

YORK LOCAL PLAN

EXAMINATION IN PUBLIC

Response to Inspector’s Matters, Issues and Questions

Made on Behalf of Barratt and David Wilson Homes

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

Introduction

- 3.1 These responses are made on behalf of Barratt and David Wilson Homes (Yorkshire East), hereafter referred to as our Client. Our Client is the country’s largest housebuilder and has an excellent delivery record nationally and locally in the region.
- 3.2 Our Client has a significant number of land holdings within and around York and has made representations throughout the CYCLP consultation process at all stages. In summary and for clarity the following is a list of our Client’s interests.

Site Address	Site Reference	CYCLP Area	CYCLP 2013 Capacity (BDWH control)	CYCLP 2016 Capacity (BDWH control)
Manor Heath, Copmanthorpe	ST12	1	250	0
Moor Lane, Copmanthorpe	H29	1	65	88
Riverside Gardens, Elvington	SF10	2	0	0
Land to the West of Elvington Lane	ST15	2	4,680	0
Eastfield Lane, Dunnington	H31	3	75	84
Metcalfe Lane, Osbaldwick	ST7	4	750	35
New Lane, Huntington	ST11	4	360	0
North of Monks Cross	ST8	6	35	35
North of Haxby	ST9	6	375	375
North of Clifton Moor	ST14	6	750	500

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?

- 3.3 Paragraph 82 of the Framework is clear that the ‘general extent’ of the Green Belt is already established, however the exact boundaries need to be defined. The Council rightly rely upon saved Policy YH9 of the RSS, which established the general extent of the Green Belt in the region, including around York. However Saved Policy YH9 also references the Key Diagram, which shows graphically the general extent of the Green Belt outside of the ring road (Policy YH9a), with land within the ring road to be established following the defining of boundaries (Policy YH9c).
- 3.4 Reading Policy YH9 and the Key Diagram together it is clear that the RSS established a general extent of the Green Belt outside of the ring road but left the inner boundary to be considered through the Local Plan, in turn not necessarily including this land within the general extent. The land within the ring road is clearly excluded from the general extent annotation and is shown as being subject to Policy YH9c.
- 3.5 There is an argument that land within the ring road is excluded from the general extent and therefore new Green Belt. If this is the case, then exceptional circumstances should be shown for the land within the ring road to be new Green Belt.
- 3.6 Should this be the case, the exceptional circumstances relied upon are therefore those in the RSS, which note the importance of preserving the historic city of York. If this is the case and those are the exceptional circumstances, then only that land required to meet that purpose should be included in the 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?

- 3.7 Paragraph 82 of the Framework is clear that the ‘general extent’ of the Green Belt is already established, including that land outside of the ring road and potentially the land within the ring road. The Council are seeking to allocate land within these areas for housing, therefore the general extent of the Green Belt as previously defined will reduce.

- 3.8 This does not however mean that land is being removed from the general extent as it is simply that, a broad definition over a large area of land, with no detailed assessment of land which should or should not be in the future defined Green Belt.
- 3.9 The Framework provides a for a two-stage process, with the broad location requiring detailed confirmation in a Local Plan. The Framework includes a number of other policies regarding establishing the detailed boundaries of the Green Belt in paragraphs 83, 84 and 85. Paragraph 83 is clear that LPA's should establish Green Belt 'boundaries' in their Local Plans, something York has never done.
- 3.10 Paragraphs 84 and 85 provide the guidance for defining these boundaries and provide a series of tests to determine which land should be in the Green Belt and which should not.
- 3.11 In simple terms the general extent does not define land as Green Belt, rather it shows a broad area to be considered as Green Belt, with defined boundaries established through a later Local Plan. Bordering authorities, such as Selby, Harrogate and Hambleton have established part of the detailed outer boundary, which altered the general extent without the need to show exceptional circumstances. As CYC has not had an adopted Local Plan, the remainder of the Green Belt has not been set. On this basis setting that boundary does not remove land from the general extent and no exceptional circumstances are required.

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?**
- 3.12 The Council has taken a varied approach to defining the Green Belt, dependent upon where land is. The existing built edge of York has been assessed as individual boundaries, the existing settlements determined as to whether they should be inset or washed over by the Green Belt and then exceptional circumstances shown to release land from the Green Belt.
- 3.13 The RSS saved policies have to be read as any policy document in accordance with the Framework and appropriate weight given to them in accordance with their compliance with updated national policy. The RSS provided a general extent to the Green Belt, with exact boundaries to be defined in future Local Plan documents.

