

York Local Plan Hearing Statement:

Matter 3 – Green Belt

On behalf of Oakgate Group

November 2019

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Final Date: November 2019

For and on behalf of GVA Grimley Limited

1. Introduction

- 1.1 This Hearing Statement has been prepared on behalf of Oakgate Group in response to the issues and questions identified by the Inspectors in respect Matter 3: Green Belt.
- 1.2 Oakgate Group has engaged in the preparation of the York Local Plan over several years and has consistently argued that there is an under provision of employment space in York, quantitatively and qualitatively, which is damaging to the local economy.
- 1.3 The draft Plan fails to address York's employment needs by not allocating or safeguarding sufficient employment land as part of the review of Green Belt boundaries. This is a major failing of the draft Plan.
- 1.4 The draft Plan therefore cannot be considered the most appropriate strategy in terms of overall sustainability without a comprehensive Green Belt review and subsequent allocation of further land to meet the identified shortfall in employment land needs. As submitted, it is not possible to conclude that the draft Plan is justified, likely to be effective, positively prepared or consistent with the NPPF.

Naburn Business Park

- 1.5 Oakgate Group own 18.2ha of land to the east of the York Designer Outlet, Naburn (the site).
- 1.6 In June 2019, a planning application was submitted to the City of York Council for a new business park on the site under application ref: 19/01260/OUTM ('the Naburn business Park').
- 1.7 The proposals will meet employment needs that have not been adequately addressed through the Local Plan, delivering 25,000sqm of office floor space and an innovation centre, 2,000 new jobs, an improved park and ride facility and enhanced public access to the Green Belt. The application is yet to be determined.

2. Matter 3 – Green Belt

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?

- 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?
- 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 Examination of the City of York Local Plan 2017-2033 establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

2.1 Because of York’s long and complicated Local Plan history, the extent of the Green Belt has never been properly defined. As the boundaries are not defined, they cannot be altered, and therefore NPPF paragraph 83 should not apply. Notwithstanding this, exceptional circumstances have been justified by the Council to change the general extent of the Green Belt.

2.2 The “general extent” of the Green Belt was last set out in the now revoked Yorkshire and Humber Regional Spatial Strategy¹. The RSS key diagram, which includes the general extent of the Green Belt, is not sufficiently detailed for development management purposes. This lack of policy detail has held back development in York.

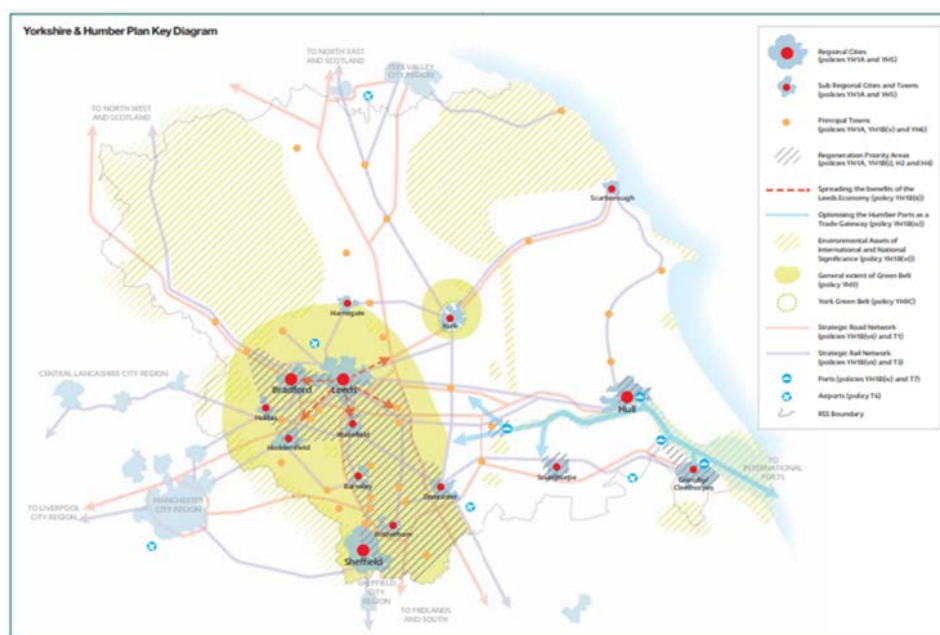


Figure 1: Partially Revoked Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (2008) Key Diagram

¹ When the RSS was revoked in 2013 the green belt policies and key diagram were saved from revocation

2.3 The submitted Plan will set York's detailed green belt boundaries for the first time – not just the inner and outer boundaries, but the land in between too which may not necessarily meet the NPPF Green Belt purposes to warrant inclusion. The setting of the Green Belt should only be done following an up-to-date comprehensive Green Belt assessment, which the Council has failed to do.

