



PLANNING

RESPONSE TO THE CITY OF YORK LOCAL PLAN EXAMINATION

LINDEN HOMES

MATTER 3

RESPONSE TO THE CITY OF YORK LOCAL PLAN EXAMINATION

On behalf of: Linden Homes

In respect of: Matter 3

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1.0 Introduction

- 1.1 This Statement ('the Statement') is submitted on behalf of Linden Homes to assist the Inspectors in their examination of the City of York Local Plan ('the Local Plan').
- 1.2 Linden Homes have previously made representations to the City of York Council ('the Council') in respect of previous consultation exercises on the Local Plan. Linden Homes has interest in a number of parcels of land including land to the north of Haxby (Site Ref: ST9) and land to the rear of Rufforth Primary School, Rufforth (Site Ref: H38).
- 1.3 This Statement provides specific responses to the Inspector's issues and questions in relation to Matter 3 set out in the Schedule of Matters, Issues and Questions document ('MIQ's') (EX_INS_11s) published on the 28th October 2019.
- 1.4 As noted by the Inspectors' within their Guidance Note, the Local Plan was submitted for examination prior to 24th January 2019. Therefore, in accordance with paragraph 218 of the 2019 National Planning Policy Framework ('the 2019 NPPF'), the Local Plan will be examined against 2012 National Planning Policy Framework ('the 2012 NPPF').

2.0 Question 3.1

Part a)

See Question 3.1b

Part b)

- 2.1 The Council have made it clear that the principle and general extent of York's Green Belt is set through the saved aspects of the Yorkshire and Humber Regional Spatial Strategy¹ ('RSS'), which tasks the Local Plan with formally defining the detailed inner and certain outstanding outer sections of the Green Belt boundary². I agree that the general extent of the Green Belt is already established. There is no conflict with paragraph 82 of the NPPF which, in my view, is concerned with establishing new Green Belts.
- 2.2 Various S78 Inspectors have taken a precautionary approach when considering any incursions into the general extent of Green Belt, as does the Local Plan when defining detailed Green Belt boundaries. In both cases it has been deemed necessary to demonstrate exceptional circumstances. I do not disagree with this approach.

However, the Local Plan is defining the boundaries for the first time and therefore I do not feel that it is strictly necessary to demonstrate exceptional circumstances even though I believe that such

¹ Saved RSS Policies YH9 and Y1

² York Letter date 13th November 2018(EX/CYC/7)

circumstances exist. What is critical however is that the Local Plan defines a permanent Green Belt with clear and defensible boundaries that will not need to be altered in the short or medium term.

3.0 Question 3.2

Part a)

- 3.1 The 2012 NPPF indicates that when drawing up or revising Green Belt boundaries account should be taken of the need to promote sustainable patterns of development³. The 2012 NPPF also requires planning policies to identify opportunities for villages to grow and thrive, especially where this will support local services⁴. In allocating large isolated strategic sites in the form of ST7, ST14 and ST15 the Council have directed housing growth away from existing settlements and thus undermining the ability of these areas to sustain healthy communities, services and facilities.
- 3.2 I consider that development is most sustainable when directed towards settlements where there are existing services and amenities and whilst the 2012 NPPF makes provision for new settlements that will deliver their own facilities, it requires these settlements to be of a sufficient scale to support a sustainable community. In this regard we would question whether ST14 with a capacity of 1,348 dwellings and ST7 with a capacity of 845 dwellings would be large enough to sustain an adequate level of facilities to constitute a sustainable settlement in their own right. These new settlements are proposed Garden Villages. Within a report to its Executive Board on 30th June 2016, the Council referred to the DCLG⁵ paper titled 'Locally Led Garden Villages, Towns and Cities' which indicates that Garden Villages constitute villages of between 1,500 and 10,000 dwellings. In their current proposed form, ST14 and ST7 are too small to be Garden Villages which calls into question their ability to support a sustainable community.
- 3.3 It is more sustainable for the Council to release land from the general extent of the Green Belt around existing settlements in order to support and benefit from existing shops, facilities and services. The Council have followed this approach in allocating ST9 and H38. The allocation of these sites will support the services and facilities within Haxby and Rufforth respectively. The Council should adopt a similar approach to some of the other villages around York which would be more sustainable than allocating small and isolated standalone groups of houses that will be reliant on other settlements for services and facilities.

