

City of York Local Plan Examination

Hearing Statement on behalf of Defence Infrastructure Organisation

Matter 7: Approach to Setting Green Belt Boundaries

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For and on behalf of Avison Young (UK) Limited

1. Matter 7: Approach to Setting Green Belt Boundaries

7.1 This Local Plan will formally define the boundaries of the York Green Belt for the first time. The Council's approach to defining the Green Belt boundaries now proposed is set out in 'Topic Paper TP1 – Approach to Defining York's Green Belt: Addendum' (January 2021) [EX/CYC/59]. In the light for the evidence, in setting the proposed Green Belt boundaries:

a) how, in simple summary, have the proposed boundaries been arrived at?

- 1.1 We appreciate that the Inspectors have invited the Council to provide a *'very brief and straightforward summary'* that sets out in simple terms the method or methods used to identify the boundaries proposed, but this should be clear from EX/CYC/59 and the fact that it is not clear is a matter of real concern at this late stage in the Plan-making process. Unfortunately, we find ourselves in a similar position to the one that we encountered when the Council's first Topic Paper 1 was published in May 2018, and then when EX/CYC/18 was issued in March 2019 – that is to say without essential clarity.
- 1.2 The original Topic Paper 1 failed completely to explain the process that the Council had been through to define its proposed Green Belt boundaries and although EX/CYC/18, which came after it, contained information that had previously been missing, it was still incomplete, internally inconsistent and failed to fully explain all of the analytical and decision-making stages that the Council had worked through. However, on the basis of a careful reading of EX/CYC/18, we ultimately reached the conclusion that the approach that the Council had taken to defining the Green Belt boundaries had been broadly as follows:
- the Council began by assessing the entirety of the area falling within the general extent of the Green Belt for whether it satisfied one or more of the five purposes of Green Belt as defined in the NPPF¹ para 138. Unfortunately, it did so by applying a number of irrelevant 'spatial shapers' that it had had regard to when formulating its spatial strategy. It then layered the results of each of its five assessments to define those parts of the City that it considered need to be kept permanently open. EX/CYC/18 rightly confirmed that large parts of the Council's area need not be kept permanently open (although, surprisingly, went on to conclude that some of these needed to be washed over with Green Belt);
 - it then moved to a finer grain assessment of the outer boundary of the Green Belt (its outer edge) and the inner boundary (around the City). EX/CYC/18 indicates that this, more detailed assessment, was also carried out having regard to the above mentioned 'spatial shapers' as well as the five purposes of Green Belts and the need to select boundaries that are capable of enduring beyond the plan period and are permanent in their own right;
 - for the settlements that lie between the City and the outer edge of the Green Belt, EX/CYC/18 stated that the Council applied a three-stage analysis. This began with the identification of built-up areas and then went on to consider whether these areas need to be kept 'open' and therefore washed over by Green Belt before, finally, looking at the line the Green Belt boundary should take where built-up areas were to be inset. The Council identified built-up areas within the Green Belt using GIS and an assessment of the density of built form. This generated a list of 42 built up areas that the Council went on to assess for the extent to which it has an 'open character' and whether such character makes an important contribution to the openness of the Green Belt. This, resulted

¹ All NPPF references are to NPPF 2012

in the Council identifying 18 built up areas for exclusion from the Green Belt (and 24 that the Council considered should be washed over);

- According to EX/CYC/18, these 18 areas were then subject to the same detailed boundary analysis as the inner and outer edges (i.e. having regard to the five purposes of Green Belts, the 'spatial shapers' and factors of openness and permanence). However, there was no evidence of this in Annex 4 to EX/CYC/18 where the results are supposedly presented. Strangely, the results of the Council's assessment of the boundaries around these settlements fitted its Proposed Modifications rather than the boundary lines specified in the Local Plan as submitted.

