



RESPONSE TO THE CITY OF YORK LOCAL PLAN

CROSSWAYS COMMERCIAL ESTATES LTD.

YORK LOCAL PLAN: INSPECTORS' MATTERS, ISSUES AND
QUESTIONS



RESPONSE TO THE CITY OF YORK LOCAL PLAN

On behalf of: Crossways Commercial Estates Ltd.

In respect of: YORK LOCAL PLAN: INSPECTORS' MATTERS, ISSUES AND QUESTIONS

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1.0 Introduction

- 1.1 This Statement ('the Statement') is submitted on behalf of Crossways Commercial Estates Ltd. to assist the Inspectors in their examination of the City of York Local Plan ('the Plan').
- 1.2 This Statement provides specific responses to the Inspector's matters, issues and questions set out in the Schedule of Matters, Issues and Questions document ('MiQ's') (EX/INS/42a) published on 27th July 2022 and revised on the 1st August 2022. Specifically, it will address Matter 1 – Green Belt Boundaries: Question 1.3.
- 1.3 This submission follows various detailed representations previously submitted to the City of York Council ('the Council'), throughout the plan-making process in relation to the land previously referenced as ST13 ('the Site').

2.0 Defining Boundaries

- 2.1 In order to assess the soundness of the Green Belt boundaries, it is necessary to consider the provisions of NPPF.
- 2.2 Both the 2012 NPPF and the updated 2021 Framework share the same five stated purposes for the Green Belt.
- 2.3 Importantly, paragraph 85 of the 2012 NPPF state that:

“When defining boundaries, local planning authorities should:

- i) ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- ii) not include land which it is unnecessary to keep permanently open; and*
-*
- vi) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

3.0 Matter 1 – Green Belt Boundaries

3.1 We only wish to comment on Question 1.3 of the Matter 1 questions.

Question 1.3

Are the Green Belt boundaries of ‘Other Densely Developed Areas’ (Topic Paper 1 Addendum Annex 4) reasonably derived?

3.2 In this statement we will be commenting on the former housing allocation referenced as ST13 and the Council’s approach to the Green Belt boundaries of the settlement of Copmanthorpe. We will begin by describing the boundaries in question and outlining some of the background associated with the history of the allocation and the boundaries before describing why we **object** to the proposed Green Belt boundaries in Copmanthorpe as we believe that they are not reasonably derived.

Description of the Site

3.3 The Site comprises agricultural land and is bound on two sides (to the northeast and to the southeast) by the urban area of Copmanthorpe whilst to the southwest and to the northwest, the Site is bound by mature tree lines. The north-eastern boundary is formed by the residential buildings and rear gardens of the dwellings off the cul-de-sacs of Homefield Close and Barnfield Way. The south-eastern boundary is also mostly formed by residential buildings and rear gardens of the dwellings on Moor Lane although a cemetery backs onto this boundary towards the south end of the Site (see **Figure 1** below).



Figure 1 - Site and its Surroundings (Approximate Site Boundary in Red)

History of ST13

- 3.4 The Site was allocated for housing with reference ST13 in the Local Plan Preferred Options draft (2013).
- 3.5 The previous allocation of the Site demonstrates that Officers viewed the Site as an appropriate location for housing and, therefore, not having sufficient Green Belt value to need to be kept permanently open.
- 3.6 When the allocation was taken out, as set out in the Local Plan Preferred Sites Consultation (2016), the reason given by Officers was as follows:

“Access via existing narrow roads (Moor Lane and Barnfield Way) through residential areas is a constraint and further work will be required to determine whether suitable highway improvements, such as highway / footway widening would be feasible. South end of Barnfield Way stops abruptly at fence line. There would be cumulative impacts with H29. Whilst the site is partially contained by residential properties the development of the site would extend the built edge of Copmanthorpe to the west into open countryside.”

Page 53 - Officer Technical Assessment - [Local Plan Preferred Sites Consultation 2016](#)

- 3.7 As a result of the revision of the housing requirement ST13 was removed as an allocation for the reason given above.

- 3.8 The Officers response does refer to extending development to the west and into open countryside, but Officers plainly have not viewed this as encroachment into countryside which needs to be kept permanently open. If Officers had thought that the allocation of the land resulted in harm to the Green Belt, they would have explicitly cited the harm to the Green Belt as part of the justification for the rejection of the Site. The omission of the land is more to do with cumulative impacts of ST13 and H29 and technical issues than harm to the Green Belt. Indeed, Officers note that the Site is partially contained by residential properties. From the reasons given it would appear that ST13 was therefore not rejected because it is needed to be kept permanently open to preserve the special character and appear of the City of York or because it served another Green Belt purpose.
- 3.9 The Site plainly does not need to be kept permanently open and therefore should be excluded from the Green Belt.

