

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

Phase 2 Hearings

Matter 7

Approach to Setting Green Belt Boundaries

SUBMISSION ON BEHALF OF:

Galtres Garden Village Development Company

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



Chartered Town Planning Consultants

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7.0 RESPONSE TO MATTER 7

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MATTER 7 –Approach to Setting Green Belt Boundaries

Introduction

This statement has been prepared on behalf of Galtres Garden Village Development Company (GGVDC) who have submitted representations at all stages of the Emerging Local Plan. That is representations on:

- Local Plan Preferred Sites consultation August 2016
- Local Plan Pre-Publication Draft (regulation 18 Consultation) Sept 2017
- Submission Draft Local Plan May 2018
- Local Plan Proposed Modifications Consultation June 2019:
- Proposed Modifications and Evidence Base Consultation June 2021

The GGVDC refence is SID620

GDDVC also attend the Phase 1 hearings in December 2019 for Matters 1, 2 and 3.

National Policy Context

- (i) The NPPF 2012 sets out the process for local plan preparation and in particular the establishment of Green Belt boundaries. At its heart is the presumption in favour of sustainable development, (para 14). One of the principles underpinning plan making is that local planning authorities are tasked to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. For housing, plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area (Para 17).
- (ii) To **boost significantly** the supply of housing (para 47) local Planning Authorities should use their evidence base:
 - to ensure their local plan meets the full objectively assesses needs for market housing;

- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements
 - identify a supply of specific developable site or broad locations for growth
 - for market and affordable housing illustrate the expected rate of housing delivery through a housing trajectory for the plan period
- (iii) The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence, (para 79). Their permanence is stressed in para 83.
- (iv) Defining the boundaries should take account of the need to promote sustainable patterns of development, (para 84). When defining boundaries, consistency with the Local Plan strategy should be ensured and land which it is not necessary to keep permanently open should not be included. Where necessary, 'safeguarded land' should be identified in order to meet longer term development needs stretching well beyond the plan period (para 85).
- (v) Local plans should be consistent with the principles and policies set out in the Framework, including the presumption in favour of sustainable development, (para 151). They should be aspirational but realistic and they should address the spatial implications of economic, social and environmental change (para 154).
- (vi) Each LPA 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, (Para 158). They should have a clear understanding of housing need in their area and should prepare a Strategic Housing Market Assessment to ensure they meet household and population projections and cater for housing demand and the scale of housing supply necessary to meet this demand (Para 159).
- (vii) The Local Plan submitted for examination should be 'sound', that is. positively prepared; justified; effective and consistent with national policy, (Para 182).

RESPONSE TO INSPECTOR'S QUESTIONS

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/ICYC/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?

7.1.1 We have set out our conclusions on how the Green Belt boundaries have been arrived at in our 2018, 2019 and 2021 representations. In our 2018 and 2019 representations we highlighted our fundamental concern that the approach the Council had adopted to determining Green Belt Boundaries was based on having to demonstrate exceptional circumstances to justify the allocation of land for development “in the Green Belt”.

7.1.2 We had always maintained in our representations since 2016 that the Council was not altering established Green Belt boundaries (such as you have in the Leeds or Harrogate adopted Local Plans) but was instead establishing where boundaries should be drawn (for the first time) having regard to exclude land required to meet development needs. . We had also maintained from the outset that the process of establishing the Green Belt boundaries for the first time in a Local plan therefore allowed the Council to delineate areas of land required to meet the development needs of the city.

7.1.3 We therefore welcome the Inspectors letter of 20th June 2020 (EX/INS/15) that essentially confirmed those points that we had been making since 2016.

7.1.4 However, we remain concerned that the Council's approach to defining Green Belt boundaries is essentially flawed as it is a post facto justification of boundaries that were defined on the basis of minimising the “release” of land from the Green Belt rather than an approach which should have been one of establishing the robust requirement for the amount to land required to meet the development needs of the City and then allocating land to meet those needs.

7.1.5 In other words, the Council adopted a ‘constraints’ approach to the allocation of land which has, in our view, resulted in housing and employment land requirements being

played down to meet the incorrect assumption that there was a constraint on the 'release' of land from the Green Belt.

7.1.6 This approach is particularly manifested in the attitude to safeguarded land. In the 2013 Preferred Option Local Plan the Council had identified safeguarded land to meet development needs beyond the plan period to ensure that Green Belt boundaries were robust and would not have to be altered after the plan period. The 2016 Local Plan Preferred Sites consultation did not identify any safeguarded land and this error has been carried through to the submitted plan. Our understanding is that this approach was fundamentally driven by a mistaken view that identifying safeguarded land would be an unjustified 'release' of land from the Green Belt.