1.3 In EX/CYC/59, the Council claims that, in response to the Inspector's concerns about the approach it had taken to defining Green Belt boundaries, it has '*simplified and clarified its approach*' and has '*explained more clearly*' the links between the methodology it has now adopted, its detailed '*on the ground assessment*', the assessment results and the boundaries that appear in the Annexes. It would appear that the approach that the Council has now taken has involved:

- determining which purposes the Green Belt around York fulfils (the Council has settled on Purposes 1, 3 and 4 although we note that the Green Belt has played, and will continue to play a role in focussing new development on brownfield sites within the built-up areas) and what features beyond the built up parts of the City contribute to its special character;
- scoping the outer boundary – i.e. forming a view on approximately where this should run, having regard to where the outer boundary has already been confirmed in neighbouring authority areas and a notional 6 mile distance from the City Walls;
- scoping the inner boundary – by determining, in broad terms, the extent of the current urban area;
- deciding which settlements in the general extent of the Green Belt should be inset and which should be washed over;
- determining how much new development needs to be accommodated in the general extent of the Green Belt and where it should be located to deliver a sustainable pattern of growth;
- defining detailed outer and inner boundaries, and boundaries around the settlements that are proposed to be inset.

1.4 Section 8 of EX/CYC/59 confirms that the detailed boundaries have been assessed in the light of the three Green Belt purposes referred to above (i.e. 1,3 and 4). For each purpose, the Council has identified specific criteria against which each element of each boundary has been tested. For each criterion there is a 'key question' and then a series of sub-questions.

1.5 Under purpose 4 (dealt with first because it is the most important), the Council has identified 3 assessment criteria and a total of 8 sub-questions. For purposes 1 and 2 there is only a single assessment criterion but each of these contains 3 sub-questions. So, there are 5 'key questions' and 14 sub-questions that need to be answered for every part of the Green Belt boundary.

1.6 In addition, for each part of the boundary, the Council comments on whether the line it has chosen follows physical features that are readily recognisable and likely to be permanent and, finally, makes a statement on whether the development of land beyond the proposed boundary (i.e. proposed to be included within the Green Belt) would be consistent with the Local Plan strategy.

b) what influence have heritage assets and other environmental designations, such as conservation areas and SSSIs had on the setting of Green Belt boundaries?

- 1.7 There are references throughout the Council's analysis to the existence of heritage assets in proximity to proposed boundaries and, on occasions, assertions that indicate that the Council has positioned a boundary in a particular location in order to preserve the setting of a particular asset or assets. However, its assertions in these regards do not appear often, if at all, to be accompanied by an analysis of the heritage asset(s) involved, the extent of their settings and the extent to which allowing development within their settings would compromise Green Belt Purpose 4, as opposed to just causing harm to the significance of the identified asset(s).
- 1.8 There are references in EX/CYC/59f to Strensall Common SAC/SSSI. However, it appears to us that it is the open character of this land that the Council has focussed on when defining the Green Belt boundary on the southern and eastern sides of Strensall, rather than its value as an ecological asset.
- 1.9 There is also a reference in EX/CYC/59(e) (page A3:748) which indicates that the Council is of the view that part of the Imphal Barracks site on Fulford Road is 'of primary importance to the setting of the historic City as part of a Green Wedge (C3)' but there is no evidence support such an assertion.

c) how does the approach now taken in the aforementioned new evidence differ from the method previously used by the Council and what is the reason for the differences?

- 1.10 The Council has not catalogued the differences and neither has it given clear reasons for the changes it has made to its approach. That said, the two most obvious changes are:
- a) the removal from the analysis of references to the Council's 'spatial shapers'; and
 - b) the use of the above mentioned 19 questions, and its assessment of the character of the proposed boundaries (in terms of their likely permanence), to help it define where the boundaries should run.
- 1.11 As noted in DIOs various Representations, the 'spatial shapers' should never have featured in the Green Belt assessment and their removal from it is welcomed.
- 1.12 As far as (b) is concerned, the use of a structured set of questions, designed to determine the extent to which a particular parcel of land serves particular Green Belt purposes is a commonly used method and one that would be helpful in York. However, it is far from clear why the Council has compiled and used the questions that it has in EX/CYC/59. In DIOs view, it has over-complicated its assessment by asking more questions than are required in order to determine whether land is serving one or more of Green Belt purposes 1, 3 or 4 and, in some cases, it has asked questions that do not appear to have any bearing at all on whether a particular purpose is being served by the land. In other words, the question does not help the Council to decide whether land should be left out of the Green Belt or included within it. In addition:
- the Council appears to start from the premise that the land it is proposing to include within the Green Belt is all 'open'. This is illustrated by the way in which it has phrased many of its questions (e.g. Does the land need to be kept permanently open in order...). But clearly some of the land that is proposed to be included within the Green Belt is not 'open'. Accordingly, the Council's starting point is unsound;