The Proposed Boundaries

- 3.10 The Council consider that the existing Green Belt boundaries for Copmanthorpe are shown in **Figure 2**.

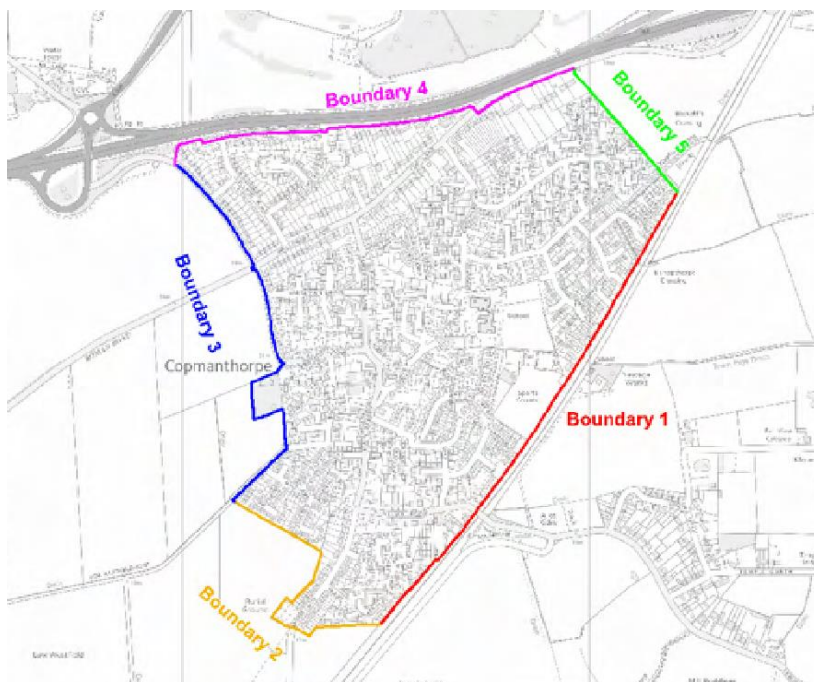


Figure 2 - Existing Green Belt Boundaries of Copmanthorpe

3.11 The proposed Green Belt boundaries for Copmanthorpe are presented below in **Figure 3** below.

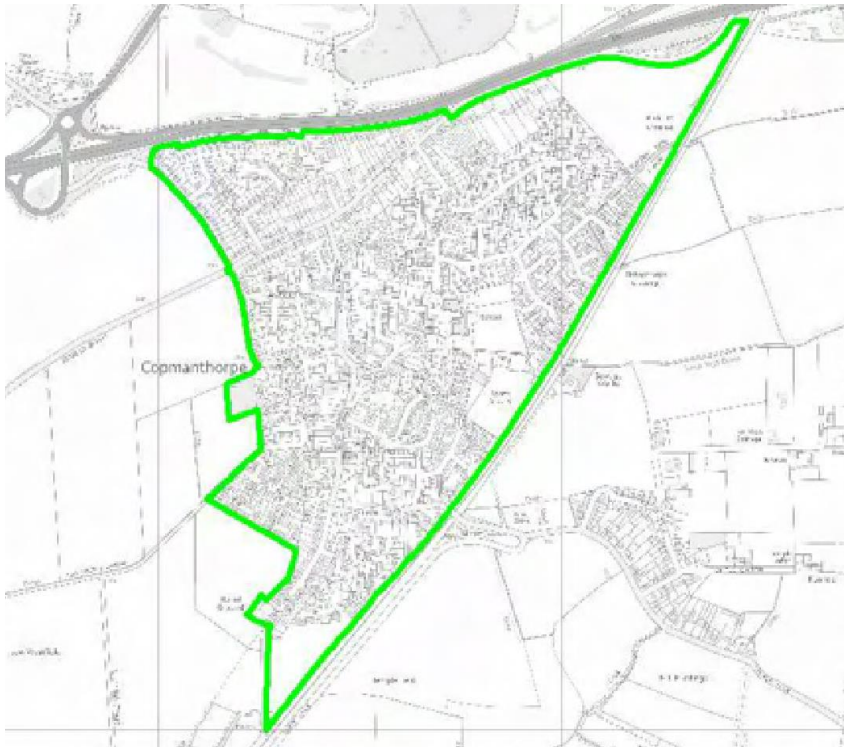


Figure 3 - Proposed Green Belt Boundaries of Copmanthorpe

3.12 The Council proposed changing the Green Belt at Boundary 2 and Boundary 5 which are proposed to be amended to include the strategic housing allocation known as ST31 and the housing allocation H29.

