

# MATTER 3



**JohnsonMowat**  
Planning & Development Consultants

Examination of the City of York Local Plan

Matters, Issues and Questions for the Examination

## **Matter 3 – Green Belt**

November 2019

CLIENT: Redrow Homes and Michael Glover (ST8)



## **CONTENTS**

---

1.0 INTRODUCTION

2.0 TEST OF SOUNDNESS

3.0 RESPONSE TO INSPECTOR'S QUESTIONS



## **1.0 INTRODUCTION**

---

- 1.1 This response has been prepared on behalf of Redrow Homes and Michael Glover in relation to their land interests at Monks Cross, York which comprises proposed allocation ST8 and land immediately west of, in the Publication Draft Local Plan.
  
- 1.2 An Outline Planning Application for the development of circa 970 dwellings including infrastructure, open space, primary school, associated community facilities, convenience store and Country Park was submitted on behalf of Redrow Homes (Yorkshire) Limited in January 2018 on the emerging Local Plan ST8 site. The application is pending consideration (18/00017/OUTM).
  
- 1.3 This response should be read alongside previous submissions made to the Local Plan, namely the July 2019 response to the City of York Local Plan Proposed Modifications and prior to that the submissions made to the Publication Draft Local Plan in March 2018. In addition to this statement relating to Examination Matter 3, it should be noted that statements have been prepared for Matter 1 and 2 on behalf of Redrow Homes and Michael Glover, and Johnson Mowat will be representing Redrow Homes and Michael Glover at the Examination Hearing sessions relating to Matters 1, 2 and 3 in December 2019



## 2.0 TEST OF SOUNDNESS

---

2.1 The City of York Local Plan is being tested against the 2012 National Planning Policy Framework (NPPF 2012) which at Paragraph 182 states that:

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”



### 3.0 RESPONSE TO INSPECTOR'S QUESTIONS

---

**Matter 3 – Green Belt: principles, the approach to defining the Green Belt boundaries, exceptional circumstances and the approach to identifying land to be 'released' from the Green Belt for development.**

#### **Principles**

**Q3.1 Paragraph 10.1 of the Plan states that “the plan creates a Green Belt for York that will provide a lasting framework to shape the future development of the city”. For the purposes of Paragraph 82 of the National Planning Policy Framework, is the Local Plan proposing to establish any new Green Belt?**

3.1 The Council in their response to the Inspectors 24<sup>th</sup> July 2018 letter replied on 13<sup>th</sup> November 2018 referring to Green Belt as follows:

“The Local Plan is not proposing to establish any new Green Belt. The principle and general extent of York’s Green Belt is set through the saved aspects of the Yorkshire and Humber Regional Spatial Strategy (RSS), which tasks the Plan with formally defining the detailed inner and (outstanding sections of the) outer boundary of the York green belt for the first time.”

3.2 The Topic Paper TP1 Addendum (March 2019) at paragraph 2.3 states:

“Saved RSS policies YH9 ( C ) and Y1 (C1 and C2) and the key diagram (insofar as it illustrates general extent of the Green Belt) establish the general extent of the Green Belt around York. This exercise has therefore already been completed; there is an existing Green Belt. The York Local Plan is tasked with formally defining the detailed inner and (outstanding section of the) outer boundary of the York Green Belt for the first time.”

3.3 We do not disagree with this summary. Paragraph 10.1 of the Local Plan should be amended to make it clear that a Green Belt for York is not being created but that its detailed boundaries are being defined for the first time.



- a) ***If so, what are the exceptional circumstances for so doing, and where is the evidence required by the five bullet points set out at Paragraph 82 of the Framework?***
  
- b) ***If no, does the Local Plan propose to remove any land from the established general extent of the Green Belt? If it does, is it necessary to demonstrate that exceptional circumstances exist to warrant that approach? Or is it the case that the Local Plan establishes the Green Belt boundaries for the first time, such that the exclusion of land from the Green Belt – such as the ‘garden villages’, for example – is a matter of establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?***

