



City of York Local Plan

Proposed Modifications and Evidence Base Consultation 2021

Representations received

Volume 10 of 11

Responses SID933 to 949

SID Reference	Representation
73	Peter Heptinstall
75	Heslington Parish Council
84	Tim Tozer
91	Westfield lodge and Yaldara Ltd
102	Elvington Parish Council
114	Ian Henderson
118	Historic England
119	Environment Agency
122	York Racecourse
127	Christopher Stapleton
141	Oakgate Group PLC
160	CPRE North Yorkshire (CPRENY)
181	Gateway Development
182	KCS Developments
191	Martin Moorhouse
192	Selby District Council
199	Mr Jolyon Harrison
215	Wilberforce Trust
217	Peter Moorhouse
220	Mr M Ibbotson
228	The Bull Commercial centre
231	Fulford Parish Council
238	Gillian Shaw

253	Bellway Homes
255	Home Builders Federation
257	Henry Boot Developments Limited
260	Lovell Developments (Yorkshire) Ltd
267	York Diocesan Board of Finance Limited & The York and Ainsty Hunt
269	Janet Hopton
288	Wigginton Parish Council
298	New Earswick Parish Council
304	Huntington and New Earswick Liberal Democrats
316	Dunnington Parish Council
329	Murton Parish Council
333	Alison Stead
338	Alan Cook
339	Barratt David Wilson Homes
342	Andy Bell
344	National Grid
345	Defence infrastructure Organisation
350	Picton
351	McArthur Glen
358	Mark Miller
359	NHS Property Services Ltd
361	Cllr Andy D'Agorne
364	York Labour Party
366	NHS Property Services
372	Gladman Homes
375	Wheldrake Parish Council
378	Langwith Development Partner
381	Yorkshire Wildlife Trust
383	Natural England
393	Cllr Nigel Ayre – Residents of Heworth Without
399	Cllr Anthony Fisher
407	Rob Littlewood
418	Chris Wedgewood
422	Peter and David Nicholson
582	Landowners of land west of ST8
583	Redrow Homes, GM Ward Trust, Mr K Hudson, Mrs C Bowes, Mr and Mrs J Curry and Mrs E Crocker
585	Taylor Wimpey UK
590	York and North Yorkshire Chamber of Commerce
594	TW Fields
601	Procter Family
603	The Retreat York
604	L&Q Estates
607	Taylor Wimpey UK
612	Joseph Rowntree Housing Trust
613	Askham Bryan College

620	Galtres Garden Village Development Company
625	Roy Brown
825	Cllr Mark Warters
826	Pilcher Homes
833	George Wright
841	Jennifer Hubbard
849	University of York
863	Mr R Arnold
866	Mulgrave Developments Ltd/ Mulgrave Properties Ltd
867	Yorvik Homes
872	Jeffrey Stern
876	Joanne Kinder
878	Sarah Mills
879	Pat Mills
883	St Peter's School
888	Geoff Beacon
891	Redrow Homes
901	York St John University
920	J Owen-Barnett
921	Pauline Ensor
922	Peter Rollings
923	York Consortium of Drainage Boards
924	Jacqueline Ridley
925	John Pilgrim
926	Amanda Garnett
927	Rufforth with Knapton Parish Council
928	S Walton
929	Neighbourhood Plan Committee
930	Mal Bruce
931	Linda Donnelly
932	Vistry Homes
933	Crossways Commercial estates Ltd
934	Mulgrave Properties Ltd
935	York Housing Association, karbon Homes Ltd & Karbon Developments Ltd
936	Countryside Properties PLC
937	Andrew Jackson
938	Elvington parish Council
939	Friends of Strensall
940	John Burley
941	Karen Marshall
942	Stuart Gunson
943	Haxby St Mary's Parochial Church Council
944	North lane Developments
946	Gemma Edwardson
947	Maureen Lyon
948	Persimmon

949	York and Scarborough Teaching Hospitals NHS Foundation Trust
950	Kyle & Upper Ouse Internal Drainage Board
951	Stephensons
952	North Yorkshire County Council
953	Mr Adrian Kelly
954	York Green Party
955	Jomast Developments
956	Peter Vernon
957	Barratt Homes, David Wilson Homes, TW Fields (ST7 Consortium)
958	M Beresford
959	Clifton (without) Parish Council
960	Jane Granville
961	Mrs Carole Arnold

September 2021

From: [REDACTED]
Sent: 05 July 2021 15:21
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205336

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 05 July 2021 15:11
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205326
Attachments: L001_ST13_Copmanthorpe.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

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Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_ST13_Copmanthorpe.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3621LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT MOOR LANE, COPMANTHORPE (HOUSING SITE REF: ST13).