3.13 The Green Belt boundary we object to is Boundary 2 as illustrated by **Figure 4** below. Figure 4 also shows the modification proposed by the Developer in red.

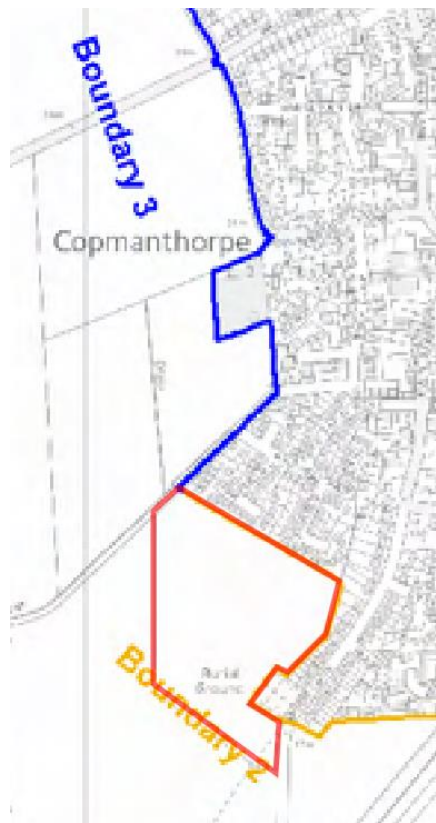


Figure 4 - Site (indicated by red line) Shown in the Context of Extract of Green Belt Boundary Map

The Site in Relation to Green Belt Purposes and Copmanthorpe's Proposed Boundaries

- 3.14 In the context of the Site, we consider that there are 3 key issues arising from paragraph 85 of the NPPF to consider. This being whether:
- i) the allocation of the land for residential development would ensure consistency with the Plan strategy;
 - ii) it is unnecessary to keep the Site permanently open; and
 - iii) boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent.

The allocation of the land for residential development would ensure consistency with the Plan strategy

- 3.15 First, it is clear that the allocation of land for development in Copmanthorpe is consistent with the Plan strategy as the Site was allocated for development in the 2013 version of the Plan and proposed as a residential allocation again in the 2014 version of the Plan. Further, there are two remaining allocated sites for residential development to the southeast and to the northeast of Copmanthorpe. It is clearly consistent with the Plan strategy to direct development to Copmanthorpe.

It is unnecessary to keep the Site permanently open

- 3.16 It is not at all evident why the Plan identifies the Site as having to be kept permanently open. The Site was assessed as part of the Council's rigorous selection methodology and, as a result of passing this process, it was proposed as a housing allocation in an earlier iteration of the Plan. As noted above whilst the Officers response does refer to extending development to the west and into open countryside, the Officers report relates more to the cumulative impacts of ST13 and H29 and technical issues which we consider to be resolved. As noted above, if Officers had thought that the allocation of the land resulted in harm to the Green Belt, they would have explicitly cited the harm to the Green Belt as part of the justification for the rejection of the Site. From the reasons given in the Officers assessment ST13 was therefore not rejected because it is needed to be kept permanently open or because it served a Green Belt purpose.
- 3.17 The Site does not contribute to the openness of the Green Belt as it is plainly well enclosed by existing residential development and established natural boundaries, which divorce the Site from the landscape that surrounds Copmanthorpe. It does not form part of the wider setting within which Copmanthorpe is viewed.
- 3.18 In this regard we note that ST13, as shown in **Figure 5** below, is bound on two sides by built development (to the northeast and southeast) and by mature and robust treelines to the southwest and northwest. The north-western boundary of the Site would be aligned within the western boundaries of the settlement and the southern boundary would not extend past H29. It is considered that the boundaries proposed would form a robust and logical edge of the village. The boundaries proposed would provide a robust, durable, recognisable and permanent boundary in accordance with paragraph 85 of the NPPF. As outlined in previous representations submitted by DPP, the mature tree lines to the southwest and northwest therefore remains a logical and natural limit to the settlement and are more robust than garden fences and garden hedges which are evident particularly along the Councils proposed north-eastern boundary. Given the enclosed nature of this area of land it is our view that it does not need to be kept permanently open to preserve the setting and special character of York.