- purpose 4 of NPPF paragraph 80 is specifically concerned with the preservation of the setting and special character of historic towns. The Council has stretched this to include villages and other settlements, including villages and settlements that are not 'historic' (see our representations in respect of Strensall). Doing so is wholly inappropriate, unless it can clearly be demonstrated that a village or other settlement must be 'contained' by Green Belt because its expansion would in some way harm the setting and special character of the City. In the overwhelming majority of cases, we find it hard to believe that the expansion of villages or other settlements would have such an effect;
- at no point does the Council explain how the answers to the questions enable it to form conclusions. For example, it is not clear whether a parcel of land that is performing a role under purpose 4 criterion 1 (compactness) but is not performing any other role, could justifiably be designated as Green Belt.

d) how has the need to promote sustainable patterns of development been taken into account?

- 1.13 The Council claims to have: (i) fully assessed the capacity for new housing, employment and other development within the main urban area; (ii) done something similar with the settlements that are to be inset; (iii) been through a two stage site selection process to determine the most appropriate and sustainable locations for new development within the general extent of the Green Belt; and then finally (iv) identified sites for allocation and shaped its proposed Green Belt boundaries around these sites where appropriate. However, DIO has two good examples of sustainable development sites where the Council has taken wholly different approaches to the definition of Green Belt boundaries in the context of the need to promote sustainable patterns of development.
- 1.14 At QEB in Strensall, the submission version of the Local Plan shows two DIO assets allocated for housing development and the Green Belt boundary drawn so as to exclude these from the Green Belt (this was the correct approach and DIO's view is that the Green Belt boundary around Strensall as defined in the Local Plan as submitted is sound). In its June 2019 Proposed Modifications, the Council proposed the deletion of the QEB allocations and significant changes to the Green Belt boundary on the southern edge of Strensall which would have resulted in all development to the south of Strensall Road (including the entirety of QEB, estates of existing housing, and existing community facilities being washed over by Green Belt). As part of its re-working of its Green Belt evidence, the Council has revisited the boundary around Strensall and is now proposing something of a hybrid approach whereby part of QEB is excluded from the Green Belt and part of it is washed over (along with an estate of existing housing that lies to the immediate south-west). For reasons we will explain during the Phase 3 Hearing Sessions, DIO considers that the Green Belt boundary the Council is now proposing is wholly without justification and is unsound. But setting those concerns on one side, its proposed boundary is also completely at odds with the need to promote sustainable patterns of development. We note that there are unresolved HRA issues at QEB, but these should have no bearing on decisions taken in respect of the delineation of the Green Belt boundary. It is entirely possible that the HRA issues will be resolved either through the preparation of the Local Plan or at a later planning application stage and it would be wholly inappropriate if, in these circumstances, a completely sustainable and appropriate development were to be frustrated by an inappropriately defined Green Belt boundary. Or, to put it another way, defining the boundary around QEB wrongly (and washing over part of a brownfield site) may have the effect of compromising the Plan's ability to satisfy Green Belt purpose 5.
- 1.15 A similar situation has arisen at Imphal Barracks. Imphal Barracks lies within the main York urban area and the majority of the site is proposed to be allocated for housing. This is plainly an appropriate proposal – the land is in a highly sustainable location and comprises a major brownfield site that is

soon to be vacant. However, part of the Barracks, abutting its eastern boundary, is proposed to be washed over with Green Belt. Like the land at QEB, this is land that serves no Green Belt purpose and is clearly 'urban' in character. Moreover, it has the potential to accommodate additional new development in a sustainable pattern. Yet such development is being inappropriately frustrated by the Council's erroneous assertion that it is 'open' and is serving Green Belt purposes..