7.1.7 In this respect alone the approach to defining Green Belt boundaries is flawed because it does not have regard to the advice in paragraph 85 of the NPPF which advises LPAs that when defining Green Belt boundaries, they should:

“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;”

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

7.1.8 We rely on our submitted representations in responding to this question

In response to the above questions, we ask the Council to produce a very brief and straightforward summary that sets out in simplified terms the method(s) used to identify the boundaries proposed.

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?

7.1.9 We rely on our submitted representations in responding to this question

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

7.1.10 For the reasons set out in response to question 7.1 we do not believe that promoting sustainable patterns of development has been properly taken into account. The first

step to achieving sustainable development is to determine what quantum of development needs to be catered for, because that quantum will have a significant role in influencing the spatial pattern of development. If the quantum is wrong the spatial pattern may not accommodate the social and economic needs of the area, thus failing two of the key objectives of sustainable development. The Council's approach has sought to minimise the release of land from the Green Belt by mistakenly applying exceptional circumstances test.

7.1.11 Opportunities for new settlements that could provide sustainable development and relieve development pressures with the urban area have not been properly considered. It is helpful therefore that the Inspectors letter of 20th June 2020 clarifies the position on exceptional circumstances and also makes it clear that the NPPF allows for 'holes' or 'bites out of' the Green Belt when establishing Green Belt Boundaries, including when doing so do the first time as is the case here.

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?

7.1.12 We rely on our submitted representations in responding to this question

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

7.1.13 As we have made clear in all our representations, we do not believe the Local Plan has properly identified the development needs of the City for housing and employment for the Plan period and consequently not enough land has been excluded from the Green Belt to meet future development needs. The proposed Green Belt boundaries are therefore flawed in this respect.

7.1.14 An example of how the evidence base has not been taken into account was the decision of members at the Local Plan Working Group on the 23rd January 2018 to ignore the advice of officers who were recommending that the housing requirement

be increased to make the plan more robust and sound – see paragraphs 4.9 to 4.16 of our 2018 representations.

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

7.2.1 The NPPF advises that when defining boundaries, the Green Belt should not include land which it is unnecessary to keep permanently open (Para 85). That instruction must be considered in the wider context of the other instructions in paragraph 85 which include:

- Meeting identified requirements for sustainable development
- Identifying areas of safeguarded land in order to meet longer-term development needs stretching well beyond the plan period
- ensuring that Green Belt boundaries will not need to be altered at the end of the development plan period;

7.2.2 Our position is that the Local plan housing requirement of 822 dwellings per annum does not address the housing needs of the City and should be higher. Consequently, additional land is required to meet housing needs. We have identified such additional land in our representations which the Council propose to include in the Green Belt. The Green Belt boundaries as presently drawn therefore do include land that is required to meet development need and should not be kept permanently open.

7.2.3 This is the opportune moment for the Council to also identify safeguarded land for longer term development needs and to ensure the Green Belt boundaries endure well beyond the plan period See paragraphs 6.11 to 6.15 of our 2018 representations.

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

7.3.1 For the reasons we have set out in response to preceding questions the answer is clearly no.

- The approach adopted in defining Green Belt boundaries was constraint driven, based on the mistaken assumption that 'exceptional circumstances' had to be

demonstrated to justify the release of land from the Green Belt to meet the development needs of the City.

- The evidence base was not robust as demonstrated by the substantial post facto evidence base produced after the shortcomings identified by the Inspectors.
- The Green Belt Boundaries are not consistent with National policy as they are not drawn up in a way that meets the longer-term development need beyond the plan period and there is considerable risk they will have to be altered at the end of the plan period contrary to paragraph 85 of the NPPF.

OVERALL CONCLUSION

- 7.3.2 Overall, the housing supply identified in the Draft Plan will not meet need because the combination of incorrect assumptions about delivery trajectory; a high windfall allowance; a high proportion of student completions; and a low allowance for backlog act in combination to suppress the true housing requirement and mask a proper assessment of the land required to address housing needs and affordable housing in particular.
- 7.3.3 For this reason, we hold that the plan is unsound because it is neither **effective** (because it will not be deliverable) or **consistent with national policy** (because it will not enable the delivery of sustainable development in accordance with the policies in the Framework).
- 7.3.4 To make the Plan sound, we hold that the Green Belt boundaries should be reviewed in line with the advice in paragraph 85 of the NPPF; the housing requirement needs to be increased; and additional housing allocations included in the plan to ensure the delivery of an adequate and continuous supply of housing throughout the Local plan period.