

## Matter 7 - Approach to Setting Green Belt Boundaries

### Made on behalf of York Housing Association, Karbon Homes Ltd, & Karbon Developments

#### Question 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 The Council's approach to defining the Green Belt boundaries is outlined in the TP1 Addendum 2021. To summarise, it confirms that the Council utilise five criteria to assess the contribution land makes to the Green Belt. The five criteria are seemingly designed to enable an assessment of land against purposes a, c and d of paragraph 138 of NPPF (2012). No criteria have been devised to address second purpose (b) of a Green Belt - *to prevent neighbouring towns merging into one another* - on the basis that there are no neighbouring towns in the district – only one city and surrounding villages. Likewise, no criterion is used to assess the fifth purpose (e) of a Green Belt - *to assist in urban regeneration by encouraging the recycling of derelict and other urban land* - as the Council consider this purpose to be achieved through the overall effect of the York Green Belt.
- 1.2 To assess the value of land against the fourth purpose (preserve the setting and special character of historic towns), the Council use the following criteria:
  - Compactness; (Criterion 1)
  - Landmark monuments; and (Criterion 2)
  - Landscape & setting (Criterion 3)
- 1.3 To assess against the first purpose (to check the unrestricted sprawl of large built-up areas), the Council assessed land against the following criterion:
  - Urban sprawl (Criterion 4)
- 1.4 Finally, to assess the contribution of land against the third purpose (to assist in safeguarding the countryside from encroachment), the Council use the follow criterion:
  - Encroachment (Criterion 5)
- 1.5 Under each of the five criteria, the Council have identified key questions, strategic principles and detailed assessment questions which are intended to facilitate an assessment of the Green Belt boundaries against the three relevant purposes and exclude less relevant factors / considerations

from any analysis for the boundary, which were the main focus of the Inspector's concerns raised in their [response](#) dated 12<sup>th</sup> June 2020, as detailed in the answer to question 7.1c.

1.6 Using the five identified criteria, the Council have purportedly reassessed the proposed Green Belt boundaries throughout the entirety of the district. Each specific site / boundary assessment is contained in annexes 2 to 5 of the TP1 Addendum. Annex 7 confirms the modifications proposed by the Council following the reassessment exercise.

1.7 This exercise has resulted in some minor alterations to the Green Belt boundaries. However, the boundaries have largely remained unchanged. This is somewhat surprising given the significant changes made by the Council to the methodology to define the boundaries.

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

1.8 Criterion 2 refers to *Landmark Monuments* and has been devised along with criteria 1 and 3 by the Council, in part, to aid their assessment of what contribution land makes to the fourth purpose of Green Belt. Specifically, question 2.2 states "*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?*"

1.9 As detailed in the individual site assessments, the Council have identified every listed building in the vicinity of individual sites and this has influenced their decision as to whether it is necessary to keep the land open in order to maintain the setting of the assets in question.

1.10 It is difficult to understand how an assessment of each specific heritage asset (located in the vicinity of the Green Belt boundary) will determine to what extent land is contributing to the fourth purpose of the Green Belt. Whilst heritage assets may cumulatively contribute to the historic character of a settlement, the setting of individual assets does not. The Green Belt assessment should not have focused on individual heritage assets. The Green Belt purpose is to preserve the setting and special character of historic towns as a whole and not individual buildings.

1.11 The Council have sought to revise the methodology to demonstrate that individual environmental designations have not influenced or affected the wider assessment of land and the contribution it makes to the Green Belt but the third criterion used by the Council in the revised methodology concerns landscape setting. Further, the Council state that nature designations remain a consideration, albeit solely in relation to the historic context, where the designation can tell us something about the origin and use of the land. The Council in paragraph 8.30 state that:

*'The use of the open countryside for farming practices associated with York and its service villages have meant that there are large swathes of land which have remained untouched and present a strong legibility to the original field patterns and usage. The lack of disturbance to this land has also resulted in a range of special habitats developing and has created the many nature conservation designations around the city.'*

1.12 Notwithstanding the additional clarification proposed, it remains unclear as to how such an assessment of the special habitats and nature conservation designations would inform an appraisal of the value of land against the purposes of including land within the Green Belt. Further, the fact that countryside was used for farming does not in itself mean that it needs to be kept permanently open to preserve the setting of the city. The legibility to the original field patterns is a non-sense. York is an ancient city going back to Roman times. The field system around York will have changed significantly during this time and bare little or no resemblance to the original field structures. It is difficult to see how the large modern field patterns can be important to preservation of the setting of York as they reflect modern agricultural practices and not historic ones.

