

# Countryside Properties

## Response to Matter 3: The Approach to the Green Belt

ST30 - Land north of Stockton Lane



**COUNTRYSIDE**  
Places People Love

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

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## **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**

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?

#### **Countryside Properties Response.**

No comment.

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 establishing Green Belt boundaries rather than altering them, in the terms of Paragraph 82 of the Framework?

#### **Countryside Properties Response.**

No comment.

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general conformity with those parts of the Regional Spatial Strategy for Yorkshire and Humber (‘the RSS’) that have not been revoked, namely Section C of Policy YH9, Sections C1 and C2 of Policy Y1, and the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and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?

#### **Countryside Properties Response**

The Green Belt boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. It is thought that the boundaries proposed will require amendment, if they are to be kept as proposed. This is for numerous reasons, such as deliverability, reliance on large allocations, allowing existing communities to meet their local housing need, promoting sustainability and the non-allocation of sites that have previously been demonstrated that they should be excluded from the Green Belt. These reasons are further expanded on within this statement and also previous representations submitted in relation to the site.

For the aforementioned reasons, the plan is **not sound** as it has not been positively prepared, justified, effective nor is consistent with national policy. To make the plan sound, the additional allocation of well located, sustainable, small – medium sized housing sites and safeguarded land. The land north of Stockton Lane (referred to as “ST30” from here on in) should be reintroduced into the plan and allocated for housing development. The site location plan is appended to this response. The land edged in red has previously been a draft allocation for housing in an earlier version of the Local Plan, demonstrating its suitability, availability and deliverability. The land edged in blue should be considered as safeguarded land, as it is available, suitable and deliverable either in the short or longer term.

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

#### **Countryside Properties Response**

The approach that the Council has taken provides a large quantum of the residential development to be focused on few larger sites that are not associated with existing communities. The resultant approach allows for minimal ability to promote sustainability in existing communities and also does not allow for existing sustainable transport methods that service such areas to be utilised.

Whilst it is acknowledged that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed and supported by the necessary infrastructure and facilities, it should also account for the small medium sites that are more easily deliverable in the short term and also utilise existing sustainable transport methods. Moreover, there are sites that are well situated in relation to the existing built environment that have not been included as residential allocations in favour for fewer large sites.

The plan is **not sound** as it is not justified due to it not suitably taking in to account all reasonable alternatives. The approach for reliance on large sites seriously questions the effectiveness of the proposed plan and whether it can

be delivered over the plan period. To make the plan sound, the additional allocation of additional small – medium sized housing sites and safeguarded land such as ST30 should be included.

- 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?

#### **Countryside Properties Response**

The areas on the urban fringe, where existing communities have a housing need, have not been fully addressed. It is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. Additionally, sites that are physically well related to existing settlements should be encouraged where suitable opportunities exist.

It is considered that the Plan is not sound as it excludes numerous sites that adhere to the policy in the NPPF and this the Local Plan is not consistent with national policy. To rectify this, the inclusion of sites that are well located in relation to existing settlements, do not have an unacceptable impact on local roads and makes the area more sustainable such as ST30.

- 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?

#### **Countryside Properties Response**

ST30 is an example of where the proposed Green Belt is preventing sustainable development that can occur and also unnecessarily keeping parcels of land permanently open without justification. The Inspector's Report (1995) in relation to the York Green Belt Local Plan noted that when viewing ST30, the character of the part of the Site near the road was influenced by the existing residential development at Greenfield Park Drive, the church and the existing dwellings north of Stockton Lane.

The Inspector believed that the character of the area was largely urbanised and did not form part of a wider countryside or green wedge extending into York from the Open Countryside. This reasoning, which has since been demonstrated throughout the plan-making process, and reinforced through the Councils decision to previously draft allocate the site for residential development clearly demonstrates that the Local Plan, as stands, includes land within the Green Belt/Green Wedge that are unnecessary to keep permanently

open.

For this reason, it is considered **not sound** due to its non-compliance with national policy.

- 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?

#### **Countryside Properties Response**

The Inspector's Report (1995) in relation to the York Green Belt Local Plan, believed that the position at which urban influence diminishes and the green wedge became dominant was difficult to determine. However, the Inspector concluded that the most practical line would be the first field boundary to the north from Stockton Lane. The Inspector recommended that the Green Belt boundary be changed to exclude ST30.