Part b)

- 3.4 It is my view that the Council have directed as much development towards the urban area and towns and villages not in the general extent of the Green Belt as reasonably practical without adversely affecting the character and appearance of the historic environment, particularly the green lungs that penetrate into the City.

³ Paragraph 84 2012 NPPF

⁴ Paragraph 78 2012 NPPF

⁵ Now Ministry of Housing, Communities & Local Government

Part c) and d)

- 3.5 Policy SS1 sets out the Local Plan policy for delivering sustainable growth and Policy SS2 the role of the Green Belt and this is detailed in TP1. The strategy provides, in my view, a robust basis upon which to define the detailed Green Belt boundaries and identify the land that does not need to be kept permanently open. In this regard Linden Homes supports the Green Belt boundaries proposed in respect of ST9 and H38. However, I am concerned that the boundaries proposed in the Local Plan do not always reflect the strategy, for example those around ST31 which lies in an area identified as preventing coalescence. Further, ST14 and ST7 lies in areas which do not have access to 2 or more services and given their size they are unlikely to be capable of sustaining new facilities.

4.0 Question 3.3

- 4.1 Even if the OAHN was accepted the Council would be required under paragraph 33 of the 2019 NPPF to carry out a review of the Local Plan within five years of its adoption. As part of this review the relevant national policy framework would then be the 2019 NPPF and thus the housing requirement would need to be informed by the Standard Method. The Standard Method would provide a housing requirement of 1,069dpa.
- 4.2 The indication therefore is that under the Standard Method York's housing need would increase quite significantly (over 20%) compared to the OAHN identified in the Local Plan.
- 4.3 The Council suggest that the Local Plan allocates sufficient housing land to ensure that the Green Belt will endure for a minimum of 20 years or to 2037/38. However, it is my view that additional land will need to be identified as a result of the above and therefore further land will need to be released from the Green Belt to ensure that the Green Belt will be permanent and endure to 2037/38.
- 4.4 As referred to in my response to question 3.2, TP1 and Policy SS2 describes the features that will be used to define the Green Belt which includes readily recognisable physical features that are likely to endure such as streams, hedgerows and highways. TP1 refers to boundaries that can be followed on the ground and on a map and that these boundaries should be regular rather than irregular. If these features were followed, then a permanent boundary would be defined until it needed to be review. However, as referred to later in this statement not all of the proposed Green Belt boundaries follow readily recognisable physical features or features that I would consider to be strong. For example, the north western boundary of ST7 is partly formed by a mature hedgerow but the north eastern part crosses an open field. There are therefore examples were proposed boundaries are not robust.

5.0 Question 3.4

- 5.1 The Council accept that the Green Belt should endure and be permanent and that the Green Belt, once formally defined, should remain unaltered until 2037/38. We welcome this.

- 5.2 Paragraph 85 indicates that where necessary, local authorities should identify in their plan areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs. The term ‘*where necessary*’ means that the Council does not have to define safeguarded land, but it is a common and well recognised approach to ensure that a Green Belt remains permanent.
- 5.3 The Local Plan indicates that the development needs of the District in the period 3032/33 to 3037/38 will be provided for through windfall sites coming forward and by the continued allocating of a number of large sites that will deliver homes beyond the plan period, notably ST5, ST15 and ST36. However, beyond 2032/33 the Council will be essentially reliant on delivery from just these 3 allocated sites with limited contributions from ST7 and ST14 (according to the Councils Trajectory) and as a consequence of this I do not consider that the Council will be able to demonstrate a 5-year supply of housing land⁶. The Council will certainly not have a range of sites to ensure choice and competition in the market. The lack of a 5-year housing land supply will mean that Council will have to undertake an early review of the Local Plan, certainly before 2037/38.
- 5.4 In previous versions of the Local Plan, safeguarded land was identified but the Council chose to delete this policy. One of the problems of relying on allocations is that they could be delivered at a faster rate than anticipated leaving no supply of land for development post 3032/33. Further, if one of the more significant sites does not come forward there will not be any reserved land to bring into development.
- 5.5 All of the above will mean triggering an early review of the Local Plan and harming one of the fundamental purposes of the Green Belt which is its permanence⁷.
- 5.6 I consider that safeguarded land should be provided.

