

CITY OF YORK LOCAL PLAN

PHASE 2 HEARINGS

MATTER 7: APPROACH TO SETTING GREEN BELT BOUNDARIES

STATEMENT BY FULFORD PARISH COUNCIL

MARCH 2022

Q7.1a: Summary of the Council's Approach

- 1 This is a question for the Council.

Q7.1b: The Influence of Heritage Assets and Environmental Designations

- 2 Section 8 of EX/CYC/59 sets out the criteria which CYC has used to define detailed green belt boundaries against the green belt purposes.
- 3 Under Purpose 4 (to protect the setting and special character of the historic town), there are three criteria which include "*Landmark Monuments*" and "*Landscape Setting*".
- 4 Under the "*Landmark Monuments*" criterion, the methodology poses the "*key question*" of "*Does the land need to be kept permanently open to contribute to the understanding and significance of a building, landmark or monument?*". It then asks three "*detailed assessment questions*" which are:

"Does land need to be kept permanently open to understand the original siting or context of a building, landmark or monument?"

Does land need to be kept permanently open to understand the visual dominance, prominence or role of a focal point of the building, landmark or monument?"

Does the land need to be kept permanently open as part of the tranquillity, remoteness or wildness of the asset?"

- 5 Under the "*Landscape and Setting*" criterion, it asks the detailed assessment question:

"Does the land need to remain permanently open to aid the understanding or significance for the situation of a designated landscape, park or garden?"

- 6 From these criteria, key questions and detailed assessment questions, it is clear that the Council has sought to use Green Belt as a means to protect the open setting of heritage assets. This is confirmed by EX/CYC/59 paragraph 8.25 which says:

"In some cases the open setting of these (heritage) assets can add significance or the understanding of the monument itself or the wider landscape."

We consider that this represents a serious misinterpretation of national green belt policy which has led the Council into significant error in defining green belt boundaries.

- 7 Green Belt is not intended to protect the settings (open or otherwise) of individual heritage assets. The intention of Purpose 4 is to protect the setting and special character of the historic town which is very different from that of individual assets such as listed buildings, conservation areas and archaeological remains. These are protected under different parts of NPPF1 (section 12) and the SLP (section 8). It is true that the Green Belt should protect important views across open countryside of key landmark buildings such as the Minster and Terry's, including views from the Outer Ring Road. However this is not to protect the individual setting of these buildings (within the meaning of Annex 2 of NPPF1) but because these views help establish the perception of York as a compact historic city set in the open countryside. Setting of a historic town is a very different concept to the settings of individual heritage assets.

Q2.2b: The Difference in Approach Between the Two Methodologies

- 8 The letter from the Inspectors of 12 June 2020 highlighted their substantial concerns with the methodology set out in the TP1 Addendum [EX/CYC/18] which CYC had used to define the Submitted Local Plan Green Belt boundaries. In light of these concerns, the Inspectors gave CYC three options of how they could proceed including withdrawal of the Local Plan or *"to convincingly explain to us how we have misunderstood the methodology and that it adequately justifies the proposed Green Belt boundaries."* The Inspectors also said that they had considered the possibility of the Council undertaking a fresh assessment of the Green Belt boundaries. However they had concluded that *"such fundamental evidence as this"* is *"plan preparation work"*, and there would be a serious risk that such new evidence would lead to *"different outcomes"*. On this basis, the Inspectors said that they would not support following such a path as part of the current examination.
- 9 CYC responded to the Inspectors by letter of 6 October 2020 saying that it would *"update"* the Addendum and Annexes to *"simplify and clarify"* the methodology. By saying this, CYC was clearly implying that there would be no significant change to the methodology. CYC's

letter also said that work at that stage had not revealed “*any need for significant changes to the proposed Green Belt boundaries.*”

