



EXAMINATION OF THE CITY OF YORK LOCAL PLAN

2017-2033

PHASE 1 HEARINGS

MATTER 3: Green Belt
EXCEPTIONAL CIRCUMSTANCES

CITY OF YORK COUNCIL STATEMENT

Exceptional circumstances

3.6 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?

3.6.1 Yes. The Council has used the five considerations set out in Calverton Parish Council v Greater Nottingham Councils (2015) EWHC 1078 to assist in assessing exceptional circumstances. This is summarised below and further explained in EX/CYC/18 (paras 7.110-7.118).

1. *The acuteness/intensity of the objectively assessed need*
-There is insufficient capacity on sites assessed as suitable for development within the main urban area of York and its surrounding settlements to meet York’s development needs.
2. *The inherent constraints on supply/availability of land prima facie suitable for sustainable development*
-The Green Belt boundaries have been set so as to protect openness and permanence and accord with the 5 purposes of the Green belt. Where land has been identified that does not need to be kept permanently open this has been included within the urban area/limits as non-Green Belt land. As a result of these constraints, the development need of the City of York authority area cannot be met without the allocation of land within the general extent of York’s Green Belt.
3. *The consequent difficulties in achieving sustainable development without impinging on the Green Belt*
- As stated above, there is insufficient capacity on suitable sites within urban areas (the city and surrounding settlements) which have adequate access to services, to meet development needs. Discussions with neighbouring authorities did not result in any of York’s development needs being ‘exported’ to be met by another local planning authority.
4. *The nature and extent of the harm to the Green Belt (or those parts of it which would be lost if the boundaries were reviewed)*
– Annex 5 of the Approach to Defining York’s Green Belt Addendum (2019) [EX/CYC/18b] summarises the nature and extent of harm to the five purposes of Green Belt. This information is taken from the Sustainability Appraisals of the sites themselves [CD008 and CD009] which in turn are linked to the 6 characteristics identified in the Heritage Topic Paper Update (2014 [SD103]) needed and the outcomes of Heritage Impact Appraisals (2017 [SD101-2]) of the sites. These have

indicated that incremental growth to the urban area can be more damaging than identifying new settlements which complement the existing 'clock face' of development. This has informed the decisions on the sites and their boundaries. The selected sites within the general extent of the York Green Belt have been chosen in order to cause the least harm to the primary purpose – to preserve the setting and special character of York. While it is accepted that there will be some impact on openness by the development of these sites, Annex 5 [EX/CYC/18b] also summarises the local impact of openness and permanence as evaluated in line with the boundary assessment criteria set out at Section 5 of the Approach to Defining York's Green Belt Addendum (2019 [EX/CYC/18]).

5. *The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent*
–The Sustainability Appraisal [CD008] also tested possible mitigation for harm, where appropriate these measures have been established as key principles for development within each site specific policy of the spatial strategy [CD001].

3.6.2 The Council also recognised in EX/CYC/18 that the level of supply in the plan would provide a degree of flexibility when considered against the housing requirement, concluding that there were exceptional circumstances to justify this in the specific context of York's Local Plan, including the need to future proof the plan.

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?

- 3.6.3 There is a relationship between the exceptional circumstances and the proposed spatial strategy and its related distribution.
- 3.6.4 As addressed under 3.2 (b) the spatial strategy and the resulting spatial distribution of development has been guided by factors which shape growth and inform the principles set out in policy SS1.
- 3.6.5 These factors have enabled areas of land to be identified which need to be kept permanently open. In combination with the spatial principles set out at policy SS1, they have generally directed development towards the main urban areas of York and its surrounding settlements.
- 3.6.6 However, Section 7 of the TP1 Addendum (2019 [EX/CYC/18]) explains how, in order to meet significant development needs, it will be necessary to consider developing on land within the Green Belt (see sections 7d and 7e, pages 66-72; see also section 7g on p. 76). The Council has sought to ensure the best use is made of previously developed and underutilised land before considering the release of Green Belt land.

3.6.7 The process of site appraisal for potential release in reliance on exceptional circumstances has involved appraising them against the spatial strategy as well as their impact on green belt purposes. The alignment of these methodologies has meant that the spatial distribution minimises harm to the special character and setting of the city.

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

3.6.8 An evidence-based approach has established how much growth is required over the plan period based on a Strategic Housing Market Assessment update (2017 [SD051]), Employment Land Review (2016 [SD064] and update (2017) [SD063]) and a Gypsy and Traveller Accommodation Assessment Update (2017) [SD059].

3.6.9 There is a need to provide sufficient land to achieve the housing requirement of 13,152 dwellings. The SHLAA (2018 [SD049]) has assessed those sites that are suitable, available and deliverable and has identified a supply of 5,652 dwellings on land within the urban area (after the 10% non-implementation rate is applied). This supply meets 43% of the identified need.

3.6.10 In addition, the assessment of supply has also identified current extant permissions of 3,220 dwellings (after the 10% non-implementation rate is applied) and a qualified windfall allowance of 2,197 dwellings.