Following on from the Inspector's recommendations, North Yorkshire County Council (NYCC) endorsed the Inspector's findings and the Site was removed from the proposed Green Belt and shown within the urban area on the York Green Belt Local Plan Post Modifications Proposals Map.

The Council have previously draft allocated ST30 which aligned with the aforementioned report and recommendations. It is unknown, why the Council have since removed this housing allocation.

Previously, the Council stated that 'The proposed allocation boundary reflects the comprehensive masterplan approach being pursued by site promoters.' The recognised suitability, deliverability and achievability of the site demonstrate why the Green Belt boundary proposed is unlikely to be permanent and thus non-compliant with national policy.

- 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?

#### **Countryside Properties Response**

Yes, there is a clear and demonstrable necessity for York to provide areas of safeguarded land particularly with the distribution strategy that the Council have taken in allocating land for residential development.

What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan

period and beyond without needing to undertake an early review of the plan.

Within the Local Plan no safeguarded land is proposed. The reason given for this is that there are a few Strategic Sites identified within the document that have an anticipated build out time beyond the plan period. The lead in times and delays that often occur on larger sites are likely to result in under delivery of housing throughout the plan period. Given that the only sites that can account for the under delivery are the larger sites, this creates a situation in which the under delivery cannot be accounted for or delivered.

It is for this reason that small-medium sites that have previously demonstrated very special circumstances, and previously been draft allocations for housing should be included as Safeguarded land. These sites are well related to existing settlements, promote sustainable development patterns and utilize existing infrastructure.

York City Council have previously acknowledged that Site ST30 is suitable for residential development. The site is bound by residential development on three sides and does not extend beyond the existing development line created by the residential development to the west of the site. Moreover, it is a site that is ready to go, and would be delivered in the short term, should it be allocated. The land edged in blue should be allocated as safeguarded land, to ensure the permanence of the Green belt boundary beyond the plan period.

As suggested by officers of the Council views into and out of the Site to the north can be mitigated by additional landscaping.

When determining the suitable safeguarded sites, it is highly recommended that ST30 be considered as a safeguarded site, in the instance that it is not allocated for residential development. This is due to its suitability being able to pick up any under-delivery, shortfall or windfall.

The plan has minimal flexibility to account for the longstanding delays that can be associated with larger developments due to the nature and scale of the projects. There is a lack of small-medium sites included within the Local Plan that do not require the extensive infrastructure to be laid out prior to the development of housing despite these sites being available, suitable and deliverable.

The plan is not positively prepared nor based on a strategy which seeks to meet objectively assessed development and infrastructure requirements. Equally it is not justified or effective as the strategy proposed when considered against the reasonable alternatives and based on proportionate evidence is highly unlikely to be effective or deliverable over 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?

### **Countryside Properties Response**

No. The Green Belt boundaries are not considered to be appropriately defined nor consistent with national policy.

The strong reliance on delivery of few large sites does not ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development. In order to meet identified requirements, then delivery and further enhancement of existing sustainable communities should also be accounted for.

The Local Plan has allocated land which it is unnecessary to keep permanently open as per the Council's previous view on the land north of Stockton lane, and also with regard to the Inspector's Report (1995) in relation to the York Green Belt Local Plan. This report stated where the boundary should be, using physical features that are readily recognisable and likely to be permanent.

The Local plan does not allocate safeguarded land, and thus does not make clear that the safeguarded land is not allocated for development at the present time. The Local plan does not allow for flexibility by not allocating safeguarded land which results in unnecessary Green belt land which would hinder deliverability of suitable residential sites following an update to a plan.

The Local plan as proposed is heavily reliant on increased densities and deliverability of a certain few sites. Should either of these factors not be able to be delivered, then it is inevitable that the Green Belt boundaries will need to be altered at the end of the plan period. The plan has not been positively prepared or effective over the plan period, and thus **not sound**.

### **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?

#### **Countryside Properties Response**

The exceptional circumstances are demonstrated, however, the proposed Green belt boundary as it stands is **not sound**. It is not effective or positively prepared as required by national policy.

- 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?

#### **Countryside Properties Response**

The previously acknowledged exceptional circumstances should be considered alongside the spatial strategy that states that the identification of development sites should be underpinned by deliverability and viability. The deliverability within the plan period is essential in this plan-making process. The inclusion of ST30 as a housing allocation would assist in the deliverability of housing and the permanence of the Green Belt boundary.