1.13 The criteria used to determine the Green Belt boundaries remains wanting.

*In response to this question 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?*

1.14 The methodology originally used by the Council in defining Green Belt boundaries is set out in the document: *Topic Paper 1: Approach to defining York's Green Belt (May 2018)*. To briefly summarise, within the original methodology, the Council used a number of key *drivers* and *shapers* to guide the spatial strategy, and to delineate the Green Belt boundaries. The key *drivers* for development were housing and employment growth. The key *shapers* related to various considerations.

1.15 As noted by the Inspector's in their [letter](#) to the Council of the 12<sup>th</sup> June 2020, the site assessment process and methodology used to delineate the Green Belt boundaries therefore relied upon various *shapers* which did not specifically relate to the Green Belt, or the purposes of including land within it (e.g. flood risk / issues of congestion / pollution).

1.16 In the response to the Inspector's concerns, the Council produced the methodology as set out in the [TP1 Addendum 2021](#) document, and as described in response to question 7.1a. The TP1 Addendum document reassess the Green Belt boundaries without regard to the influence of the irrelevant shapers.

1.17 Despite the Council's statement that they have excluded the irrelevant shapers from the assessment of the Green Belt boundaries, it is noted that the boundaries themselves remain largely unchanged, and we cannot see how this can be the case when the boundaries have now been assessed against a different methodology.

1.18 The only conclusion that can be reasonably drawn is that the Council have only given lip service to the new methodology.

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

- 1.19 Government policy directs, at paragraph 84 of the NPPF 2012, that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account.
- 1.20 The need to promote sustainable patterns of development is a strategic requirement, and this should be considered prominently as part of the Sustainability Appraisal process in conjunction with the site selection / assessment process. However, it does not appear that the Sustainability Appraisal undertaken by the Council considers Green Belt issues at all. None of the Sustainability Appraisals objectives suggest that Green Belt issues have been considered. Whilst the Sustainability Appraisal does consider the need to conserve the historic and natural environment, and the need to protect and enhance the natural and built landscape, it does not inherently consider Green Belt issues and openness.
- 1.21 The fact that there are a number of reasonable alternative sites (which do not need to be kept permanently open) located on the edge of existing settlements, such as H26, H28, ST13, and ST29 would suggest that Green Belt considerations have not been suitably addressed as part of the Sustainability Appraisals process. It is clear that there remains a number of sites on the edge of existing settlements, which are inherently more sustainable, given the proximity to existing services, amenities and public transport links and have a lesser impact on the openness of the Green Belt, than other sites.

*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?*

- 1.22 No comment

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

- 1.23 As indicated in the answer to question d) above, when delineating Green Belt boundaries, the NPPF indicates that there is a need to promote sustainable patterns of development. However, we reiterate that there are various edge of settlement sites within the draft Green Belt which are plainly more sustainable than some of the allocations such as ST14. This is not to say that larger allocations such as ST14 would not constitute sustainable development if they were significantly larger; although the development of such isolated sites is likely to have a greater impact on the openness of the Green Belt than sustainable urban extensions. The definition of the Green Belt boundaries should have encouraged sustainable patterns of growth but there are examples of sites which will create less sustainable patterns of growth sites than if some of the reasonable alternatives had been selected.

## Question 7.2

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

1.24 It is evident that there are a number of sites falling within the draft Green Belt which do not need to be kept permanently open. This is based largely on the evidence and site-specific assessments produced by the Council as part of the Plan preparation process. In particular we note that the [2013 version of the Plan](#) and the [Further Sites Consultation \(2014\)](#) identified a number of housing allocations which have subsequently been placed back in to the draft Green Belt.

1.25 Such sites include ST13, ST29, H26 and H28. Each of these sites have been the subject of an individual site assessment by the Council which determined that, with the appropriate mitigation, their contribution to the purposes of the Green Belt did not warrant inclusion with the Green Belt. Indeed, in the case of ST29, the Council state:

*'Green Belt and heritage impacts (as assessed through Heritage Impact Assessment) show potential minor harm to principal characteristics 4, 5 and 6. This is due to the unknown nature of proposed housing design, the potential impact to any surviving archaeological deposits, impact on the rural setting of the city and also the area of coalescence between Poppleton and York. Characteristic 4 & 5 impacts are manageable through the masterplanning and planning control processes. The assessment recommends that suitable buffering is needed to front the A59 and A1237 to minimise the impact of the development on the setting of York as experienced from the various approaches, and buffering and landscaping that assists in maintaining a green boundary between the two settlements. This is reflected in the Strategic Greenspace approach outlined on proposals map and will be secured through masterplan agreement and planning controls.'*

1.26 Further, when originally assessing ST13 in the [Site Selection Paper Addendum \(September 2014\)](#), the Council stated:

*'Green Belt and heritage impacts (as assessed through Heritage Impact Assessment) show potential for minor harm to characteristics 4 & 5, which is capable of mitigation through the detailed masterplanning and planning control processes.'*

1.27 It is clear that when these sites were originally assessed, the Council were satisfied that there was either no harm or any minor adverse harm to the Green Belt could be mitigated through detailed master-planning, and as part of a full planning application process.