3.6.11 In total the identified supply will provide 11,069 dwellings over the plan period to 2033. Overall the identified supply equates to 84% of the total identified housing requirement, with a shortfall of 2,083 dwellings.

3.6.12 The Employment Land Review (ELR 2017 [SD063]) has demonstrated a need for 195,747 sqm of employment land over the period to 2033 (Table 6). Land within the urban area can provide 108,877 sqm of suitable employment land (Approach to the Green Belt Addendum 2018 [EX/CYC/18] para 7.77). This equates to 55% of the identified need, with a shortfall of 86,870 sqm.

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)?

3.6.13 No, the detailed inner and outstanding outer limits of the York Green Belt has been assessed in The Approach to defining Yorks Green Belt Addendum (2019[EX/CYC/18]) and its Annexes [EX/CYC/18d and EX/CYC/18f] and do not identify any non-Green Belt rural land.

3.6.14 All land within the authority boundary that satisfies the five spatial principles & sustainability requirements of the Local Plan's Spatial Strategy and that is

suitable, achievable and deliverable has been identified via the SHLAA (2018 [SD049]) and ELR (2016 [SD064]) and update (2017 [SD063]).

e) What is the justification for excluding the identified Strategic Sites (e.g. ST7, ST8, ST14 and ST15) from the Green Belt? In answering the above questions, we ask the Council to explain:

(i) The acuteness of the objectively assessed need for housing and the need for employment land

3.6.15 The justification for the release of these sites is influenced by considerations which apply to the sites considered overall.

3.6.16 As set out under 3.6 (c) above - there is a need to find land to meet the employment and housing requirement. This is a significant not marginal shortfall.

(ii) The inherent constraints on supply/availability of land for sustainable development (housing and employment development)

3.6.17 There are a number of inherent constraints on land availability/supply in York as reflected by the five spatial principles of Policy SS1 - the City's historic & natural environment, accessibility/transport sustainability, congestion/pollution/air quality, flood risk and prioritising previously developed land. The SHLAA/housing site selection methodology has assessed potential housing land in terms of it being suitable, achievable and deliverable and there remains a shortfall in provision

(iii) The consequent difficulties in achieving sustainable housing and employment development without impinging on the Green Belt

3.6.18 As set out above, the non-green belt areas of the CYC authority area (as identified in Section 6 of The approach to defining York's Green Belt (2019 [EX/CYC/18]) and [EX/CYC/18c]) contain insufficient suitable deliverable and achievable sites (As assessed by the SHLAA 2018 [SD049] and the ELR (2016 [SD064] and update 2017 [SD063]) with capacity to meet the development needs of the city. The sites selected have all been assessed against sustainability criteria to ensure that they have access to services and facilities.

3.6.19 The Local Plan takes the strategic view, endorsed by Historic England, to deliver a development strategy which looks to accommodate growth through maximising the use of Brownfield land and limiting peripheral growth, to safeguard key elements of the City's special character and setting. Historic England note that the proposed strategic approach, accommodating some of York's development needs as new freestanding settlements and the site allocations as identified, will result in far less harm to the special character and setting of the historic city than would be caused by development on the edge of the existing built up area

(iv) The nature and extent of the harm to the Green Belt (or those parts of it that would be lost)

- 3.6.20 The sites allocated within the general extent of the York Green Belt have been selected so as to cause the least possible harm to the setting and special character of York. New settlements and other releases from the Green Belt along with any proposed mitigation have then been assessed through the SHLAA (2018 [SD049]), ELR (2016 [SD064] and update 2017 [SD063]), SA [CD0008 and CD0009] and HIA assessments [SD101 and SD102], to allow strategic site policy principles to minimise harm to the Green Belt and present opportunities as part of a strategy to have any new development make a positive contribution to heritage assets.
- 3.6.21 The Heritage Topic Paper update site allocation boundaries fundamental to delivering the spatial strategy that have evolved over time principally to respond to site specific evidence and to help to safeguard the size and compact nature of the historic city, the perception of York being a free-standing historic city set within a rural hinterland, key views towards York from the ring road, and the relationship of the main built up area of York to its surrounding settlements.

(v) The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

- 3.6.22 The plan sets out site specific policies for each strategic site (above 5ha) which included criteria to ensure that the sites are designed to establish new settlements with a strong sense of place which fit with the historic context of York, protect and enhance existing valuable landscape features and achieve significantly enhanced public access to high quality open space. This enhanced access to open space may be to areas of open space both within and adjacent to the allocations but will also allow enhanced access to the areas of green belt beyond the site boundaries.
- 3.6.23 Policy GI6 (New Open Space Provision) establishes that the Council has mechanisms in place to secure green infrastructure provision in the city and allocates significant new areas of open space in conjunction with a number of the proposed strategic site allocations. This new open space will be complemented by further on-site provision of local green and open space. The Council through the implementation and delivery of the Plan is committed to supporting and implementing projects that will seek to offset a proportion of the impact on the Green Belt.
- 3.6.24 The Council has also stated in its approach to exceptional circumstances (Section 7 of the TP1 Addendum paragraphs 7.103-105) that the need for flexibility to ensure that the plan is future proofed amounts to an exceptional circumstance further justifying the level of proposed provision.