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

#### **Countryside Properties Response**

No comment.

- 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)?

#### **Countryside Properties Response**

No comment.

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

## Countryside Properties Response

No comment.

### **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<sup>1</sup>* and *Samuel Smith Old Brewery<sup>2</sup>*;
  - 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.

### **Countryside Properties Response**

The Inspector's Report (1995) in relation to the York Green Belt Local Plan noted that ST30 character is increasingly influenced by existing urban development on Stockton Lane. The existing residential development at Greenfield Park Drive, the church, the existing dwellings north of Stockton Lane and being bound on three sides by residential development contribute to this. The Inspector thought that the character of the area was largely urbanised and did not form part of a wider countryside or green wedge extending into York from the Open Countryside. The Inspector recommended that the Green Belt boundary be changed to exclude the ST30.

In the City of York Local Plan Site Selection Paper addendum (September 2014) confirmed that the Site is:

“Identified on the proposals map be allocated for residential development purposes within the plan period”.

Under the heading ‘site allocation approach justification’ the document states that:

Work to date indicates that the land is controlled by willing landowners, is capable of satisfying the Councils site selection criteria relating to land constraints and accessibility of services and transport and is free of fundamental constraints to delivery. The proposed allocation boundary reflects the comprehensive masterplan approach being pursued by site promoters. On the basis of this proposed allocation approach, technical work to date indicates that:

- The allocation is viable and deliverable in the context of site conditions and policy approach;
- Site access proposals as set out in current masterplan work are acceptable, a sustainable transport approach is deliverable and network impacts are mitigable;
- It is feasible and viable to provide service infrastructure (including energy supply, water, open space and community facilities) for the site;
- Any ecological impacts are likely to be manageable through the master planning and planning control processes. The ridge and furrow grasslands together with the numerous ponds and known protected species in the area will make the presence of water vole, great crested newts and other amphibians very likely which would require mitigation and connection to meta- populations;
- Landscape impacts can be managed through an appropriate masterplan approach;
- There needs to be a treed margin onto Boroughbridge Road along the south-eastern frontage to maintain an impression of greenery. This should be a generous green verge with large-species mature trees. There should be greenspace located along the north-western stretch of the site to aid the transition from town to rural setting. In addition, it is considered that further greenspace should be located along the southwest perimeter to create a suitable edge to the greenbelt;
- Green Belt and heritage impacts (as assessed through Heritage Impact Assessment) show potential minor harm to principal characteristics 4, 5 and 6. This is due to the unknown nature of proposed housing design, the potential impact to any surviving archaeological deposits (both of which are mitigable through masterplan approach and planning control), and impact on the landscape and setting of the city and of the village of Heworth. The retention (or respecting of) historic field boundaries and use of strategic landscaping is recommended in terms of mitigating characteristic 6 impacts and will be secured through master planning and planning control;
- It is feasible and viable to provide site drainage infrastructure compliant with

Local Plan policy; and

- Known environmental issues associated with Air Quality, Noise, Light Pollution and Contamination have been subject of technical assessment and are considered to be mitigable through masterplan approach and planning agreements.

It is clear that the Council have rigorously assessed ST30 and considered that if there is any harm to the green wedge and the Green Belt it can be simply mitigated.

It is recommended that ST30 be reintroduced into the plan and allocated for housing development and land edged in blue should be considered as safeguarded land, as it is available, suitable and deliverable either in the short or longer term.

- 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?

**Countryside Properties Response**

Please see response to 3.4.

- 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]?

**Countryside Properties Response**

No comment.

- 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?

**Countryside Properties Response**

It is considered that the approach taken by the Council in identifying land to be released from the Green Belt is **not sound** for the following reasons:

- Deliverability concerns due to the approach of few larger sites and the lead in times that exist alongside these.
- Lack of small-medium sites, adjacent to existing settlements that promote sustainability of existing communities and make use of existing sustainable transport links.
- Unrealistic site densities for Green Belt sites, leaving a potential deficit in housing delivery.
- The Council have omitted sites such as ST30 that have been rigorously assessed by the Council and considered that if there is any harm to the green