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:

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

2.4 There are two key flaws to the Council's approach to promoting sustainable patterns of development:

- i. failure to undertake an up-to-date comprehensive Green Belt Review; and
- ii. retrospectively seeking to prepare Green Belt evidence blinkered to reasonable alternatives and without proper consideration of the quality of the Green Belt land including factors like clearly defined boundaries, physical boundaries and likely permanence.

2.5 The Topic Paper 1 Addendum fails to demonstrate how the Council has assessed the Green Belt contribution of individual parcels of land and is absent of a robust scoring system. Instead the Council relies on historic and incomplete work on the Green Belt, including the 2003 'The Approach to the Green Belt Appraisal', which is just 16 pages long, and the subsequent 2011 update, which did not methodically review the 2003 Appraisal but was limited only to responding to comments submitted.

2.6 The Topic Paper 1 Addendum Annex 5 assesses sites proposed to be allocated by the Council. There is no equivalent Green Belt assessment of discounted sites in the Council's evidence base which demonstrates that comparative analysis of reasonable alternatives has been properly undertaken.

2.7 Land at Naburn which was assessed by the Council as not warranting inclusion in the Green Belt in 2003 and 2005 and only subsequently altered in 2011 following an objection from Fulford Parish Council with no comprehensive appraisal or justification.

2.8 The Council's backward approach to the Green Belt is evident by the sheer scale of the Topic Paper 1 Addendum and the fact that it was only available in March 2019 a year after the draft Plan was published (February 2018).

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?

2.9 In order to be consistent with Paragraph 84 of the NPPF, the Council should consider and allocate further land to meet the employment development requirements as set out in the Local Plan, taking into account the shortfalls already evident in the proposed allocations and to ensure the long term endurance of Green Belt boundaries beyond the plan period. See question 3.2d below.

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?

- 2.10 The proposed Green Belt boundaries are not consistent with the Local Plan strategy to support economic growth because the draft Plan fails to allocate enough land to meet identified employment needs.
- 2.11 The Council acknowledge that there is “a shortfall in the supply of suitable and available employment land within the urban area” , and therefore additional employment land can therefore only be delivered in the Green Belt.
- 2.12 We appreciate that the Phase 1 hearings have been convened to deal with strategic matters relating to housing strategy and Green Belt, however, to answer this question fully, it is necessary to briefly touch on draft employment allocations too.
- 2.13 Policy EC1 (Employment Allocations) identifies four sites to meet York’s office floorspace requirement of 107,081sq.m, over the plan period.

ST5: York Central

- 2.14 The largest proposed allocation is York Central, accounting for 93% of the total office floorspace requirement.
- 2.15 The draft Plan fails to acknowledge the latest position at York Central and continues to overstate the amount of office space that can be delivered. An outline planning permission for York Central was approved in March 2019 (Ref: 18/01884/OUTM) and permits between 70,000sqm and 87,693 sqm of office space. Comparing this against the proposed allocation for York Central in the draft Plan at 100,000 sqm, this means at York Central there will be a shortfall of at least 12,000 sqm, and potentially up to 30,000sqm, of office floorspace against the proposed allocation.
- 2.16 The majority of this floorspace (76,762sq.m) will be delivered within Phases 3 and 4, with Phases 1 and 2 focused on the delivery of residential development. Phases 3 and 4 are not due to be completed until 2033 and have start dates ranging between 2023 and 2026. There is no floorspace proposed to be delivered post-plan period (post 2033).
- 2.17 Given the range proposed within the application approved (70,000sqm and 87,693 sqm), we have therefore assumed a median of 78,000sq.m as a more robust position for the expected delivery during the plan period.

ST19: Land at Northminster Business Park

- 2.18 Northminster Business Park is currently not an office development and is predominantly by B1c, B2 and B8 uses, including distribution, industrial and warehouse units.
- 2.19 Policy EC1 states that future development at this site will be focused on the expansion of the existing B1c, B2 and B8 uses.
- 2.20 For robustness however, with regard to Policy EC1 stating that ‘an element of B1a may be appropriate’, we have assumed a 5% of provision of office floorspace for the anticipated delivery.

E11: Annamine Nurseries, Jockey Lane

- 2.21 This site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space anticipated to be delivered.