6.0 Question 3.6

Part a)

- 6.1 I agree that the exceptional circumstances have been established in that there is insufficient land outside the general extent of the Green Belt to cater for the development needs of York. The development needs of the District therefore constitute the exceptional circumstances required.

Part b)

- 6.2 The Local Plan does not contain a distribution strategy. The spatial strategy for York is set out within Policy SS1 and states that the location of development will be guided by five spatial principles which, as well as promoting sustainable patterns of development, are linked to the five purposes of the Green Belt⁸. The strategy includes safeguarding the special character of York as well as ensuring sites have access to services and that existing habitats and green infrastructure is

⁶ Paragraph 47 of 2012 NPPF

⁷ Paragraph 79 NPPF 2012

⁸ Paragraph 80 of the 2012 NPPF.

protected. This process is set out clearly within a series of figures within TP1 (figures 4 – 7) with figure 7 providing a composite map of all these considerations. The spatial strategy for York is therefore about identifying the factors which shape or affect the District rather than setting out a distribution strategy.

6.3 TP1 suggests that the Council considered four spatial strategy options to guide development, but this exercise is not apparent when reviewing the Local Plan. According to TP1, the Council's spatial strategy is that of a main urban centre surrounded by a clock-face of villages

6.4 Whilst the provision of a new settlements is an acceptable strategy this should not be to the detriment of more sustainable options such as the expansion of existing urban areas and settlements. Figure 7 within the TP1 (p.21) provides a composite plan of where development could be directed, taking account of the spatial strategy, and shows that there is potential to accommodate the District's development needs without resulting in unsustainable patterns of development.

6.5 Directing growth to the edge of the existing urban area and the existing network of settlements would still retain the clock face of villages and would also provide access to existing services and reduce car related congestion. In my view this would deliver a balanced distribution of development which would accord with focusing development to the main urban centre surrounded by a clock-face of villages.

6.6 However, I do not consider that there is any relationship between the exceptional circumstance and the spatial strategy.

Part c)

6.7 As per our answer to part a) we agree with the Council's evidence base that there is insufficient capacity within the existing urban areas to accommodate the housing and employment need.

Part d)

6.8 Not that we are aware of.

Part e)

6.9 The land available for development in the District has been in short supply for a number of years, partly because of the general extent of the Green Belt, and therefore the development needs of the District have gone unmet. The development needs of the District cannot, in my view, be entirely met by small scale rounding off existing settlements and the main urban area although such allocations would contribute to the range and choice of sites available for development.

6.10 The allocation of the strategic sites provides a long-term supply of development land and where the strategic sites have been determined by using the spatial strategy the development of these sites will be acceptable in terms of the special character of York and the other strategic principles identified.

- 6.11 The harm to the general extent of the Green Belt will clearly vary from site to site, some having a greater impact than others.
- 6.12 The Council appear to have followed their established methodology when allocating some of the strategic sites however in other instances they appear to have ignored it. As shown within Annex 5 to TP1 Addendum (ref: EX/CYC/18 pp. A5.5-A5.6), ST8 and ST9 only partially encroach on areas without access to 2 or more services and do not encroach onto areas of open space and nature conservation value or areas that protect the special character and setting of York. As such, in the case of these strategic sites the Council have followed their established methodology and, the allocations are justified and the harm to the Green Belt is minimal.
- 6.13 Conversely, for sites such as ST7, ST14 and ST31, the Council have not followed their assessment methodology. In the case of ST7 and ST14, the majority of these site lie within an area without access to 2 or more services. As for ST31, part of this site lies within an area without access to 2 or more services but also entirely within an area that protects the special character and setting of York.