- 10 CYC submitted the new TP1 Addendum [EX/CYC/59] in January 2021, some 7 months after the Inspectors had raised their concerns about the methodology. Even then the detailed annexes did not follow until March and April 2021.
- 11 EX/CYC/59 is confused about whether the Council has adopted a new methodology or not. Paragraph 2.132 describes it as a “*revised*” methodology, whilst paragraph 2.6 says that the Council has just “*simplified and clarified its approach.*”.
- 12 In reality, FPC considers that CYC has adopted a wholly new methodology which has little relationship with the previous one. As such it has acted contrary to the instructions of the Inspectors as set out in their letter of 12 June 2020. This becomes clear when the two methodologies are compared.
- 13 The first major difference is whether (and how) land of strategic importance to each of the Green Belt purposes is identified as a first step before considering detailed boundaries:
 1. EX/CYC/18 sought to define areas of importance to Green Belt Purpose 1 (to check the unrestricted sprawl of built-up areas) by identifying those areas of land which did not have access to 2 or more services within 800 metres (Figure 1). EX/CYC/59 omits this plan and instead simply produces a plan of “*Built Structure Density*” (Figure 4) or put more simply the existing built-up areas. As such, it makes no attempt to identify open land areas of strategic importance to Purpose 1.
 2. EX/CYC/18 sought to define areas of importance to Green Belt Purpose 2 (to prevent neighbouring towns merging into one another) by identifying those areas of the city essential for preventing coalescence (Figure 5). Six areas were shown. Following the Inspectors’ conclusions, EX/CYC/59 does not identify any strategic areas of importance to Purpose 2.
 3. EX/CYC/18 sought to define areas of importance to Green Belt Purpose 3 (to assist in safeguarding the countryside from encroachment) by identifying areas of green infrastructure, nature conservation, green corridors and open space (Figure 6). EX/CYC59 omits this plan and simply includes text that recognises the self-obvious fact that the open land around York provides a countryside setting to the city. Unlike EX/CYC/18, no attempt is made to identify which areas of countryside may be of strategic importance to Purpose 3.

4. EX/CYC/18 sought to define areas of importance to Green Belt Purpose 4 (to preserve the setting and special character of historic towns) on a plan (Figure 3). EX/CYC/59 retains this plan (now also Figure 3) but adds reference to the Heritage Topic Paper Update September 2014 [SD103] which it says provides much greater detail about the "*principal characteristics*" of York's historic environment, including the city's compactness, landmark monuments, and landscape and setting. This represents a difference in approach as SD103 was not previously relied on in this regard.
 5. EX/CYC/18 includes a plan (Figure 7) showing the "*strategic areas* (of open land) *which need to be kept permanently open*" which the text box at page 21 says "*sets the context for defining detailed Green Belt boundaries.*" EX/CYC/59 omits this plan or any update of it. As such the new methodology provides no strategic context for defining detailed Green Belt boundaries. In effect, the new methodology seeks to look at each individual parcel of land around the city without any overview of whether it fulfils strategic functions or not (other than the areas shown on Figure 3). This approach represents a fundamental difference between the two methodologies.
- 14 The second major difference is how the two methodologies attempt to set detailed boundaries. Ex/CYC/18 sought to do so by applying "*local assessment criteria*" within the context of the strategic areas identified by Figure 7. EX/CYC/59 applies a totally different approach. As it has not identified any areas of strategic importance for the purposes of the Green Belt (except those shown on SLP Figure 3.1), it seeks to examine each individual parcel of land on the edge of the built-up area in relation to whether they fulfil Green Belt purposes. It does so by asking a series of "*detailed assessment questions*" which are derived from five criteria which are compactness, landmark monuments, landscape and setting, urban sprawl and encroachment. These criteria and the detailed assessment questions have little in common with the "*local assessment criteria*" used by EX/CYC/18.
 - 15 A further important difference is in relation to strategic sites. The 2019 methodology had an Annex (EX/CYC/18b) which examined the strategic sites against each of the Green Belt purposes and came to conclusions (however flawed). The 2021 methodology does not undertake any similar exercise, seeking only to examine the permanence of the outer boundary of the allocations (except for the new settlement sites).
 - 16 In conclusion, the new methodology set out in EX/CYC/59 cannot be considered to be a simplified or clarified version of that contained in EX/CYC/18. Instead it represents a very

different approach to defining Green Belt boundaries. This is borne out by the very substantial modifications which CYC are now proposing to Green Belt boundaries [Ex/CYC/58] . These include:

- The exclusion of Little Hob Moor from the submitted Green Belt (PM36)
- The inclusion of the whole village of Knapton in the Green Belt. It had been previously excluded (PM41).
- The exclusion of a large area north of Moor Lane around Hogg's Pond from the Green Belt (PM72).
- The exclusion of Acomb Water Works from the submitted Green Belt (PM73).
- The exclusion of Homestead Park from the submitted Green Belt (PM76).
- The exclusion of the former Clifton Hospital site from the submitted Green Belt (PM78).
- The exclusion of the whole village of Heslington from the submitted Green Belt (PM87). It had been previously washed over.
- The exclusion of the Retreat hospital from the submitted Green Belt (PM89).
- The exclusion of part of Imphal Barracks from the submitted Green Belt (PM90).
- The major redefinition of Green Belt boundaries in the vicinity of Fordlands Road, Fulford (PM91).
- The exclusion of Rowntree Park from the submitted Green Belt (PM92).
- The exclusion of the developed part of York Racecourse from the submitted Green Belt (PM93).
- The exclusion of Scarcroft Allotments from the submitted Green Belt (PM94).
- The exclusion of Stockton Hall Hospital from the submitted Green Belt (PM100).
- The significant redrawing of green Belt boundaries in the vicinity of Strensall Barracks (PM101). Part of this redrawing consists of the exclusion from the Green Belt of a large area to the east of Strensall Road which a previous modification had proposed to be included in the Green Belt.