- 3.14 Whilst the RSS only explicitly refers to the inner and outer boundary, the Framework is clear that in establishing detailed boundaries there are more issues to consider than simply the inner and outer boundary, including the inseting of settlements, promoting sustainable patterns of development and not including land not necessary to be kept permanently open.
- 3.15 Whilst the RSS policies were saved, this was to ensure that the general extent of the Green Belt was retained. In determining the boundaries guidance has to be taken from the Framework, nor Policy YH9. On this basis the detailed boundaries should be considered on merits rather than having to show exceptional circumstances.

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

- 3.16 It is unclear from the evidence whether the Council have had regard to this in establishing the inner boundary of the Green Belt. Our Client has a significant land holding at New Lane Huntington, which was previously considered suitable as a draft allocation, only to be deleted following the reduction in the level of homes.
- 3.17 The site comprises an infill site between existing housing on the edge of the main urban area and the Monks Cross shopping estate. There are no technical constraints with the site and the Council's own assessment shows it to be more sustainable than a number of other allocations that remain.
- 3.18 It is not considered that when the Council considered the deletion of sites, full regard was had to sustainable patterns of development, if so, this site would have retained its previous allocation.

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?

- 3.19 The Council have sought to maximise the use of land within existing built up areas. As can be seen for the housing allocations and strategic sites, the availability of such sites, particularly away from the city itself, are limited if available at all.
- 3.20 In the absence of an adopted plan, the Council has been wholly reliant on windfall housing for a number of years, which has resulted in almost if not all suitable housing sites in existing settlements being delivered. Similarly, sites within the city have been developed, however these invariably result in apartment schemes or student accommodation given the nature of the sites.

- 3.21 This historic trend has shown a significant under delivery of homes across the whole plan area but notably in existing settlements. If the approach were to look solely at these remaining available sites it would result in a significant undersupply of homes. As can be seen from the SA, the bigger the reduction in the level of homes the more unsustainable the plan.
- 3.22 The boundaries of the plan are geographically small and due to the neighbouring authorities having adopted Local Plans, the outer edge of the Green Belt extends beyond the plan boundary. As such, extending beyond the Green Belt boundary would result in developing in adjacent authorities. Given the historic under-delivery of homes in the city and the opportunities that the plan provides, reducing the level of housing would exacerbate current and historic under-delivery and affordability issues in the city and surrounding areas.
- 3.23 The alternatives would therefore result in a less sustainable approach to housing delivery in the city and surrounding area.

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?

- 3.24 Our Client's site at New Lane, Huntington, was previously a draft allocation, ST11 for 360 homes. The site was later excluded when the Council reduced the level of homes required in the plan period. As per our response to Matter 1, there is no evidence to show that any assessment was carried out on which sites to re-allocate as Green Belt that were previously allocated for housing. This assessment should have considered the overall sustainability of the plan, spatial strategy and distribution but also the individual sustainability of the sites.
- 3.25 As can be seen in the addendum to our representations to the most recent consultation, the site at New Lane, Huntington, is amongst the most sustainable of the Strategic Sites, meets all of the spatial objectives and ultimately is an infill between the main urban area and an existing large built up area. The deletion of the site has not been considered against the Council's need to meet sustainable development or justified.
- 3.26 Further to this and more importantly, the site simply does not perform a Green Belt purpose and makes no contribution to the openness of the area. The site is an area of land surrounded on three sides by housing and the Monks Cross shopping centre, with Malton Road to the south. The site is surrounded by development and simply forms an infill.
- 3.27 Paragraph 85 makes it clear that when defining boundaries land should not be included that is not necessary to be kept permanently open. The Council have assessed the inner boundary in Annex 3 of TP1, considering boundaries against the five purposes of the Green Belt. Our Client's site is considered as boundaries 28, 29, 30 and 31.

- 3.28 A simple visual assessment of the site shows that the land does not meet any of the purposes of including land within the Green Belt, it does not merge settlements, harm historic towns, result in sprawl or encroachment.
- 3.29 Further to this the Council's own methodology shows the same, with the land being excluded from the area that is important for Green Belt purposes on the composite Map in Figure 7.
- 3.30 The Council's own detailed assessment for boundaries 30 and 31 also show that this land makes no contribution to openness or the purposes of including land in the Green Belt. The only reasons provided in the Council's assessment are that a SAM is nearby and that the land is an important separation between existing houses and the commercial development to the east.
- 3.31 Neither of these grounds are relevant to determining the Green Belt boundary and should be disregarded in the assessment. On this basis the Green Belt boundary should follow the road to the south and modifications made to the plan. Simply not needing the land for housing is not grounds for including it in the Green Belt.

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?

