

HEARING STATEMENT

CITY OF YORK LOCAL PLAN EXAMINATION

MATTER 7: APPROACH TO SETTING GREEN
BELT BOUNDARIES

March 2022

Carter Jonas

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1.0 INTRODUCTION

- 1.1 The following Hearing Statement is made for and on behalf of L&Q Estates (L&QE). This Statement responds to selected questions set out within Matter 7: Approach to Setting Green Belt Boundaries of the Inspector's Matters, Issues and Questions.
- 1.2 The Inspector's Issues and Questions are included in bold for ease of reference. Where a specific Question is not covered L&QE has no comment as part of this Hearing Statement.
- 1.3 This Hearing Statement is pursuant to and cross-references with previous representations by Carter Jonas in respect of: the Pre-Publication Draft (Regulation 18) and Main Modifications (Regulation 19) consultations in July 2019; Phase 1 Hearing Statements (December 2019); and, City of York Local Plan Proposed Modifications and Evidence Base Consultation (Regulation 19) in July 2021.

2.0 MATTER 7: APPROACH TO SETTING GREEN BELT BOUNDARIES

MIQ 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 of the evidence, in setting the proposed Green Belt boundaries:

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

- 2.1 We remain of the view that the proposed boundaries have not been arrived at in a robust and conclusive manner. The evidence base used has been continually retrofitted in an attempt to address concerns that have been raised during the consultation process and by the Inspectors following the Phase 1 Hearing Sessions.
- 2.2 The fact that Topic Paper 1 ‘Approach to Defining York’s Green Belt Addendum’ wasn’t submitted until 15th January 2021 (EX/CYC/59/Core Documents 5.17), over 12 months after the first set of hearing sessions closed in December 2019, raises serious concerns.
- 2.3 The fact that the document was initially submitted without 5 annexes also raises significant concerns. How can a document be complete and draw robust conclusions if the supporting annexes are not finished prior to its publication? The fact that the annexes were then drip fed over a number of months also raises concerns. This highlights how disjointed the preparation of this further evidence has been and the clear lack of a coherent approach.
- 2.4 We therefore consider that our comments put forward as part of previous representations to the Proposed Modifications and Evidence Base consultation (Regulation 19 Consultation), July 2021; and prior to that, the Pre-Publication Draft (Regulation 18) and Main Modifications (Regulation 19) consultations in July 2019, remain valid.
- 2.5 Para 158 of that NPPF (2012) states:

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that

their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”.

2.6 The word ‘base’ requires the evidence to be considered prior to the drafting of the Plan that is subsequently submitted. The fundamental evidence base upon which the Plan was originally established in respect of Green Belt is that set out in documents dated 2003 (Approach to the Green Belt Appraisal (2003 [SD107A]) and then supplemented by Topic Paper Approach to Defining York’s Green Belt (May 2018) [TP1]. These documents contained flaws which were discussed at the Hearing Sessions in December 2019. We remain firmly of the view that the Green Belt Assessment should be undertaken again and that it should provide a comprehensive and robust assessment of the Green Belt that defines appropriate boundaries which in line with paragraph 85 of the NPPF:

- *“ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- *not include land which it is unnecessary to keep permanently open;*
- *where necessary, identify in their plans 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;*
- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”.*

2.7 The outcome of this assessment should then feed into the proposed plan and the site selection process.

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

2.8 The Heritage Topic Paper September 2014 [SD103] conservation areas and SSI has informed the approach to defining Green Belt Boundaries. This is set out within the Topic Paper 1 ‘Approach to Defining Green Belt Addendum’, January 2021 [EX/CYC/59] and its accompanying Annexes.

2.9 The 'Approach to Defining Green Belt Addendum', January 2021 [EX/CYC/50] also looks at assessing the land against the 4th Green Belt Purpose, which is to preserve the setting and special character of historic towns.

2.10 Heritage assets and other environmental designations have therefore been considered, however there may be discrepancies in relation to the assessment of the significance of some heritage assets and other environmental designations and any potential impacts.

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?

2.11 The Council has sought to respond to the concerns raised by the Inspectors through the preparation of Topic Paper 1: Approach to Defining York's Green Belt Addendum, January 2021 [EX/CYC/59] and its accompanying Annexes, which update the original Topic Paper 1: Approach to the Green Belt (2018) [TP1] and seek to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York

2.12 We question however the actual approach undertaken, as paragraph 2.14 of 'Topic Paper 1: Approach to Defining Green Belt Addendum, January 2021 [EX/CYC/59] describes it as a 'revised' simpler methodology, whilst para.1.4 and 11.7 states that the update addendum 'simplifies and clarifies the methodology that has been adopted'.

2.13 We are therefore unsure if a new methodology has been applied, or if the previous approach has simply been retrofitted to justify the proposed Green Belt boundaries, rather than a robust exercise to determine the most appropriate boundaries. The use of selected historic evidence also adds doubt to the approach undertaken.

