

BANKS PROPERTY LIMITED

**CITY OF YORK LOCAL PLAN 2017 - 2033
EXAMINATION IN PUBLIC**

**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**

HEARING STATEMENT ON BEHALF OF BANKS PROPERTY

FILE NOTE

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?

As set out in our representations to the proposed modifications, the General Extent of the Green Belt was identified within the North Yorkshire Joint Structure Plan and subsequent Yorkshire and Humber Plan. This is the first time that a local plan will establish detailed Green Belt boundaries and therefore with regard to the Framework the council are required to establish Green Belt boundaries for the first time rather than altering them.

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

We do not believe that the need to promote sustainable patterns of development have properly been taken into account, as set out within our response to Matter 2. The focus of new housing development should be within the City of York in order to ensure the most sustainable pattern of development is supported. There are a number of suitable urban extensions to the main urban

area including Malton Road that are inherently more sustainable than some of the larger sites that have been allocated within the wider authority area.

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?

We believe that the inner Green Belt boundaries have been drawn too close to the existing urban area. In addition to not providing clear and defensible Green Belt boundaries, such an approach compromises the overall spatial strategy of the authority.

The inner Green Belt boundaries should reflect long term defensible boundaries and land that is necessary to keep permanently open. There are relatively small parcels of land that do not perform any of the five Green Belt purposes close to the urban area and that are not necessary to be kept permanently open. Such an approach would promote sustainable patterns of development and ensure that appropriate long term defensible inner Green Belt boundaries are identified.

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?

As set out in response to b) we do not believe that the defined Green Belt boundaries are consistent with the requirements for sustainable development and/or land which is unnecessary to keep permanently open.

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?

Due to failing to meet its housing needs in full, drawing the inner and outer boundaries so tightly and the fact that the entire authority area is within the Green Belt it is inevitable that Green Belt boundaries will need to be altered at the end of the Plan period.

The use of rear garden fence lines as Green Belt boundaries constitutes poor defined inner edges that fail to create strong defensible boundaries that will remain permanent throughout the plan period and beyond. This fails to comply with the NPPF when local authorities need to define boundaries for the first time.

In order to ensure compliance with NPPF, the authority should draw boundaries that are clearly defined using physical features and likely to be permanent. A comprehensive review of inner and outer boundaries has not taken place which would ensure suitable boundaries are established and make provision for future housing needs. If this is not in the form of additional housing allocations, white land or safeguarded land should be identified to accommodate future housing needs.

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?

Whilst we believe that additional housing allocations are required to ensure housing needs are met in full, we would also support the identification of safeguarded land between the urban area and Green Belt in order to meet longer-term needs beyond the plan period as set out in paragraph 85 of NPPF.

The fact there is no available land outwith the urban area that is not located within the Green Belt reinforces the need to include safeguarded land and avoid having to review Green Belt boundaries at the end of the plan period.

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?

For the reasons set out above, we do not believe that the proposed Green Belt boundaries in the plan are appropriately defined and consistent with NPPF, resulting in the Plan not being sound in this regard.

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:

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?

The housing and employment needs of York and the fact that all land outwith the urban area is within the Green Belt provides the exceptional circumstances which warrant proposed alterations to Green Belt boundaries. As previously set out, Green Belt boundaries have yet to be defined in York which is one of the requirements of this local plan.

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?

As set out in our response to Matter 2, York is required to meet its full housing needs in its own authority area. The need to meet its own housing need in full to ensure the economic prosperity of York contributes to the need for exceptional circumstances leading to alterations to the Green Belt.

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

In the absence of a local plan there has been significant levels of development within existing urban areas for housing and employment. There is limited capacity for new housing development in existing urban areas.

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)?

There are very limited opportunities on non-Green Belt rural land to meet housing and employment needs in a sustainable manner.

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:

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 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?

We do not believe that land proposed to be removed from the Green Belt has been based on a robust assessment methodology. The recent addendum to Topic Paper 1 seeks to retrofit an evidence base to draft Green Belt boundaries since 2014. It is vitally important that a comprehensive and robust assessment to Green Belt is undertaken, something which we believe has never taken place.

Due to the council defining Green Belt boundaries for the first time it is imperative that full consideration is given to the need to promote sustainable patterns of development, reflecting the five purposes of the Green Belt as set out in NPPF and the spatial and visual aspects of the openness of the Green Belt. We have previously raised concerns regarding the Green Belt assessment from 15 years ago and the recent addendums regarding; clearly defined boundaries, openness, land which is unnecessary to keep permanently open and consideration of the five purposes of the Green Belt.

The assessment arbitrarily breaks down Green Belt boundaries into small sub-sections as opposed to considering boundaries across a particular land parcel. There are numerous references to the historical importance of areas including former field boundaries and footpaths which are not clearly defined on the ground. Such heritage assets if worthy of protection can and should be addressed through other policies and not influence decisions on where to draw clearly defined Green Belt boundaries.

The assessment is highly subjective and contains serious flaws in its assessment approach.

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?

This is the first time that a local plan will establish detailed Green Belt boundaries in York and therefore all proposed inner and outer boundaries must be considered in regard to their intended

permanence. As set out in response to questions 3.1 and 3.2, we do not believe that the proposed boundaries are capable of enduring beyond the plan period.

The fact there is no available land outwith the urban area that is not located within the Green Belt means that unless the inner boundary is drawn less tight or safeguarded land is identified, it is inevitable that a review of Green Belt boundaries will be required at the end of the plan period.

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?

For the reasons set out above we do not believe that the approach to identifying land to be 'released' from the Green Belt is sound.

J Seabury
28 November 2019