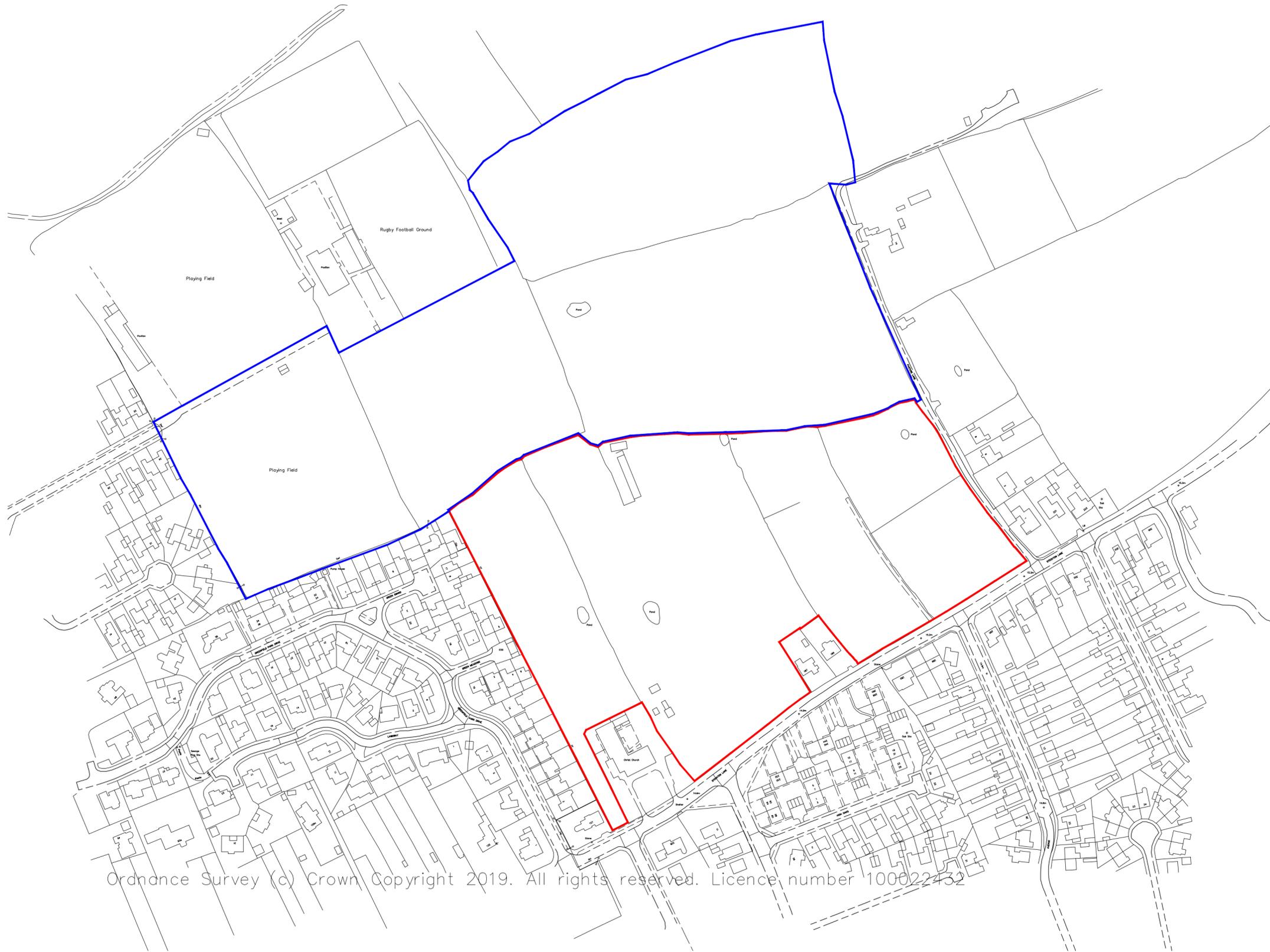
wedge and the Green Belt can be simply mitigated.

- The absence of safeguarded land from the Local Plan.
- The Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan. It is not considered that it would achieve this as currently proposed.

The reasons mentioned above outline why the Councils approach to Green Belt is not justified, positively prepared, effective or consistent with National Policy. It is recommended that ST30 be reintroduced into the plan and allocated for housing development. The site location plan is appended to this response. The land edged in red has previously been a draft allocation for housing in an earlier version of the Local Plan, demonstrating its suitability, availability and deliverability. The land edged in blue should be considered as safeguarded land, as it is available, suitable and deliverable either in the short or longer term.



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