3.4 Paragraph 2.14 of TP1 Addendum explains that:

“The NPPF (2012) does not contain specific advice on circumstances where the need to provide for new development to meet the plan strategy may justify incursions into the general extent of the Green Belt alongside the process of defining the inner and outer boundaries. However, the Council has assumed for the purposes of preparing the draft plan, that exceptional circumstances would have to be shown, as they would be if a defined boundary were to be reviewed and altered (under paragraph 83).”  
(underlining is our emphasis)

3.5 Section 7 of the TP1 Addendum runs through the exceptional circumstances, concluding that:

“This Addendum examines how the Council has considered York’s development needs and fully examined all reasonable options for meeting development needs, taking into account the use of Brownfield and underutilised land, the application of different densities and discussions with neighbouring authorities. This section explores the Council’s approach and concludes that it would not be possible to meet the housing needs, employment land requirements, gypsy and traveller and travelling showpeople housing needs and educational needs in York across the Plan period without releasing land from the Green Belt.” (underlining is our emphasis)

3.6 We agree with the exceptional circumstances set out by the Council, however, given the unique situation in the City of York whereby the general extent of the Green Belt is set but the formal detailed inner and outer boundaries are not yet defined, there is no simple answer as to whether exceptional circumstances are actually required.



**The approach to defining the Green Belt boundaries**

**Q 3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) says "York's Local Plan will formally define the boundary of the York Green Belt for the first time." How has the Council approached the task of delineating the Green Belt boundaries shown on the Policies Map? In particular:**

**a) Is the approach taken in general conformity with those parts of the Regional Spatial Strategy for Yorkshire and Humber ('the RSS') that have not been revoked, namely Section C of Policy YH9, Sections C1 and C2 of Policy Y1, and the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York?**

3.7 The Council are seeking to define the detailed inner boundaries of the Green Belt and the outstanding sections of the outer boundary of the York Green Belt in the Local Plan in accordance with YSS Policy YH9C and Y1. That is not to say that we agree with the detail of the defined boundaries. We do not agree that the most appropriate boundary has been defined in relation to ST8.

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

3.8 It is considered that the need to promote sustainable patterns of development has not been fully taken into account.

3.9 This is in respect of the proposed separation of strategic site ST8 from the urban edge, thereby creating an unconnected urban extension. The Council's TP1 Addendum Annex 5 (EX/CYC/18b), in assessing the site proposed in the Green Belt refers to Monks Cross as "an urban extension to the north of York adjacent to Monks Cross and separated from Huntington to the West."

3.10 A more appropriate sustainable option would be to connect the urban extension to Huntington.

3.11 While Redrow Homes and Michael Glover are supportive of the identification and allocation of housing land at ST8, our clients are opposed to the manner in which the Plan misses the opportunity to deliver the site as a sustainable urban extension to the existing urban edge.



**c) *With regard to Paragraph 138 of the Framework, 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?***

3.12 In the first instance, it is presumed this question should refer to paragraph 84 of the 2012 Framework (rather than paragraph 138 of the 2019 Framework).

3.13 It is considered that more opportunities could be explored for the utilisation of land contained within the Outer Ring Road (subject to the consideration of river corridors, green wedges and coalescence matters, as identified in the Green Belt Appraisal Map contained in the Historic Character and Setting Technical Paper – SD106 and repeated in TP1 Figure 4 and TP1 Addendum Figure 3). There is land available and contained within the Outer Ring Road that is in close proximity to existing urban areas and existing established infrastructure. Development opportunities exist within the Outer Ring Road that are not subject to other constraints (green wedge, rural setting, river corridor) that would constitute sustainable development. Now is the appropriate time to establish the inner Green Belt boundary to ensure the most sustainable development sites are allocated and a long term Green Belt boundary is established.

**d) *How do the defined Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development and/or include any land which it is unnecessary to keep permanently open?***

3.14 We consider there is a missed opportunity in that the Local Plan proposes to define Green Belt land within the Outer Ring Road, when there is the opportunity to designate land to remain undeveloped (green wedge, rural setting, river corridor) within the Outer Ring Road but allow other unconstrained land to be considered for development. Utilising the Outer Ring Road as a defensible inner Green Belt boundary would ensure the delivery of sustainable development.

3.15 In sustainability terms, we still consider it more appropriate to focus growth in the York urban area and expand existing settlements. This approach would make best use of existing infrastructure and resources, as well as ensuring that the needs of the local community are met. In particular, the failure to allocate land in existing settlements will increase affordability pressures in the City.