7.0 Question 3.7

Part a) to e)

- 7.1 The TP1 makes it clear at paragraph 4.6 that in defining the Green Belt boundaries the Council have prioritised the setting and special character of York. Paragraph 4.15 of TP1 explains that the areas of land established within the Green Belt Appraisal are those which are of primary importance to the setting and special character of the city and therefore need to be kept permanently open. The Council then applies other strategic factors, such as access to services, green infrastructure and considerations of coalescence to identify land which does not need to be kept permanently open. I do not find any fault with this approach as it identifies the areas that need to be kept permanently open.
- 7.2 Having said this, I cannot explain the rationale behind certain proposed allocations including ST31 and ST37 which seem to deviate from this sensible and pragmatic approach.
- 7.3 Originally the land to be released from the Green Belt was then assessed using a rigorous site selection matrix. This resulted in the allocation of ST9 and H38 and in this regard I support the process. However, over time the proposed Green Belt and the land to be released from it has been altered significantly and I have concerns about some of the alternative sites and detailed boundaries have been determined and how these interact with the purposes of including land within the Green Belt.
- 7.4 Having established the areas of land which need to be kept permanently open we consider that a more detailed assessment of the relative strength, role and function of the potential Green Belt boundaries around the City and the various settlements where development was being considered should have been undertaken. We accept that there is no prescribed method of undertaking a Green Belt boundary assessment set out in national planning policy or guidance but it seems to me

that the approach adopted by the Council was not transparent in that it did not assess the relative performance of all Green Belt boundaries so that these performances could be compared and weighed against any harm. In this way those boundaries and sites which perform an important Green Belt purpose would be identified and protected. If a proper and transparent exercise had been undertaken this would have allowed a decision on a site by site or boundary by boundary basis to be made as to whether the need to meet the objectively assessed need for development land would outweigh the degree of harm and whether exceptional circumstances in relation to that boundary or site was demonstrated. Put simply we consider that some sites and Green Boundary boundaries previously identified perform weaker Green Belt purposes and have stronger Green Belt boundaries than some of the boundaries proposed notably ST7 and ST14.

Appendix 1

The Inspector's Schedule of Matters, Issues and Questions Document

City of York Council

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

**Schedule of
Matters, Issues and Questions for the Examination**
(Revised November 2019)

Phase 1 Hearings

**Legal Requirements
The Housing Strategy:
Need, Requirement & Spatial Distribution
and
The Approach to the Green Belt**

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Where respondents answering the following questions identify a deficiency in the Local Plan they should make clear how it should be changed.

In accordance with the Transitional Arrangements set out in Annex 1 of the revised National Planning Policy Framework (February 2019), where a plan is being examined that was submitted on or before 24 January 2019, the policies in the previous 2012 version of the Framework will continue to apply, as will any previous guidance which has been superseded. Accordingly, the Local Plan is being examined against the National Planning Policy Framework 2012. As such, all further references in this document to the 'National Planning Policy Framework' and 'the Framework' are to the 2012 version.

Matter 1 – Legal requirements

Duty to cooperate

- 1.1 What are the strategic, cross-boundary issues of relevance to the Local Plan ('the Plan')? How does the strategy address them?
- 1.2 What actions have been taken in relation to the 'duty to cooperate'?
- 1.3 What have been the outcomes of the actions taken in relation to the 'duty to cooperate'?
- 1.4 How does the Plan address those outcomes?
- 1.5 Overall, has the Plan been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

In answering the above questions, we ask that the Council includes specific reference to identifying Housing and Functional Economic Market Areas, meeting housing needs, the Green Belt approach and the delivery of necessary infrastructure (e.g. school places).

Other legal requirements

- 1.6 Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the relevant Regulations?
- 1.7 Has the Plan's formulation been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the Sustainability Appraisal (SA) [**CD008, CD009, CD010 & CD011**] adequate?
- 1.8 Does the Plan include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change?
- 1.9 Does the Plan comply with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations?

In answering the following questions, we ask respondents to have regard to the submitted Habitat Regulations Assessment (HRA) [CD012] and the updated HRA [EX/CYC/14c], dated February 2019. Discussions at the hearings will be based on these documents.