- 17 The number and extent of the proposed changes (whatever their merits or otherwise) demonstrate that a significantly different methodology has been applied. Its use has given rise to the situation which the Inspectors had previously warned they would not agree to: namely that a “*fresh*” assessment of Green Belt boundaries would lead to “*different outcomes*”.

Qs2c-f: Sustainable Patterns of Development

- 18 NPPF1(84) requires that when drawing up Green belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider 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.
- 19 Sustainable development is not just about meeting development needs and directing development to locations which minimise the need for travel. It also has an environmental role of protecting and enhancing the natural, built and historic environment. NPPF1 paragraph 8 says that “*to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*” In the context of York, it would not constitute sustainable development if the SLP proposals undermine the primary purpose of the York Green Belt which is to protect the setting and special character of the historic city or would create unacceptable environmental impacts. For the reasons given elsewhere, FPC considers that this would be the outcome of the SLP Green Belt boundaries and allocations.
- 20 As we identify under Matter 6, the proposed Green Belt boundaries provides for a much greater release of Green Belt land than is necessary to meet the housing and employment requirements of the SLP both for the plan period and up to 2038. The likelihood is that this would result in development being diverted away from the more difficult regeneration sites in the Main Urban Area, especially as the Plan includes no proposals for phasing greenfield releases. As such the proposed Green Belt boundaries are not in accordance with Green Belt Purpose 5 and would not achieve sustainable development.
- 21 The Council has not considered the consequences of directing a substantial proportion of development needs to new settlements beyond the outer ring road which are not close to the main employment areas of the city or to higher order services and facilities. Although high quality public transport is planned together with some basic facilities, the two new settlements (ST14 and ST15) will be be very dependent upon private car use, especially in

the initial phases. This is not recognised in the Council documentation and has not been properly evaluated. It would lead to an unsustainable pattern of development.

Q7.1f: Consistency with the Local Plan Strategy

22 The starting-point is that the SLP provides no explicit settlement strategy that would provide a strategic context for achieving sustainable development or defining green belt boundaries. As such there is no overarching strategic policy with which Green Belt boundaries can be consistent. The SLP spatial strategy is little more than a list of allocations.

Q7.2: Land which may not need be kept permanently open

23 This is a question initially for the Council to answer.

Q7.3: The Overall Approach to Setting Green Belt Boundaries

24 In overall terms, the documentation forming EX/CYC/59 and its Annexes is overly lengthy, presented confusingly, often repetitive, sometimes contradictory, and contains material which is irrelevant to defining green belt boundaries.

25 For the reasons already given, the approach to setting green belt boundaries is not consistent with national policy. The result would be Green Belt boundaries that do not protect the setting and special purpose of the historic city and which hinder urban regeneration.

26 There is also internal inconsistency within the Council's approach. EX/CYC/59 says that it draws on the work set out in the Heritage Topic Paper Update September 2014 (SD103). However some of the conclusions of the Annexes to EX/CYC/59 are in conflict with the Update. We give two examples here but there are many. Under the heading '*Landscape and setting*', SD103 says a "key feature" of "the open countryside surrounding York" are "Airfields with large expanse of openness/cultural heritage/habitat value." Under the sub-heading of significance, SD103 specifically refers to Elvington Airfield with "its uncommon grassland habitat and birds because of extensive open nature". The only possible conclusion from this is that Elvington Airfield in its current open condition is a key part of the landscape and setting of the historic city. Despite this, EX/CYC/59g (Annex 5) places little significance on the fact that Proposal ST15 would lead to the loss of over half of the Airfield for the new settlement. No particular harm is identified. Similarly, SD103 identifies views of the Minster from the A64 between Hopgrove Roundabout and Hull Road as key features of York's landscape and setting. Despite this, EX/CYC/59 Annex 5 places

little significance on the fact that Proposal ST7: East of Metcalfe Lane would bring development much closer to the A64 in this location and intrude significantly (even with landscape mitigation) into the present important view across the site to the Minster.