Figure 5 - Detailed Aerial Photo of The Site

- 3.19 To consider whether the Site needs to be kept permanently open it is worth reflecting upon the purposes of including land in the Green Belt, specifically the first, third and fourth. Copmanthorpe is a village, not a town, meaning the second purpose *to prevent neighbouring towns merging into one another*, need not be considered. Equally, the fifth criterion *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*, need not be considered, as it is accepted that there is a need to release land from the general extent of the Green Belt to meet the housing requirement. This is the approach taken in the Topic Paper 1: Approach to defining York's Green Belt Addendum 2021([EX/CYC/59](#)).

Purpose 1 – To Check the Unrestricted Sprawl of Large Built-Up Areas

- 3.20 Copmanthorpe is a sustainable village, but it is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the boundaries proposed by the Developer are robust and clearly identifiable. Further, the Council are proposing to significantly extend the built-up area to the southwest through the allocation of H29. The Green Belt boundaries proposed would simply round off the urban area of Copmanthorpe.

Purpose 3 – To Assist in Safeguarding the Countryside from Encroachment

- 3.21 The proposed boundaries take the form of mature treelines to the southwest and northwest of Copmanthorpe and these boundaries do not allow extensive open views and visually and physically these tree belts separate ST13 from the land to the west and south which is more characteristic of the countryside. Further, the boundaries proposed by the Developer would not extend the settlement further south, given the location of H29, nor materially westward given the development off Homefield Close. Establishing the boundaries as proposed by the Developer would mean that open land was brought into the settlement, but in establishing Green Belt boundaries for the first time, it is necessary to consider whether land needs to be kept permanently open to preserve the setting and special character of York. There are areas of the countryside around York that are important to the setting of York, but this is not such an area. This is made clear in the Green Belt Appraisal Map – South (2003), Historic Character and Setting Update -Technical Paper (2011) and Historic Character and Setting Technical Paper Update (2013). The Site does not need to be kept permanently open and therefore the Site does not fulfil this purpose of including land within the Green Belt.

Purpose 4 – To Preserve the Setting and Special Character of Historic Towns

- 3.22 The Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York, it is not on one of the approaches to the city and remains discreet and separate from the wider landscape that surrounds the city and the village itself. Further, the Site is on the western side of Copmanthorpe and does not impinge on any views of the City, the minster or impact on a person's appreciation of how the City has evolved. ST13 does not lie within a protected landscape, form an area of public open space, nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on two sides. It does not form part of the wider setting within which Copmanthorpe is viewed.
- 3.23 Given all of the above it is plain that the Site does not need to be kept permanently open to fulfil this purpose of including land within the Green Belt.
- 3.24 The Site, whilst admittedly undeveloped, does not need to be kept permanently and therefore it should not be included in the Green Belt and on this basis the Green Belt boundaries proposed by the Developer are plainly the more appropriate.

Boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent.

- 3.25 Finally, with regard to defining boundaries the NPPF advise that planning authorities should use physical features that are readily recognisable and likely to be permanent. In this regard we note that, to the south-western and to the north-western, there are substantial and mature tree belts. These are clear, recognisable and permanent features and are likely to be more durable than a domestic fence or hedges which are evident particularly along the north-eastern boundary of Boundary 2.

3.26 The Developer is firmly of the view that the land to the southwest of 'Boundary 2' does not need to be kept permanent open. The Developer considers that the most appropriate Green Belt boundary would follow the above-mentioned tree lines.

3.27 The boundaries proposed by the Council in this location are considered to be **unsound**.

Conclusion

Compliance with the Test of Soundness

3.28 Having considered the Council's approach to determining the land that needs to be kept permanently open and to define Green Belt boundaries in Copmanthorpe, it remains clear that there are issues and anomalies which undermine the robustness of the exercise.

3.29 The Developer considers that the Plan has **not been positively prepared**, as the Council has included land within the Green Belt which does not need to be kept permanently open and has not clear, recognisable boundaries which are likely to be permanent and therefore the Green Belt boundaries are **not justified**.

3.30 For these reasons, the Developer is of the view that the Green Belt will **not be effective**.

Our Proposed Modifications

3.31 To make the Plan sound it is recommended that the Green Belt boundary is revised as proposed.