- 1.10 Has the Habitats Regulations Assessment (HRA) [CD012] and its Update [EX/CYC/14c] been undertaken in accordance with the Regulations? Has Natural England confirmed that the information set out in the HRA and the Updated HRA is sufficient and that the conclusions drawn are supported? Specifically;
- a) Have mitigation measures been taken into account at the Screening stage (Stage 1)? If so, why?
 - b) Have all mitigation measures been considered as part of Appropriate Assessment (Stage 2)?
 - c) Have any 'in combination' effects been taken into consideration?
 - d) Have any other possible mitigation measures been considered?
- 1.11 With regard to the impact on Sites ST35 and H59, as a result of the *Updated HRA* [EX/CYC/14c]:
- a) What mitigation measures for those sites were initially considered to be acceptable?
 - b) Why are these mitigation measures relating to those sites no longer considered acceptable?
 - c) Have alternative mitigation measures been considered? If so, are there any that would satisfactorily address the problems identified?

Matter 2 – The housing strategy: the objectively assessed need for housing, the housing requirement and the spatial distribution of housing

The Housing Market Area (HMA)

- 2.1 We understand that the Council considers York to be within an HMA which includes the City of York and the area of Selby District Council, but that the two Councils are identifying housing need within their administrative areas separately.
- a) Is that correct? If so:
 - b) Is the identification of the HMA formed on a robust evidential basis?
 - c) What is the justification for assessing housing needs separately?

The objectively assessed housing need

- 2.2 Policy SS1 and Paragraph 3.3 of the Plan say that the objectively assessed housing need ('the OAHN') is 867 dwellings per annum (dpa) in the Plan Area for the plan period to (2017 to 2033) (16 years). However, since the submission of the Plan for examination, the Council has put forward further evidence to indicate that the OAHN is now considered to be 790 dpa in the Plan Area for 2017 to 2033.
- a) We understand that this calculation initially was derived from the conclusions of Technical Work carried out by GL Hearn in the *Strategic Housing Market Assessment Update (2017)* [SD050] which updated the demographic baseline for York based on the July 2016 household projections. However, the revised OAHN is now based on further work undertaken by GL Hearn presented within the *City of York – Housing Needs Update (January 2019)* [EX/CYC/9]. Is this correct? Is this a robust evidential basis?
 - b) Does the 13,152 total housing figure identified at the year '2032/33' in the *SHLAA Figure 6: Detailed Housing Trajectory Updated (790dpa OAHN)* [EX/CYC/16] include meeting housing need arising in parts of adjoining districts (e.g. Hambleton, Harrogate, East Riding, Ryedale and Selby) which fall within the York Housing Market Area, as set out in the *City of York Strategic Housing Market Assessment 2016* [SD051]?
 - c) Do the adjoining local planning authorities accept the initial OAHN of 867 dwellings per annum, as Policy SS1 indicates in the submission Local Plan? Do the adjoining local planning authorities accept the revised OAHN of 790 dpa, and if so, are they basing their housing need in the context of that OAHN figure?
- 2.3 What methodological approach has been used to establish the OAHN, and does it follow the advice set out in the Planning Practice Guidance (under the heading '*Methodology: assessing housing need*' – as updated on 20 March 2015)? In particular:
- a) The OAHN identified is founded on the 2016-based population projections as its starting point. What is the justification for using these projections? What is the justification for the household formation rates used to 'convert' the population projections into household projections? Overall, is the general approach taken here justified and consistent with the Planning Practice Guidance?
 - b) Have market signals been taken into account?
 - c) Have employment trends been taken into account? If so, how, and what conclusions are drawn in this regard?
 - d) Does the OAHN provide enough new homes to cater for those taking up the new jobs expected over the plan period?
 - e) Overall, has the OAHN figure been arrived at on the basis of a robust methodology?

f) Does the revised OAHN figure (790 dpa) take account of all housing needs, including the need for affordable housing and any need that may be the consequence of any shortfall in housing delivery before the plan period?

2.4 Policy SS1 aims to ensure that around 650 new jobs are provided annually. Does either the OAHN identified or the housing requirement set out in Policy SS1 cater for the homes needed to meet this level of economic growth? What is the relationship between the number of new jobs anticipated and the OAHN and/or the housing requirement?