- 3.32 The Green Belt boundaries will need to be altered at the end of the plan period as insufficient land is available for delivering homes in the next plan period. This plan seeks to allocate the minimal land available for new homes and draw a tight boundary around those sites with the remainder of land in the city's boundaries being designated as new Green Belt.
- 3.33 The lack of allocations within settlements and the city itself show the limited opportunities for homes to be delivered elsewhere and this approach effectively means that at the end of the plan period no land will exist, therefore meaning a further review of the Green Belt.
- 3.34 The Council in defining Green Belt boundaries should have regard to this and, if applied correctly, land would be excluded from the Green Belt, even if not allocated for housing, as either safeguarded land or simply white land. Without this approach the boundaries will not endure and therefore the plan is unsound.

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?

- 3.35 The Framework is clear at paragraph 85 that when drawing up Green Belt boundaries the Council should consider whether it is necessary to include safeguarded land between the

urban area and the Green Belt in order to meet longer term development needs stretching well beyond the plan period.

- 3.36 The Council consider that well beyond the plan period should be a period of five years. Whilst this may be appropriate in some cases, the history of the CYCLP is relevant here, with a notable absence of a plan and significant local difficulties in preparing a plan. Given these difficulties and the significant delay it is not unlikely that this would not happen again in the future, resulting in a lack of homes and reduction in affordability as in place now. For this reason, well beyond the plan period should be considered at least ten years.
- 3.37 Given the lack of opportunities and significant constraints, the use of safeguarded land is clearly necessary in York. The Council's own legal advice (Ex CYC 11a), confirms this to be the case and nearly all other Local Authorities with Green Belt have done the same.
- 3.38 The reason for ignoring their own legal advice is shown in paragraph 5.63 of TP1, claiming that several of the strategic sites will deliver beyond the plan period and coupled with a 'small' windfall allowance this will deliver homes until 2038. Despite this claim, the evidence and plan does not support the Council's position.
- 3.39 The trajectory included in the Local Plan shows that a number of the sites will be developed in the middle part of the plan period and by 2030 the plan will only just meet its needs for the last three years. To suggest that sufficient homes have been allocated to continue that trend is simply wrong.
- 3.40 Further to this and more importantly, the Council refer to several strategic sites delivering beyond the plan period. When looking at the draft plan, this is in fact four sites, SS1, SS12, SS13 and SS20, delivering 200-1,000, 148, 1,139 and 769 homes respectively. This figure if accepted results in between 2,256 and 3,056 homes.
- 3.41 The Council's current windfall allowance is 169 per annum, which if continued would provide a further 845 homes. In total this would therefore provide between 3,101 and 3,901 homes beyond the plan period. These figures would deliver between 620 homes and 780 homes per annum, which is below the current requirement.
- 3.42 Given that site SS20 will only be released for development post 2031 there is no evidence it can deliver, similarly the level of homes in the plan may need to be increased, therefore safeguarded land is clearly needed.

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?

- 3.43 For the reasons given above, the boundaries in the plan are not considered sound. Whilst we note this section only refers to the inner boundary of the Green Belt, it is also relevant to Our Client's interests at Metcalfe Lane, Osbaldwick, which is a Strategic Site, however, it is also adjacent to the main built up area. The Council have left a small gap between the allocation and main built up area to the west and south of the allocation, which will continue to play no part should it be retained as Green Belt. On this basis, the inner boundary should be altered to incorporate this area and the draft allocation.

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?

- 3.44 As per our earlier responses, we do not believe that there is any need to show exceptional circumstances, as the Green Belt has yet to be adopted in a Local Plan and the boundaries are being set for the first time. However, should it be considered that exceptional circumstances need to be shown, these are clear, as shown in section 7 of TP1.

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?

- 3.45 The spatial strategy is based upon delivering homes on sites that the Council consider suitable and sustainable, following an assessment of their constraints. The five principles guiding this seek to deliver homes in areas that are best placed for public transport, have least impact on heritage and flooding and where possible reuse previously developed land.
- 3.46 Given the administrative boundary of the city and the extent of land considered Green Belt, other than within the existing built up area, limited opportunities exist to develop housing in non-Green Belt areas. Whilst other authorities have areas of Green Belt and open countryside, York simply has Green belt and built up area. The spatial strategy has not guided development to the Green Belt as an alternative to non-Green belt sites as they simply do not exist.

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

3.47 Our Client reserve the right to comment on this following the Council's response.

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)?

3.48 Theoretically none of the land is yet Green Belt until the plan is adopted, therefore other opportunities do exist, particularly within the inner boundary, such as our Clients land at new Lane Huntington.

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

3.49 Our Client believes that as the Green Belt boundaries are being defined for the first time, the plan should have regard to the need to promote sustainable patterns of development, should not include land not necessary to be kept permanently open, ensure the boundaries are robust and can endure beyond the plan period.

3.50 In terms of our Client's interests, ST7, ST8, ST9, ST14 and ST33, these sites have been assessed against the Council's spatial strategy and also the purposes of including land in the Green Belt and the sustainability appraisal, concluding that they are not suitable to be retained within the Green Belt.