***Q3.3 Will the proposed Green Belt boundaries need to be altered at the end of the Plan period? To this end, are the boundaries clearly defined, using physical features that are readily recognisable and likely to be permanent? What approach has the Council taken in this regard?***

3.16 In our Matter 2 Statement in relation to the Plan Period, we recommend that the Plan Period is extended to 2035 to ensure a 15 year plan period upon adoption, with the requirement of at least 5 years worth of safeguarded land in the Plan for development beyond 2035 (or before 2035 if required) to ensure longer term permanence to Green Belt boundaries. Without safeguarded land, even if the plan period is extended to 2035, it is still considered that the Green Belt boundaries will need to be altered at the end of the plan period to accommodate additional growth requirements.

3.17 We have concerns with the Green Belt boundaries – namely the separation of proposed strategic sites from the urban edge – therefore creating green belt wedges of land in between the existing urban area and the strategic sites. This Green Belt land will serve no Green Belt function.

***Q 3.4 Should the Plan identify 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?***

3.18 Yes. In our previous representations we have suggested the Council need to identify safeguarded land in the Local Plan.

3.19 The identification of Safeguarded Land is considered particularly important as the Local Plan will set detailed Green Belt boundaries for the first time and an appropriate and sound strategy is therefore required to enable flexibility up to and beyond the plan period. We consider that Safeguarded Land is required in the City to provide a degree of permanence to the Green Belt boundary and avoid the need for future reviews. It would also provide flexibility and allow land to be brought forward quickly without a fundamental review of the whole Local Plan if allocated sites were unable to deliver the quantum of development envisaged. This is particularly important when considering the complex nature of some of the sites that are proposed for allocation in the Plan e.g. York Central and land to the West of Elvington Lane, as well as potential heritage issues with other sites across the City which may prevent the deliverability of some allocated sites coming forward as envisaged. Flexibility is therefore essential, with a contingency of sites required to not only provide a buffer of sites but in addition, respond to the fact that the housing requirement is a minimum target rather than a maximum figure.



3.20 Included within the Council's evidence base is Counsel opinion (EX/CYC/11a), which was sought by the Council in relation to the determination of the Green Belt boundary. This advise included the opinion that safeguarding land was appropriate in respect of land which is required to meet the longer term development needs of the area beyond the Plan period. John Hobson QC (Landmark Chambers) concluded that:

*“In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the areas could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries”*

**Q3.5 Overall, are the Green Belt boundaries in the plan appropriately defined and consistent with national policy in the National Planning Policy Framework, and is the Plan sound in this regard?**

3.21 No it is not considered the Green Belt boundaries are appropriately defined. It is considered that the Local Plan fails to make the best use of land within the Outer Ring Road and there is a missed opportunity of taking advantage of existing infrastructure. It is considered that an alternative and appropriate approach would be to fix the Outer Ring Road as the Green Belt boundary with fixed landscape corridors within the Outer Ring Road, which would allow the use of remaining undeveloped non Green Belt land contained within the Outer Ring Road boundary to be utilised for development. This alternative approach would be consistent with national policy guidance at paragraph 85 in relation to defining Green Belt boundaries.

3.22 As referred to in answer to question 3.2 b, Redrow Homes and Michael Glover remain opposed to the unnecessary separation of Site ST8 from the existing urban edge west of Huntington, with the resultant land that is proposed to remain in the Green Belt serving no Green Belt function.



### **Exceptional Circumstances**

**Q3.6 Paragraph 83 of the National Planning Policy Framework is clear that Green Belt boundaries should only be altered in exceptional circumstances. It appears that the Plan proposes to ‘release’ some land from the Green Belt by altering its boundaries. In broad terms:**

**a) Do the necessary exceptional circumstances exist to warrant the proposed alterations to Green Belt boundaries, in terms of removing land from the Green Belt? If so, what are they?**

3.23 Yes, namely housing need, however see answer to question 3.1.

**b) What relationship, if any, is there between the exceptional circumstances leading to the alterations proposed to the Green Belt and the proposed spatial strategy / distribution of new housing?**

3.24 We have expressed concern in relation to the lack of explanation in the Local Plan to the distribution of housing across the City (See answer to Matter 2 Question 2.9 c). The exceptional circumstances relate to the need to deliver housing that warrants the need to remove land from the Green Belt.

