

City of York Council  
Examination of the City of York Local Plan  
2017 – 2033

Phase I Hearings  
The Approach to the Green Belt

SUBMISSION ON BEHALF OF:  
University of York

RESPONSE TO SCHEDULE OF MATTERS, ISSUES  
AND QUESTIONS FOR THE EXAMINATION

November 2019



Chartered Town Planning Consultants

**City of York Council**

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**Responses to the Schedule of  
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**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**

This statement is submitted in response to the questions posed by the Planning Inspectors by O’Neill Associates, planning consultants, York, on behalf of the University of York.

The Inspectors’ matters, issues and questions for the Examination are reproduced for ease of comprehension.

*The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 2 hearings will address the issue of exceptional circumstances and other issues in relation to specific sites. In responding to the following questions, consideration should be in the context of the Council’s Topic Paper 1 relating to the Green Belt [CD021], the Council’s Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan resulting from that document, set out in Annex 6 [EX/CYC/18a].*

*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?

3.1a) *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?*

No, the saved policies of the RSS have established the general extent of the Green Belt. The criteria in paragraph 82 of the NPPF do not apply as new Green Belt is not being established.

3.1b) *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 is a matter of*

*establishing Green Belt boundaries rather than altering them in terms of Paragraph 82 of the Framework?*

Land will be removed from the general extent of the Green Belt. No exceptional circumstances are required as the role of the local plan is to establish green belt boundaries for the first time, not alter them. A series of attempts have been made since the early 1990s to establish the Green Belt boundaries but none has progressed to adoption. Planning inspectors have accepted the general extent of the Green Belt designation over past decades despite the boundaries not having been defined.

*3.2a) How has the need to promote sustainable patterns of development been taken into account?*

The scope for locating development within the existing urban area has been utilised where possible by including allocations in the emerging local plan. However, the innate constraints of the city, for example the compact nature of existing development, areas of flood risk, and historic features such as the Strays and river corridors, inhibit the development potential of much undeveloped land. Thus, sites more remote from the main urban area or established villages within the general extent of the Green Belt have had to be considered and allocated.

*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?*

In order to promote sustainable patterns of development, sites adjacent to existing settlements have been allocated, then sites set within Green Belt. Very little land beyond the Green Belt exists within the Council's boundaries. Those sites adjacent to existing development have the improved prospects for utilising existing facilities and services, including public transport, but they have not proved sufficient in number.

*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?*

The Green Belt Boundaries in the Draft Plan are inconsistent with the Local Plan Strategy for meeting identified requirements for sustainable development because the Council has underestimated development needs for housing and employment purposes. Consequently, the Local Plan has not excluded enough land from the Green Belt to meet the development needs of the City. The Green Belt is so extensive within Local Plan area, in a broad-brush method, that it is likely that land is included which is unnecessary to keep permanently open. Such sites will be identified in Phase 2 of the Examination.

*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?*

The defined Green Belt boundaries will need to be altered at the end of the Plan period, thus will not endure. Having regard to their intended permanence in the long term, they should be capable of enduring beyond the plan period. This is due to the shortened Plan period 2017 to 2033, plus the time to the adoption of the Plan will further shorten the period.

In addition, the Council has only assessed development needs for a period 5 years beyond the Plan Period. Normally it would be 10 to 15 years. The advice of their Counsel, John Hobson QC in 2015 was for a period of 10 years beyond the Plan period, (Copied in our representations to the amendments to the Plan 2019).

Examples of areas where recognisable physical features that are readily recognisable have not been utilised, such as those around University's campus east.

*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?*

The Council has failed to safeguard land for development beyond the plan period as required by paragraph 85 of the NPPF. This is contrary to the advice of their Counsel, John Hobson QC in 2015. Given the shortened plan period and short period beyond the plan period, plus further delays anticipated to adoption of the Plan, safeguarded land should certainly be included in the Plan in order to provide permanence for the Green Belt boundaries.

The safeguarded land could be released at the first review of the Plan if required or before if overwhelming need were evident.

*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?*

No, for the reasons set out in our representations.

3.6

*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?*

Green belt boundaries are being defined, not altered. The test is therefore to identify the need to facilitate sustainable development, not evidence exceptional circumstances.

*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?*

Green belt boundaries are being defined, not altered, see a) above.

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

The scope for locating development within the existing urban area is utilised where possible by including allocations in the emerging Local Plan. However, the innate constraints of the city, for example the compact nature of existing development, areas of flood risk, and historic features such as the Strays and river corridors, inhibit the development potential of much undeveloped land. Thus, sites on the edge of the main urban area and established villages plus remote from the main urban area within the general extent of the Green Belt have had to be considered.

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)?*

No, the general extent of the Green Belt occupies almost the entire area of the District beyond the edge of existing settlements.

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

To meet the need for housing and employment development, in the absence of alternative non-Green Belt land. Further land will need to be excluded to address the under-estimated needs in the Emerging Local Plan. For example, site ST27 for University of York extension has been predicted by the University to only cater for University growth to 2023, part way through the plan period.

### ***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?*

In the main, the sites proposed for development which are located in the general extent of the Green Belt originated from a Call for Sites exercise by the

City Council in 2013, rather than being selected. Deliverability and availability were major criteria in the exercise of shifting through the submissions.

*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;*

The circumstances of those sites that abut existing development are separate from those that will be surrounded by Green Belt. In the former case, an extension of an existing urban edge impacts to a lesser degree on the openness of the Green Belt. In the latter case, isolated developments will be contained by Green Belt and will constitute only a minor proportion of the total Green Belt.

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

No, the developments at the edge of existing settlements or isolated in the Green Belt will not maintain the openness and permanence of the Green Belt. However, since the need for growth will not be met by neighbouring authorities, then either the need is met in the general extent of the Green Belt or not at all.

*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<sup>1</sup> and Samuel Smith Old Brewery<sup>2</sup>;*

This question can only be addressed in Phase 2 sessions of the Examination.

*d) reflects the five purposes that the Green Belt serves, as set out in Paragraph 80 of the Framework; and*

In terms of the historic city, identified in the Local Plan as a major purpose of the York Green Belt, the heritage topic paper 2014 sets the context for



identifying the historic characteristics of the whole area of the City Council. These have been utilised in reviewing the impacts of development proposals in terms of identifying harm to the setting of the historic city.

In terms of preventing neighbouring towns from merging, this is not considered to be a risk since rural land surrounds the district area.

However, the countryside will be encroached upon to meet the need for housing and employment development.

Urban regeneration is happening in the city already. This is because the delay in achieving an adopted local plan has put more pressure on any brown field land in the city.

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

As stated above, sites adjacent to the existing urban settlements are more likely to be sustainable by being able to utilise existing infrastructure and services. The remote sites, less so.

*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?*

No. The Green Belt Boundaries cannot endure beyond the plan period for the reasons set out in our representations and in our response to preceding paragraphs, (see 3.3)

*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]?*

The Council's approach to altering the Green Belt boundary is viewed as erroneous. The test is to identify the need for sustainable development and then confirm the boundaries. The Council has identified the boundaries and then use the Exceptional Circumstances test.

**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?

No – totally unsound – not releasing land. The plan should be excluding land required to meet development needs.

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