2.14 When comparing the documents, it appears that two different approaches have been taken, neither of which link together or have been explained. The original approach set out in the Topic Paper: Approach to Defining York's Green Belt (May 2018) [TP1] used a range of 'Drivers and Shapers' and then reviewed all five of the purposes of the Green Belt to draw conclusions on the proposed boundaries. In Topic Paper 1: Approach to defining York's Green Belt Addendum January 2021 [EX/CYC/59], it appears that the methodology is to only look at the role and function of the land, assess it against just three of the purposes of the Green Belt (1, 3 and 4) to ensure permanence and consistency with the Local Plan Strategy.

- 2.15 As a result, the methodology cannot be considered to be either a simplified or clarified version of the original Green Belt assessment. The number and extent of the proposed changes to the Green Belt boundaries identified as a result of the methodology in Topic Paper 1: Approach to defining York's Green Belt Addendum, January 2021 [EX/CYC/59] also highlights the differences between the two approaches. There remain flaws with the Council's approach to Green Belt assessment which continues to undermine the robustness of the Plan.
- 2.16 The reason for the changes is due to concerns raised by the Inspectors and the Council's further attempt to continue to retrofit their methodology to fit old and outdated evidence in an attempt to match previous policy choices, rather than undertake the robust and comprehensive Green Belt Assessment that is required.
- 2.17 We consider that the Council should undertake a comprehensive Green Belt Review, which clearly identifies land parcels and assesses their performance against Green Belt purposes, and other sustainability factors whilst reviewing Green Belt boundaries to inform policy choices within the Plan.

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

- 2.18 National Policy is clear in paragraph 84 of the NPPF, which confirms that: *"when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development and the consequences of channelling development towards non-Green Belt locations should be considered"*.
- 2.19 As part of this, consideration should also be given to ensuring that there is the ability for sustainable development in the future beyond the plan period as set out in paragraph 83 of the NPPF, which: *"requires local planning authorities to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period and to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent"*. Paragraph 85 of the NPPF seeks (amongst other things) consistency with the strategy for meeting identified requirements for sustainable development, including longer term development needs *"stretching well beyond the plan period"*.
- 2.20 The approach taken within Topic Paper 1: Approach to Defining York's Green Belt Addendum, January 2021 [EX/CYC/59] and Topic Paper Approach to Defining York's Green Belt (May 2018) [TP1] does not promote sustainable patterns of development. It is clear from the report that sustainable development has been given very little thought.

- 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?**

2.21 Section 7 of the Topic Paper 1: Approach to Defining York’s Green Belt Addendum, January 2021 [EX/CYC/59] discusses how the Council has sought to maximise development within “urban areas, which include the main urban area and other built-up clusters identified as part of the urban areas analysis. This is explained in Sections 5 and 6 of the paper. The Council state that “*land within the main urban area in particular, as well as in some of the other surrounding villages, is generally accessible to existing sustainable services or facilities as broadly illustrated in Figure 4 below, which shows the areas in white as those which have access to 2 or more services within 800m*”, yet the accompanying plan is so poorly produced and has clearly been taken from historic information that it is illegible. We therefore question if the Council has actually given accessibility to existing sustainable services and facilities any proper consideration.

2.22 A detailed review of access to sustainable services and facilities is required to ensure that the opportunity for sustainable development has been properly assessed.

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

2.23 Whilst paragraphs 8.49 – 8.51 of the January 2021 addendum to Topic Paper 1: Approach to Green Belt seek to address consistency with the Local Plan Strategy in section 9, we consider that the proposed Green Belt boundaries do not meet the requirements for sustainable development. The proposed Green Belt boundaries will restrict the potential for sustainable development.

2.24 As already mentioned, identifying land for development in standalone settlements as more sustainable to the release of Green Belt land from the inner boundary to enable sustainable urban housing allocations will not enable the Plan as proposed to deliver the sustainable growth strategy that Policy SS1 seeks to achieve.

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

- 2.25 Due to the flaws in the assumptions and approach taken within the Green Belt Assessment, it is difficult to identify a list of proposed Green Belt boundaries, including land which is not required to be kept permanently open. However, land which does not serve the five purposes of Green Belt should not be kept permanently open.

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

- 2.26 Overall, the approach to setting Green Belt boundaries has not been clear, justified or effective and is not consistent with national policy.
- 2.27 Despite the January 2021 addendum to Topic Paper 1: Approach to Green Belt [EX/CYC/59] and accompanying annexes, we continue to consider that the Green Belt evidence base is merely a loose collection of documents emerging over an 18-year period, during which regional and national planning policy have undergone significant change. Topic Paper 1: Approach to Green Belt has been amended/updated via various addendums following concerns raised by representors and the Inspectors undertaking the Examination. The approach to reviewing the Green Belt should instead have been comprehensively aligned with the Plan's production and fully guided by the provisions contained in Section 9 of the NPPF 2012. The failure to have done so continues to represent a significant flaw with the Plan as submitted.