3.51 Whilst our Client does not consider exceptional circumstances are needed, if it is considered necessary, the housing need and lack of alternatives provides for this and that land should be released to allocate sufficient sites.

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;

3.52 Annex 5 of TP1 includes an assessment of the retained sites, which considers the impact on the Green Belt and its openness.

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

3.53 The Council have produced a methodology and composite map showing the areas most important to be kept open and permanent. The conclusions on sites do not however

necessarily follow this, with Our Client's land at New Lane, Huntington, and land at Manor Heath, Copmanthorpe, not allocated, despite not having an impact on openness.

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;

3.54 Our Client reserves the right to comment following the Council's response.

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);

3.55 The Green Belt is a land use policy situated around large built up areas designed both to protect those areas but also the surrounding areas from uncontrolled sprawl, hence the purposes of Green Belt referencing merging, sprawl and encroachment.

3.56 The purposes of Green Belt also reference protecting historic towns and cities, which is referenced in the RSS for setting a Green Belt around York. Given the boundaries need to be set for the Green Belt, it could be argued that new Green Belt is being created. However, even if no regard should be had to paragraph 82 of the Framework, which requires evidence to show why, development management policies could not be used to result in the same outcome.

3.57 In respect of our Client's interests in Metcalfe Lane, the site is separated from the built-up area by a strip of retained Green Belt land, aimed at separating the site from the main urban area.

3.58 This land referenced as a green wedge plays no role as Green Belt, in any future review would be seen as such, and simply should not be Green Belt. The site should be extended to incorporate this to enable a full assessment of the developable areas to be carried out, and if development is inappropriate in this part of the site it could be restricted through a planning application.

3.59 Similarly, in terms of our Client's interests at land west of Wiggington Road, a buffer is provided from roads to the east and south of the site, which are to remain in the Green Belt. Again, these parcels of land play no role in preserving the Green Belt and when assessed against Green Belt policy should also be excluded.

3.60 Should further discussions on a planning application warrant these areas to be left open through a detailed masterplanning exercise then they could be an open space and drainage could be located, together with landscaping.

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

3.61 As per the previous question, protecting views of the minster can be seen as a purpose of retaining the historic character of the city. In terms of the two sites above and those areas of green wedges, neither of those wedges protect views of the minster and therefore show they are not necessary.

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

3.62 Our Client broadly supports the approach taken by the Council in selecting the original sites in accordance with the spatial distribution and assessing them against the purposes of including land in the Green Belt. However, our Client considers that at the time of reducing the level of homes, an assessment was not carried out to determine which sites should be removed, including our Client's land in Copmanthorpe and Huntington.

3.63 At the time of removing sites there does not appear to have been any assessment of the impact on the spatial strategy, distribution or the SA to assess the most appropriate sites for deletion.

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?

3.64 No. The Green Belt boundaries have been altered in order to deliver a reduced level of homes in the plan. The land to be released delivers sufficient land to meet the plan period's housing needs. The spatial strategy and approach to selecting sites has carefully considered an approach to delivering homes and the best way to do this, including urban extensions and new settlements. However, the plan has had no regard to the next plan period and the opportunities for these sites to deliver more homes and continue the Council's strategy.

3.65 Only two of the strategic sites are considered by the Council as capable of delivering homes beyond the plan period, with the land released providing no flexibility beyond that. The Council should seek to increase the boundaries of strategic sites to allow for either white land or safeguarded land to enable future expansion if necessary and appropriate.

3.66 Our Client's sites at Metcalfe Lane, Osbaldwick, and land to the west of Wiggington Lane should both include larger developable areas, white land and safeguarded land to allow development beyond the plan period.

3.67 The Council's own assessment shows that the levels of land not in the Green Belt are limited and will not increase over the plan period, therefore upon plan review there will be an

immediate need to redefine boundaries. This plan provides an opportunity to ensure the site boundaries endure but fails to carry this out. Detailed comments can be made on our Client's sites at a later date but we consider in principle the Council should be considering this now.

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]?

3.68 Our Client has no comments on this question.

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?

3.69 The Council's approach is considered to be flawed in that the boundaries of the Green Belt are being defined for the first time and as such, more land should be excluded than currently in the plan. Land not necessary to be kept permanently open should not be in the Green Belt and remain white land, whilst safeguarded should also be provided.

3.70 Further modifications should therefore be made to exclude other sites and a robust assessment of the boundaries of the allocated sites considered, with a view to looking beyond the plan period.

3.71 The Council have sought to demonstrate exceptional circumstances to release land from the general extent of the Green Belt and whilst this is not considered necessary, shows that the exceptional circumstances are robust, however, in line with our comments on the housing requirement, further sites need to be allocated.