E16: Poppleton Garden Centre

- 2.22 Poppleton is an active Garden Centre, purchased very recently by Dobbies from Wyevale in April 2019. The site is no longer considered a likely future employment site. In any case the Council has only identified that the site may be suitable for "an element of B1a". The Council has not justified that the site can be relied on to deliver any new office floorspace during the plan period.
- 2.23 Based on the above, there is potentially a shortfall of 26,606sq.m (against the target of 107,081sq.m) of office floorspace unaccounted for in the draft Plan. This is summarised in the table below:

Sites Allocated for B1a Employment in Draft Local Plan				
Sites	CYC allocation size (sqm)	CYC's view on suitable employment uses	AY comments	AY anticipated delivery (sqm)
ST5: York Central	100,000	B1a	An outline application approved has been approved (Ref: 18/01884/OUTM) which permits up to 70,000-87,693sq.m of B1a floorspace. The estimated delivery has been therefore been calculated as the median of this permitted range.	78,000
ST19: Land at Northminster Business Park	49,500	B1c, B2 and B8. May also be suitable for an element of B1a .	The most recent planning application for this site (Ref: 18/02919/FULM) permitted 1,188sq.m B1a. Based upon this and a further 'element' of B1a floorspace being delivered the expected delivery has been estimated as 5% of the total allocation.	2,475
E11: Annamine Nurseries, Jockey Lane	3,300	B1a , B1c, B2 and B8	The site has been bought by the Shepherd Group who own the surrounding land. Future development on this site is anticipated to focus on the expansion of the existing portakabin business surrounding the site, with no new office space delivered.	0
E16: Poppleton Garden Centre	9,240	B1c, B2 and B8. May also be suitable for an element of B1a .	The site has been bought by Dobbies and is currently being used as a garden centre. Based on the site being in active use and no plans for redevelopment, the anticipated delivery of B1a floorspace has been calculated as 0.	0
Total	162,040		Total anticipated delivery	80,475
Total B1a required in Local Plan	107,081		Difference in anticipated delivery against Council's B1a target	-26,606

- 2.24 Returning to the principal question of the Green Belt and why this all matters. By not planning to meet its identified employment needs it cannot be said that the Green Belt boundaries are consistent with the Local Plan strategy for meeting identified requirements for sustainable development. This fundamental flaw of the

draft Plan should be resolved before the Green Belt boundaries are defined permanently and further land should be allocated to ensure that the employment land targets, as set out in the Plan, are met with sufficient capacity for flexibility.

- 2.25 The Naburn Business Park is a live planning application that is deliverable in the short term to meet identified need now and could be identified in the Local Plan. The proposals comprise 25,000sqm of office floorspace and an innovation centre that could plug the identified office floorspace gap and the application is supported by a suite of technical documents which demonstrate how the proposals represent sustainable development.

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?

- 2.26 If the Council is to meet its identified development needs the Green Belt boundaries will undoubtedly need to be altered at the end of the Plan period, if not before. This is one of the biggest failings of the draft Plan and is particularly concerning given the protracted history of the Local Plan to date and the Council's inability to adopt an up-to-date plan since the 1950s.
- 2.27 We estimate that there is a potential a shortfall of 26,000sqm of office floorspace identified though the Local Plan. See Question 3.2 above. The draft Plan has therefore not allocated enough land to meet the employment land needs of York over the plan period, let alone beyond the Plan period

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?

- 2.28 Yes, the Local Plan should identify areas of safeguarded land between the urban area and the Green Belt to ensure that the Green Belt boundaries endure beyond the plan period and to ensure consistency with Paragraph 85 of the NPPF.
- 2.29 The Council's approach that *"it is not longer necessary to designate safeguarded land"* due to some of the strategic sites identified in the draft Plan having anticipated build out times beyond the 15 year trajectory is fundamentally flawed and unsound for several reasons:
- Other Local Plan Inspectors² have indicated that a 15-year plan period, followed by 10 to 15 years' worth of safeguarded land will ensure that Green Belt boundaries retain a degree of permanence.
 - The draft Local Plan Incorporating the 4th Set of Changes (April 2005) recognised the merit in including safeguarded land. By proposing safeguarded land (including the Land at Naburn, Ref: Naburn Designer Outlet) the Council has expressly acknowledged that those areas do not perform a Green Belt function.

² Ashfield Local Plan; Cheshire East Local Plan Strategy; Leeds Core Strategy and Rotherham Core Strategy

- The need for safeguarded land was clearly stated in legal advice sought by Officers of the Council³ which was clear that if no safeguarded land is identified the emerging Local Plan is likely to be found unsound.
- In terms of offices space, the submitted plan does not actually identify any strategic sites with supply stretching beyond the plan period. See Question 3.2 above, we estimate there will actually be an undersupply of office supply during the plan period, particularly in the short term.

2.30 The inclusion of safeguarded employment land is necessary so that the Plan has flexibility to adapt and respond to changing circumstances. This is especially important in York for where there is an acute demand for office space (less than 2% vacancy); an overall reliance on one allocation (York Central) to meet 93% of York's identified office floorspace needs; and a track record of failing to adopt new Local Plans, meaning it cannot be assumed that any future review or new Local Plan will be delivered in a timely fashion.

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?