3.25 The Council’s May 2018 Topic Paper (TP1) – Approach to defining York’s Green Belt, informs that the primary purpose of Green Belt for the City of York is to protect the setting and special character of the historic city. The Addendum to TP1 (EX/CYC/18) provides further explanation and analysis of the approach taken to define the Green Belt. There does however appear to be poor linkages between the spatial strategy and the exceptional circumstances leading to the Green Belt proposals.

**c) What is the capacity of existing urban areas to meet the need for housing and employment uses?**

3.26 At a recent Appeal (APP/C2741/W/19/3227359) north of Boroughbridge road, south of Millfield Lane, York the existing housing land supply was considered. The Inspector in her Decision at paragraph 38 states:

“There is a clear need for housing, with the main parties agreeing that the current housing land supply for the City of York is either 3.28 years or 3.82 years, depending on whether the emerging Local Plan allocations within the urban area are included or not. The evidence therefore shows that the Council is currently unable to demonstrate a 5 year housing land supply without bringing forward sites outside the urban area.”



3.27 It is however unknown what housing requirement these supply figures are based on, nor is it known how the extent of student accommodation is considered in the calculation.

***d) Is there any non Green Belt rural land which could meet all or part of the District's housing and employment needs in a sustainable manner (having regard to any other significant constraints)?***

3.28 This question is for the Council to answer.

***e) What is the justification for excluding the identified Strategic Sites (e.g. ST7, ST8, ST14 and ST15) from the Green Belt?***

3.29 Exceptional circumstances of meeting housing need exist to justify removal of land from the Green Belt.

**The approach to identifying land to be 'released' from the Green Belt for development**

***Q 3.7 How has the land proposed to be removed from the Green Belt been selected? Has the process of selecting the land in question been based on a robust assessment methodology that:***

- a) Reflects the fundamental aim of Green Belts, being to prevent urban sprawl by keeping land permanently open;***
- b) Reflects the essential characteristics of Green Belt, being their openness and permanence;***
- c) Takes account of both the spatial and visual aspects of the openness of the Green Belt, in the light of the judgements in Turner and Samuel Smith Old Brewery;***
- d) Reflects the five purposes that the Green Belt serves, as set out in Paragraph 80 of the Framework, particularly that of preserving the setting and special character of the historic city (in answering this question, we ask that the Council refers specifically to the 'wedges' of Green Belt that would be created, for example those between the main urban area and Sites ST7 and ST8);***
- e) Is in general conformity with RSS Policy Y1, which aims to protect the nationally significant historical and environmental character of York, including its historic setting, the need to safeguard the special character and setting of the historic city and to protect views of the Minster and important open areas; and***
- f) Takes account of the need to promote sustainable patterns of development?***



- 3.30 In the first instance it is maintained that Redrow Homes and Michael Glover are in full support of the identification of ST8 as a strategic housing site and agree that the site should not be in the Green Belt. Redrow Homes and Michael Glover are committed to the delivery of ST8, which is evident given the submission of an Outline application in January 2018 which remains pending a decision (18/00017/OUTM).
- 3.31 'Spatial shapers' are referred to in the Council's TP1 Addendum (EX/CYC/18) as the spatial strategy used in the proposed spatial distribution of growth. The spatial shapers include historic character and setting, flood risk and green infrastructure. (TP1 paragraph 5.35). Site ST8 does not lie within identified areas affecting the historic character and setting, flood risk, or identified green infrastructure.
- 3.32 TP1 Addendum Figure 7 'Strategic areas to keep permanently open' is important in setting the context behind how the Council have identified sites in the Local Plan. This figure combines 4 other plans to show land which, when assessed against the five purposes of the Green Belt, has been identified as strategically important to keep permanently open. Figure 7 showing land to be kept permanently open is a combination of the following:
- Areas important to York's special character and setting
  - Access to services (land which does not have access to 2 or more services within 800m)
  - Areas of the city essential for preventing coalescence
  - Yorks Green Infrastructure, Nature conservation, Green Corridors and Open space
- 3.33 It therefore figures that land that is not identified as being needed to be kept permanently open is suitable for development. However caution should be applied to the application of Figure 7, as there are clear examples of areas that lie outside of areas to be kept permanently open based on 'access to services' yet their development would create illogical unsustainable patterns of development in comparison to sites contained within the Outer Ring Road. Strategic Site ST8 and the intervening land between the urban edge and ST8 lies outside of the four above mentioned constraints, with the exception of a small part of the north eastern edge of ST8 which lies in an area without access to 2 or more services. The access to services will be improved as result of the development of ST8 and the services that will be provided as part of the development.
- 3.34 The Council's own evidence identifies that the land to the immediate east of the Huntington urban edge and ST8 that is proposed to be included in the Green Belt is not in an area of land that should be kept permanently open. This reinforces our opinion that ST8 should be a