Introduction

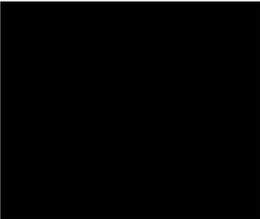
This submission is made on behalf of Crossways Commercial Estates Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST13 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known as ST13 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)
- SHLAA Update (April 2021)

Ref: 3621LE



Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, ST13 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate ST13 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

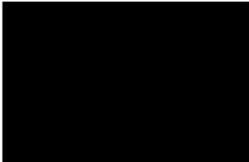
“Access via existing narrow roads (Moor Lane and Barnfield Way) through residential areas is a constraint and further work will be required to determine whether suitable highway improvements such as highway/footway widening would be feasible. South end of Barnfield Way stops abruptly at fence line. There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

Although the Council reference open countryside within the above reason, no reference is made to Green Belt, or the need to keep the Site permanently open.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that safe access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *“access is only constraint, mitigation required but not considered a showstopper to development. The evidence submitted through the PSC from the landowner/developer confirms that from a technical perspective the site could be accessed with the required mitigation including widening Moor Lane and is not a showstopper to development. Officers consider however, that there would still be adverse impacts when looked at cumulatively with site H29. On balance it is considered that site H29 would be preferable to site ST13 given it is smaller in*



scale and would require less mitigation. In addition, the development of Site ST13 would extend the built edge of Copmanthorpe to the west into open countryside.”

On this basis, they did not recommend that the Site be included as a draft allocation. However, it is again noteworthy that no concerns were raised about the need for the Site to remain permanently open to protect the special character of the historic city nor about the appropriateness of the Green Belt boundaries.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016 and in doing so resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, the appropriateness of the Site as a draft allocation was not reconsidered, since Members of the Council chose not to implement the recommendations of their own third party consultants, and increase the housing requirement.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.



To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Copmanthorpe.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

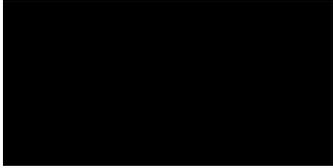
No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.



Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

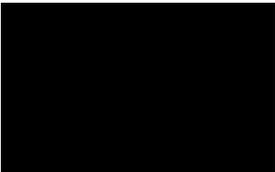
Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural addition to the village. The Site is bound to the immediate north east by the houses of Homefield Close and Barnfield Way, and to the immediate south east by houses situated on the west side of Moor Lane. The immediacy of the existing suburban development diminishes any sense that the site is open countryside or fulfils a specific Green Belt purpose by being permanently open. The development of the Site would not significantly extend the developed extent of Copmanthorpe beyond its existing western or southernmost extent, defined by the dwellings situated on Homefield Close and Moor Lane respectively, especially taking into account the inclusion of site H29 as a draft allocation. The allocation of the Site within the plan could clearly be achieved without undermining or compromising the role and special character of the City of York.

It is telling that the Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. The technical reason given for the deletion of the Site as a draft allocation (relating to access) has since been addressed by DPP in previous representations, to the satisfaction of Officers, who have acknowledged that access into the Site was not a “*showstopper*”.

The Site was ultimately not selected by Officers following the Technical Officer Workshop, on the basis that H29 required less mitigation in highways terms. However the Council have never previously cited any Green Belt issues in their reason for the deletion of ST13 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issue it is plain that ST13 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site ST13 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time as the Green Belt should not include land which does not need to be kept permanently open.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer’s concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one’s impression of a compact city. Copmanthorpe is located beyond the outer ring road (A64), a considerable distance from York, and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.



The Site is not on a main approach to the city and due to the built form and landscape features which surround the Site it does not offer open views into the countryside. Further, the Site is not located in one of the strays, Ings or green wedges.

The consideration of compactness does not relate to villages. Even if it did, it is clear that the allocation of the Site would not reduce the compactness of Copmanthorpe. It is noted that the historic linear form of Copmanthorpe has been subsumed by more modern development emerging in the post-war era. In particular, the Site is bound on two sides by residential development which is characteristically suburban in nature and given the mature trees on the boundaries the development of the Site will in fact consolidate the form of Copmanthorpe. This consideration is therefore not affected.

Landmark Monuments: the character of Copmanthorpe is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not individual villages. Nevertheless, there are no landmark monuments within the vicinity of the Site. On the subject of landmark monuments, Officers note within Annex 4 of the TP1 Addendum 2021 that *Copmanthorpe has seen substantial residential growth relative to the scale of the original historic core during the mid to late 20th century and development now extends beyond the original Main Street in all directions, absorbing the core and Back Lane. Notwithstanding the previous growth of the village, allowing it to grow further significantly would take it out of proportion with the scale of York's outlying settlements, an important character identified in the Heritage Topic Paper (HTP).*

The Developer would agree with the assertion that much of the historic core of the village is now subsumed by suburban development.