1.28 However, as the Council have push down the housing requirement, a number of these sites have been placed back into the draft Green Belt. This strongly suggests that the decision to place these sites back into the Green Belt is directly related to the reduction in the housing requirement rather than the role and function of each Site might have in respect of Green Belt policy.

1.29 In the [Preferred Sites Consultation \(2016\)](#), the Council do not cite Green Belt considerations for placing these sites back in the draft Green Belt. Where justification is given, it is of a technical

nature. For example, in the case of H28, the plan states: *'further technical assessment has highlighted limited and difficult access opportunities via North Lane which would require further detailed survey/analysis'*.

- 1.30 H28 provides an obvious example of a site that does not need to be kept permanently open. The site quite clearly contributes to none of the three main purposes of the Green Belt around York. It is bound by development on three sides and the fourth by a hedgerow and drainage channel. The development of H28 would result in a compact settlement and would not extend development beyond the developed confines of Wheldrake into land which would be described as open. Furthermore, the historic significance of Wheldrake is derived from its form as a medieval village, appreciated from the historic streets in the centre. Development of H28 would in no way compromise this. It is plain that this site does not need to be kept permanently open.
- 1.31 Similar parallels can be drawn in relation to the other sites mentioned.
- 1.32 It is clear that, based on the Council's on evidence, that there are sites, such as ST13, ST29, , H26 and H28, which do not need to be kept permanently open.

### Question 7.3

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

- 1.33 The methodology used to delineate the Green Belt boundaries is anything but clear. In fact, we would go as far as saying it is mystifying. The revised methodology remains unduly complex and difficult to understand. Even as a planning professional, it is difficult to follow or understand. The Inspectors have previously acknowledged that the methodology originally used by the Council was far from straightforward. The additional clarification provided in the TP1 Addendum document remains equally difficult to understand and does not, in our view, provide an understandable explanation of how the Council have delineated the Green Belt boundaries.
- 1.34 We understand that the [TP1 Addendum 2021](#) has sought to reassess and delineate the Green Belt boundaries. We remain concerned that the Council have simply reassessed the existing boundaries first delineated using the flawed approach in 2018 with no real attempt to consider alternative sites. Whilst the individual boundaries may have been reassessed, individual sites (which ultimately were not taken forward by the Council) do not appear to have been reassessed on a site-by-site basis to ascertain if their contribution to the Green Belt is different to that previously identified.
- 1.35 By way of example, the additional work done by the Council has not resulted in a modification to the northern boundary of Wheldrake, thereby encompassing H28. In assessing the boundary (boundary 3) against the encroachment criteria, the Council state:

*Land north of boundary 2, 3 and 4 is a broad arc of flat, mainly arable land to the north of the village. There are a number of green belt appropriate uses within this area, including a*

*golf course, fishing lakes and caravan sites, which do not compromise the character of the countryside.*

- 1.36 It is unclear why the Council chose not to update or build on the Green Belt assessments first undertaken in 2003 and updated in 2013. Whilst these documents are referenced in the TP1 Addendum 2021 the actual analysis does not, in our view, follow the principles set out in these documents. The Council produced a map, which identified which parts of the district performed certain Green Belt functions. This was used as a basis to identify areas for development. We are not convinced that the updated methodology builds on this work. Rather, in certain circumstances it seems to depart from this approach.

## **Conclusion**

- 1.37 It is our view that the approach adopted by the Council to setting Green Belt boundaries is unclear, it is not transparent and indeed it is mystifying and therefore we consider that the Green Belt is not justified, will not be effective or consistent with national policy.
- 1.38 The assessment process still includes irrelevant factors which do not relate to purposes of including land within the Green Belt.
- 1.39 Further, the Plan also includes sites that do not need to be kept permanently open.
- 1.40 It appears to us that in reassessing the boundaries using the updated methodology that the Council have simply assessed the proposed boundaries and not considered alternative boundaries or alternative sites.

## **Modification**

- 1.41 To make the Plan sound the Green Belt methodology needs to be refined to relate to just the purposes of including land within the Green Belt. It also needs to be amended to exclude land that does not need to be kept permanently open and to include sufficient land to meet the development needs of the City in the short, medium and long term which can largely be achieved by allocating or safeguarding those reasonable alternative sites already identified by the Council.