strategic urban extension of the existing Huntington urban edge rather than separate from Huntington, with the intervening land identified as part of the ST8 site, as was originally the case in the October 2014 Publication Draft (SD010A).

- 3.35 The TP1 Addendum makes reference to the Council's approach to separating new settlements from the urban edge and refers to the Heritage impact assessments carried out in line with the principles of the Heritage Topic Paper Update which made it clear that "while new free standing settlements may have an impact on the openness of the Green Belt, greater harm could be caused to the historic character and setting of York when building extensively on the periphery of the main urban area." While this approach is acknowledged, there do remain opportunities to extend on the periphery of the main urban area without harming the setting and special character of the historic city. The urban edge and land immediately east of Huntington, west of ST8 is not identified as lying within any of the historic character and setting criteria identified in figure 4 of TP1 Addendum.
- 3.36 The assessment of development sites in the Green Belt (Annex 5 of the TP1 Addendum (EX/CYC/18b) in relation to Site ST8 refers to the site as "an urban extension to the north of York adjacent to Monks Cross and separated from Huntington to the west." Whilst the Council state that the site forms a sustainable option it is considered that a more appropriate and logical approach would be to attach ST8 to the Huntington urban edge rather than identifying the intervening land between ST8 and Huntington as Green Belt. The resultant green wedge would not perform any of the functions expected of a Green Belt designation.
- 3.37 There appears to be very little explanation as to why the proposed separation of ST8 from the existing urban edge is a more appropriate approach than it being attached as an urban extension of Huntington.
- 3.38 The Council refer in their TP1 Addendum Annex 5 to "the retention of a green wedge as part of the allocation boundary helps to protect the setting of Huntington village." However, the 'green wedge' is not identified as lying within an important area to York's special character and setting (TP1 Addendum Figure 3).

***Q 3.8 Have the Green Belt boundaries – as proposed to be altered – been considered having regard to their intended permanence in the long term? Are they capable of enduring beyond the plan period?***

- 3.39 It is considered the proposed inner western boundary of ST8 is weak, with the resultant proposed Green Belt between the western edge of ST8 and eastern edge of Huntington serving no Green Belt function. This land is not identified in the Council's TP1 Green Belt appraisal as



requiring to be kept permanently open and it is considered more appropriate to remove it from the Green Belt. The eastern boundary of ST8 formed by the Monks Cross Link road should form the outer, defensible Green Belt boundary to the urban edge of this part of the City, or the Outer Ring Road itself, therefore including land west of Huntington, and ST8 as non Green Belt land.

***Q 3.9 In this regard, what is the justification for the proposed alterations to the Green Belt boundary, as set out in Annex 6 of the Topic Paper 1: Addendum***

3.40 We will await the Council's response to this question and will address this question at the Matter 3 Hearing Session.

***Q 3.10 Overall, is the approach to identifying land to be 'released' from the Green Belt robust, and is the Plan sound in this regard?***

3.41 Redrow Homes and Michael Glover support the identification of ST8 as a strategic housing site in the Local Plan and consider the approach to defining the allocation at this location is justified. That said, for the reasons outlined in response to the Matter 3 questions, it is considered a more appropriate and sustainable approach would be create ST8 as an urban extension to Huntington, rather than it being separated by one field boundary along the ST8 western edge. There is no justified or logical reason for the inclusion of this land within the Green Belt.