- 1.16 In both of these cases it is clear that the Council is not having appropriate regard to the need to promote sustainable patterns of development when defining its Green Belt boundaries and critically, has not weighed the benefits (in sustainable development terms) of excluding the full extent of these sites from the Green Belt against any harm that might arise from doing so (which we say, and all the evidence suggests, is nil in any event).

e) 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?

- 1.17 It is plain from both EX/CYC/18 and EX/CYC/59, that the Council has had regard to the need to channel development towards the built-up areas and areas lying beyond the outer limits of the Green Belt but, for the reasons given above, we are not satisfied that the Council has necessarily made the most of the sustainable sites that are suitable and available for development.

f) how do the proposed Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development?

- 1.18 DIO has maintained from the outset that the Council has grossly under-estimated its need for housing development and, as a consequence, that the Green Belt boundaries it is proposing to set are a barrier to the Council meeting its objectively assessed needs. Moreover, the Council is absolutely not doing enough to plan for growth over the long-term, in a manner that will ensure that its Green Belt boundaries will not need to be adjusted at the end of the Plan period. Plainly, the Local Plan can only be sound if it makes more provision for sustainable development and identifies land for development beyond the Plan period, possibly in the form of safeguarded land (NPPF 85).

7.2 As a matter of principle, do the proposed Green Belt boundaries include any land which it is unnecessary to keep permanently open?

- 1.19 The Council appears to be of the view that the Green Belt around York only has 3 purposes: to check the unrestricted sprawl of large built-up areas (Purpose 1); to assist in safeguarding the countryside from encroachment (Purpose 3); and to preserve the setting and special character of the City (the only historic town in the York administrative area) (Purpose 4). As noted above, however, it has clearly been playing a part in focussing new development in the built-up areas and will continue to do so when the boundaries of it are fixed through this Local Plan.
- 1.20 There has been insufficient assessment of the extent to which Purpose 1 applies to any of the settlements that lie beyond the City and, thus, whether the Green Belt beyond the immediate edge of the City is actually performing this strategic function. The Council appear to have assumed that all settlements that have passed their density / figure ground analysis qualify as large built up areas. We are not satisfied that this is the case. If we are correct, there are large swathes of land that are proposed to be designated as Green Belt that are not performing this role. In addition, it is very clear from the Council's evidence that not all of the land that falls within the general extent of the Green

Belt will, by being kept open, play a role in preserving the special character of the City. Fig.3 in EX/CYC/18 provides a very clear view of the land which the Council believes it is important to keep open for this purpose, and it does not extend to all of the land within the general extent of the Green Belt or indeed all of the land around all of the settlements that the Council is proposing to inset. As far as the open countryside goes, this need not be designated Green Belt in order for it to be given protection in planning policy terms. Such protection can be afforded through the use of settlement boundaries and associated policies. As regards ensuring that the Green Belt plays its part in focussing new development in the built-up areas, we have highlighted two good examples where the proposed boundaries are compromised in this regard.

- 1.21 So even on the basis of this very simple assessment of the Council's evidence base, it is clear that there are large swathes of land that, actually, need not be designated Green Belt; that is to say that need not be kept permanently open in order to achieve the strategic objectives of Green Belt policy. Of course, there are also examples of where land lies on the edge of a settlement and is not currently open but is proposed to be washed over with Green Belt (eg QEB and Imphal Barracks) but we will return to these site specific matters during the Phase 3 Hearing Sessions.

7.3 Overall, is the approach to setting Green Belt boundaries clear, justified and effective and is it consistent with national policy?

- 1.22 The approach is certainly not clear and as a consequence of the issues that DIO has identified at both the York-wide level, and the site specific level, the approach that the Council has taken cannot be said to be justified, effective or consistent with national policy.

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