2.31 As outlined in this statement and previous representations, there remains significant objection to the Council's approach to the Green Belt which fails to meet the following tests of soundness:

- The Local Plan has **not been positively prepared**. Fundamental technical work such as a comprehensive Green Belt assessment is incomplete; and much technical work has been undertaken after the site selection process was completed so evidence has been retrofitted to justify the pre-existing employment strategy and does not represent the most appropriate strategy;
- It is **not justified** as the Council's approach to defining the Green Belt simply fails to reflect its own evidence base. The Council is reliant on an out of date evidence which dates back to the 2003 Green Belt Appraisal and was formulated in the context of development requirements that bear no relation to present and forecast needs. There is no transparent logic or justification as to how the sites identified for allocation and their respective boundaries have been defined;
- The Local Plan is **not effective** as the plan fails to identify sufficient employment land to meet identified needs during the plan period. This failing is further compounded by the lack of safeguarded land to provide flexibility or ensure that Green Belt boundaries will endure well beyond the plan period; and
- The Local Plan's approach to Green Belt is **inconsistent with national policy** as the amount of employment land proposed to be released from the Green Belt is insufficient and further land is required in sustainable locations in order to meet the delivery of sustainable development objectives set out in the Framework.

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:

³ As presented at the Local Plan Working Group – 29 January 2015

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?**

2.32 Notwithstanding comments above relating to the Green Belt being defined for the first time. It is agreed that exceptional circumstances are justified to warrant changes to the Green Belt.

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

2.33 There is not enough capacity to meet York's developments needs within the existing urban area and without the removal of further land from the Green Belt the employment needs of the City cannot be met.

Question 3.7: How was 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;
- c) takes account of both the spatial and visual aspects of openness of the Green Belt, in the light of the judgments in Turner 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.

2.34 The Council's Green Belt evidence was, until recently, out of date and incomplete. The Council first reached a prejudged position on site allocations and has sought to retrofit Green Belt evidence to support its conclusions, blinkered to requirements of the NPPF and SEA.

2.35 The evidence has been retrospectively bolstered to fit the Council's preferred spatial strategy, but in doing so fails the NPPF tests of soundness as it cannot be said that the plan is "*the most appropriate strategy, when considered against the reasonable alternatives*".

2.36 The Inspectors will be familiar with the history of the York Local Plan, but below is a summary of some of the key events since 2003, which relate to the Green Belt evidence base and Oakgate's land at Naburn. The Council's approach to the assessment of land at Naburn has not been justified.

- In **2003** the Council prepared a document named 'The Approach to the Green Belt Appraisal'. This document relied on evidence largely prepared in connection with the York Green Belt Local Plan Deposit Draft 1991. In 2003, the Council concluded that Naburn Business Park site did not to serve any of the five purposes of the Green Belt and was subsequently not designated as such.
- In **2005** the Council produced the City of York Fourth Set of Changes (Development Management) Local Plan which was approved for Development Management purposes. This Plan represents the most advanced Local Plan document approved to date, in which the Naburn Business Park site was partly allocated (9ha) as a reserved site for development.

- In **2008**, the Yorkshire and Humber Regional Spatial Strategy (RSS) was adopted which set out the general extent of the York Green Belt. This comprised a high-level key diagram, with the area outside of the urban area of York identified as Green Belt. There was no detailed assessment of the quality of the Green Belt and it did not take into account York City Council Green Belt evidence which excluded Naburn Business Park from the Green Belt. This meant that by default the Naburn Business Park site has been treated Green Belt even though the exact extent of the Green Belt has never been defined.
- In **2011**, the City of York Historic Character and Setting Technical Paper was prepared which considered potential changes to the boundaries proposed in the 2003 Appraisal document, in light of comments raised primarily from Fulford Parish Council. In this document the Naburn Business Park site was altered to an Extension to the Green Wedge. The document did not comprehensively review all the historic character areas, only responding to specific comments raised, and no technical evidence was provided to support the changes made.
- In **2013**, the RSS was revoked except for the Policies YH9(C) and Y1 (C1 and C2) and the key diagram relating to the general extent of the Green Belt in York which were saved.
- **2019**, the Council is now defining the inner and outer boundaries of the Green Belt for the first time through the draft Local Plan supported by Topic Paper 1 (The approach to defining York's Green Belt) and the subsequent Addendum (including annexes). However, are still reliant on the general extent of the Green Belt as defined in the RSS of 2008 and the changes made to the 2003 Green Belt Appraisal document in 2011, allocating the Naburn Business Park Site within the Green Belt, as a Green Wedge with regard to historical character.

2.37 The above timeline demonstrates that since 2003 the Council has failed to objectively assess the quality of the York Green Belt through an up-to-date comprehensive Green Belt Review, which in turn can be used to properly define the Green Belt boundaries based on up-to-date development needs.

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