The housing strategy: the housing requirement

2.5 Policy SS1 aims to ensure that *“a minimum annual provision of 867 new dwellings [are delivered] over the plan period to 2032/33 and post plan period to 2037/38”*.

a) Is this 867 figure an annual average, or is it a commitment to providing at least that number during every year of the plan period and post plan period? Is it intended to be a net figure?

b) For the avoidance of any doubt, what period of time is the plan period?

c) Is the “plan period” the period of time for which the Plan and its policies will be in force as part of the development plan? Related to this, is it legitimate, or possible, for a development plan to include policies which purport to dictate or direct development beyond the “plan period”, as Policy SS1 appears to?

d) At 867 dpa, the housing requirement is higher than the OAHN of 790 dpa. Why?

e) Does setting a housing requirement that is higher than the OAHN undermine the Council’s arguments in relation to the justification for releasing land from the Green Belt for housing purposes – that is to say, does it reduce the degree to which “exceptional circumstances” exist, in principle, for amending the Green Belt boundaries for housing delivery purposes?

2.6 Will the housing requirement ensure that the need for affordable housing will be met?

2.7 Overall, is the housing requirement set out in the plan underpinned by robust evidence and is the Plan sound in this regard?

The housing strategy: spatial distribution

2.8 The Plan’s development strategy is set out in Policy SS1. This provides five spatial principles to guide the location of development through the plan. In broad terms, is this the most appropriate spatial strategy?

2.9 Policy SS1 says that the location of development will be guided by the five spatial principles. However, the Plan strategy does not quantify the spatial distribution of new housing across the Plan area.

- a) What is the overall distribution of new housing proposed through the Plan? Should it be clearer in this regard? Does the Key Diagram provide sufficient illustration of the broad distribution of new housing across the Plan Area?
- b) What level of new housing is directed towards the city centre and other parts of the Plan Area?
- c) How has this distribution been arrived at and what is the justification for it?
- d) Is the distribution consistent with the overall approach set out in Policy SS1?
- e) Is the distribution of housing supported by the SA and will it lead to the most sustainable pattern of housing growth?
- f) Has the Green Belt and/or any other constraints influenced the distribution of housing and, if so, how?

2.10 Overall, is the spatial distribution of housing justified and is the Plan sound in this regard?

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

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 2 hearings will address the issue of exceptional circumstances and other issues in relation to specific sites. In responding to the following questions, consideration should be in the context of the Council’s Topic Paper 1 relating to the Green Belt [TP001], the Council’s Topic Paper 1: Addendum [EX/CYC/18] and the proposed alterations and modifications to the Plan resulting from that document, set out in Annex 6 [EX/CYC/18a].

Principles

- 3.1 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?
- 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 not, 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 at 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?

We recognise that the Council has responded to us on this point previously. As such, a concise summary is all we require from the Council in relation to the above questions.

The approach to defining the Green Belt boundaries

The questions under this heading relate to the proposed broad 'inner' and 'outer' Green Belt boundaries. They do not relate to Green Belt boundaries around land proposed to be 'removed' from the Green Belt.

- 3.2 Paragraph 1.1.1 of the Council's "Approach to defining York's Green Belt" Topic Paper (TP1) [TP001] 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?
 - b) How has the need to promote sustainable patterns of development been taken into account?
 - c) With regard to Paragraph 84 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?
 - 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?
- 3.3 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?
- 3.4 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?
- 3.5 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?

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?
 - 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?
 - c) What is the capacity of existing urban areas to meet the need for housing and employment uses?
 - 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)?
 - 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*
- (ii) The inherent constraints on supply/availability of land for sustainable development (housing and employment development)*
- (iii) The consequent difficulties in achieving sustainable housing and employment development without impinging on the Green Belt*
- (iv) The nature and extent of the harm to the Green Belt (or those parts of it that would be lost)*
- (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.*

Points (iv) and (v) should be dealt with in general terms – we ask this question on a site-specific basis under future matters.

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

- 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 Belts, 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*¹ and *Samuel Smith Old Brewery*²;
- 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?

We ask that the Council's response to the above questions addresses all the points mentioned in Paragraph 84 of the National Planning Policy Framework.

- 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?
- 3.9 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 [EX/CYC/18]*?
- 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?

The above questions are aimed at the strategic level. Later questions for the Phase 2 hearings will address the issue of long term permanence in relation to specific sites.

¹ *Turner v SSCLG & East Dorset Council* [2016] EWCA Civ 466

² *Samuel Smith Old Brewery (Tadcaster) & Oxton Farm v North Yorkshire CC & Darrington Quarries Ltd* [2018] EWCA Civ 489