf of Lovel Developments Limited (Reference ID: 260 (CD014A))**

#### **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**

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##### **1. Introduction and Context**

- 1.1 This Hearing Statement has been produced by Pegasus Group on behalf of our client, Lovel Developments Ltd.
- 1.2 In accordance with the Transitional Arrangements set out in Annex 1 of the revised National Planning Policy Framework (February 2019), it is understood that the plan is being examined against the previous 2012 version of the Framework. All references within this hearing statement to the National Planning Policy Framework (NPPF) therefore relate to the 2012 version, unless otherwise stated.
- 1.3 Our client wishes to ensure that the City of York Local Plan (CYLP) is prepared in a robust manner that passes the tests of soundness contained in Paragraph 182 of the NPPF, namely that the plan is:
  - Positively Prepared;
  - Justified;
  - Effective; and
  - Consistent with national policy.
- 1.4 The CYLP also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.5 Our client submitted representations to the various stages of plan production including the Publication Draft and Proposed Modifications. These representations identified several elements where we believe the CYLP is unsound and not legally compliant.

## **2. Response to the Inspector's Matter 3 Issues and Questions**

2.1 We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions and provide the following responses to selected questions in so far as they relate to our previous representations.

### **Principles**

#### ***Question 3.1***

2.2 Our client does not have any specific comments to make in response to this question, nevertheless they reserve the right to make further representations in so far as they may affect their land interest.

### **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) [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) 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?***

2.3 Our Client does not have any specific comments to make in response to this question, nevertheless they reserve the right to make further representations in so far as they may affect their land interest.

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

2.4 The 'Sustainable Garden Villages' identified in policies SS12: Land to the West of Wigginton Road (Site ST14) and SS13: Land West of Elvington Lane (Site ST15) are located away from existing services and facilities. Each of these allocations would result in loss of Green Belt land which is serving a Green Belt function as defined by national policy more so than other parts of the Green Belt. Sustainable settlement extensions, such as our client's land, Land to the South of Strensall, would be more

appropriate in Green Belt release terms taking into account of the need to promote sustainable patterns of development.

- 2.5 We believe that the focus of new housing should remain on the existing settlements, which can deliver more sustainable developments at a quicker rate. Such developments would also support the continued growth and vitality of these settlements.

***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?***

- 2.6 It should be noted that the outer Green Belt boundary is outside of the York Unitary Authority area (paragraph 3.2.2 Topic Paper 1 (TP1)) and as such development beyond the outer boundary would be in locations outside the district such as Selby, which shares the same housing market area. This would require agreements under the Duty to Co-operate. As discussed within our matter 1 hearing statements no such agreements have been made.

***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?***

- 2.7 The Green Belt boundaries are tightly drawn around existing settlements providing little opportunity for growth.
- 2.8 Whilst it is recognised that this phase of the examination is not focused upon site specifics our client's site 'Land South of Strensall' is a good example of inconsistency in the Council's general approach to allocating land. Our client's site was identified as safeguarded land in previous iterations of the plan. The site is enclosed and surrounded by development on three sides, it therefore performs little Green Belt function. It is also closely related to services and facilities. Indeed, it is not included within the 'Strategic areas to keep permanently open' within the addendum to topic paper 1 (figure 7, EX/CYC/18). In contrast sites ST14 and ST15

are proposed to be removed from the Green Belt, despite being isolated from any significant settlement.

**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?**

2.9 Yes, it is our firm view that the Green Belt boundaries will need to be altered at the end of the plan period. I refer the Inspectors to our response to question 3.4 below.

**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?**

2.10 Yes, it is considered that safeguarded land between the urban areas and Green Belt should be identified to meet longer-term development needs and ensure that the Green Belt boundary endures well beyond the plan period.

2.11 The NPPF (paragraph 85) clearly recognises that LPA's should identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt in order to meet longer-term development needs. It also states that;

*"...Local Planning Authorities to satisfy themselves that Green Belt Boundaries will not need to be altered at the end of the plan period."*

2.12 We consider the failure to identify safeguarded land for York is an unsound approach and an ineffective response to the exceptional circumstances requiring Green Belt review and the establishment of a permanent Green Belt that endure beyond the Plan period. Safeguarded land was removed from the plan at the 2016 preferred options document. This included the removal of our client's land 'South of Strensall'. In justifying its approach against the criteria of Paragraph 85 of the Framework, that document states:

***"Local Plan Publication – emerging position***

*This document seeks to identify sufficient land to accommodate York's development needs across the plan period, 2012-2032. In addition, the Plan*

*provides further development land to 2037 (including allowing for some flexibility in delivery) and establishes a green belt boundary enduring 20 years. In addition, safeguarded land is no longer designated. Figure 2 shows the safeguarded land previously identified in the aborted Publication Draft Local Plan) rather several of the Strategic Sites identified in the document have anticipated build out time beyond the fifteen-year plan period. This ensures that we can meet long term development needs stretching well beyond the plan period and that green belt boundaries will not need to be altered at the end of the plan period.”*

- 2.13 Within our comments upon matter 2 we clearly identify our concern over that the City of York Council’s approach to the identification of safeguarded land is based on a level of housing need that is disputed.
- 2.14 The Council’s approach to the removal of safeguarded land from the draft Local Plan relies on the fact that of the sites that are allocated for housing growth there are several Strategic Sites in the document that have a build-out time beyond the plan period.
- 2.15 In total, there are five residential allocations which are anticipated to deliver beyond the plan period as identified by the update to figure 6 of the SHLAA (EX/CYC/16). Three of these require the release of Green Belt Land (ST7 – Land East of Metcalfe Lane, ST14 – Land to the West of Wiggington Road / ST15 – Land to the West of Elvington Lane). The other two (ST5 – York Central / ST36 – Imphal Barracks) are located within the City of York itself. In total it is projected that they will deliver 1,752 dwellings after the plan. Based upon the disputed housing requirement this would provide just over 2.2 years supply.
- 2.16 We have concerns relating to the soundness of the proposed ‘sustainable garden villages’ (ST14 and ST15). These are discussed in greater detail against question 3.6e below. Notwithstanding these concerns or the identified housing requirement we do not endorse the approach of the City of York Council to not safeguard further land for development.

- 2.17 The delivery of just 2.2 years supply from the identified allocations provides very limited scope. It is clearly not well-beyond the proposed plan period and as such is not in conformity with the NPPF. A further review of the Green Belt will be required at the next plan review. In order to be satisfied that no further alteration of the Green Belt boundaries would be required at the end of the Plan Period, additional land should be safeguarded for future development. It does not represent a sustainable approach for the future strategy of the City to rely solely on only these five sites beyond the plan period.
- 2.18 The proposed inner Green Belt boundaries, as indicated within the March 2019 'Topic Paper 1 Approach to defining York's Green Belt Addendum - Annex 6' (EX/CYC/18a), are tightly drawn allowing little opportunity for further development within settlements such as Strensall without further amendments to the Green Belt. It is therefore unlikely that significant additional development land will become available within these urban areas during the plan period.
- 2.19 Our client's site is enclosed on three sides meaning that the Green Belt could be easily re-defined by using the physical features that are readily recognisable and likely to be permanent. It is our strong position that the Council have erred in their failure to identify this site as safeguarded land between the urban area and redefined Green Belt boundary in the circumstance where they are required to review their Green Belt boundaries and plan for longer term development needs.

***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 No, I refer the Inspectors to the comments provided to the preceding questions.

**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 Yes, it is considered that exceptional circumstances do exist which warrant Green Belt release. These circumstances are clearly and robustly set out within chapter 7 of the Council's Topic Paper 1 addendum (EX/CYC/18).

2.22 It should be noted that whilst we agree that exceptional circumstances do exist for Green Belt release we do not consider that the most appropriate sites have been chosen, nor do we agree with the housing need (see our matter 2 statement).

***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 Table 2 of the Council's Topic Paper 1 addendum (EX/CYC/18) identifies 14 housing sites within the Green Belt. We do not generally dispute the village and urban extensions. However, 3 sites ST7, ST14 and ST15 are all freestanding settlements which will require significant infrastructure and service provision to ensure their sustainability. The justification for including these sites at the expense of other sustainable urban extensions is unclear.

2.24 The allocation of these sites will have a clear and discernible impact upon the character and the openness of the Green Belt.

***c) and d)***

2.25 Our Client does not have any specific comments to make in response to these questions, nevertheless they reserve the right to make further representations in so far as they may affect their land interest.

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

2.26 I refer the Inspectors to our response to part b of this question above.

**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;***

2.27 No, several of the proposed allocations would create significant incursions into the Green Belt. It is notable that within Annex 2 of the Topic Paper 1 Addendum (EX/CYC/18b) several of the sites are noted to have an impact upon urban sprawl (notably sites ST7 and ST8).

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

2.28 No, the creation of 3 new settlements will inevitably impact upon the openness of the Green Belt.

***c) takes account of both the spatial and visual aspects of the openness of the Green Belt, in the light of the judgements in Turner and Samuel Smith Old Brewery;***

2.29 I refer the Inspectors to our other responses to this question.

***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 (in answering this question, we ask that the Council refers specifically to the 'wedges' of Green Belt that would be created, for example those between the main urban area and Sites ST7 and ST8);***

2.30 Sites ST7 and ST8 create significant incursion into the Green Belt and in both cases would leave a 'wedge' of Green Belt. In the case of ST8 the Council (EX/CYC/18b) indicate that this wedge will be retained as Green Belt to ensure the setting of Huntington is preserved. However, the land between Huntington and the allocation will only be a single field width. The openness of the Green Belt will not therefore be preserved. In addition, it appears unlikely, given the proximity, that the setting of Huntington will be preserved. Furthermore, we consider that the Green Belt wedge will not meet at least 3 of the Green Belt purposes namely;

- check the unrestricted sprawl of large built-up areas;
- prevent neighbouring towns merging into one another;
- assist in safeguarding the countryside from encroachment.

2.31 The wedge created by ST7 would similarly fail to meet these Green Belt purposes.



***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***

2.32 Our Client does not have any specific comments to make in response to this question, nevertheless they reserve the right to make further representations in so far as they may affect their land interest.

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

2.33 The creation of three new freestanding settlements will require significant enabling infrastructure to ensure their sustainability. These sites appear to have been designated at the expense of other sites which would ensure the continued health and vitality of existing settlements. This includes our client's site within Strensall.

***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?***

2.34 No, I refer the Inspectors to our response to question 3.5 above.

***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]?***

2.35 In common with our responses to other questions within this matter and our comments upon the submitted plan we remain of the opinion that several of the proposed sites remain unjustified, these will be discussed in greater detail on the later site-specific sessions. However, our concerns with the allocation of several sites notably ST7, ST8, ST14 and ST15 leads our client to conclude that the alterations set out are unsound.

***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?***

2.36 No, I refer the Inspectors to our earlier responses.