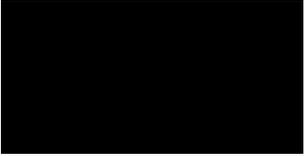
However, the Developer would argue that the allocation of the Site would not significantly increase the overall scale of Copmanthorpe to an extent which would take it out of proportion with the scale of York's outlying settlements. Even with the proposed development of ST13 Copmanthorpe will still be comparable in size to Dunnington, Bishopthorpe, Strensall and Nether Poppleton.

The Site is relatively modest in scale. It would not notably increase the perceptible scale of the village to an extent that would fundamentally affect the character of Copmanthorpe as one of several freestanding villages located on the periphery of York.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York to the south of the A64 and to the west of Copmanthorpe and is not perceptible on the approach from the west towards the city. The Site remains discrete and separate from the wider landscape that surrounds the city.

ST13 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on two of its sides. It is only perceptible from the west of the village, from which it is visible solely in the context of the existing built development to the immediate north east and north west, located on Homefield Close / Barnfield Way, and Moor Lane respectively. It is



noted that there are few public footpaths to the south / west of the village, nor are there any major highways routes from which the southern part of the village or the Site can be viewed. Given the paucity of public vantage points, the impact of the allocation of the Site on the setting of York is non-existent and limited at best in relation to the settlement of Copmanthorpe, the latter of which is not relevant to this purpose of including land in the Green Belt.

Urban Sprawl: the Site forms part of Copmanthorpe, a sustainable but relatively modest village. Copmanthorpe is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a well contained parcel of land which is bound by development on two sides, and which also benefits from a strong and clear western and southern boundary. The development of the Site would not extend the village beyond its westernmost point (Homefield Close), nor its southernmost point, taking into account draft allocation H29, which will extend the settlement southwards, with the East Coast Main Line serving as a suitable and permanent edge.

The Site benefits from clear and established hedge boundaries, which could readily serve as a defined edge to the settlement, thereby precluding urban sprawl from occurring beyond.

Encroachment: although the Site is admittedly open and undeveloped, it is bound on two sides by suburban development, which extends along the entirety of both the Site's north east and north west boundaries. The housing in question is situated right up against the field boundary and is a notable and urbanising feature. The housing serves to diminish any sense that the Site is open countryside. The Site is further distinguishable from land to the west and south, which is comprised of much larger arable fields, and is far more detached with no examples of existing built development. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained parcel of land which is well related to the existing urban form.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the revised methodology, the Developer remains wholly of the view that Site ST13 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore **unsound**.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.



Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

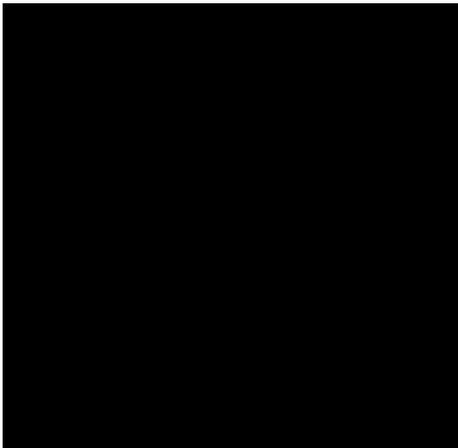
There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that ST13 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of ST13 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST13, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 05 July 2021 15:17
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205330
Attachments: L001_ST13_Copmanthorpe.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 7 Housing Supply Update (EX/CYC/59i)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

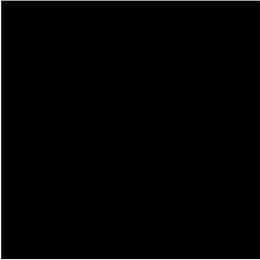
If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

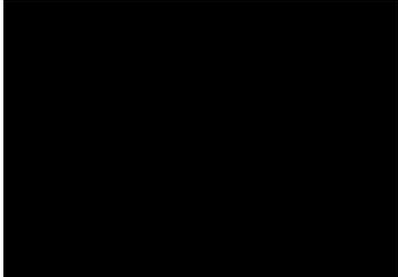
Please provide any documents which support the comments made as part of this submission:

L001_ST13_Copmanthorpe.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3621LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT MOOR LANE, COPMANTHORPE (HOUSING SITE REF: ST13).

Introduction

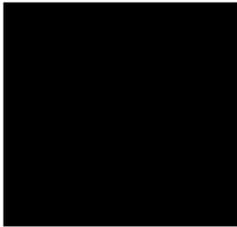
This submission is made on behalf of Crossways Commercial Estates Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST13 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known as ST13 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)
- SHLAA Update (April 2021)

Ref: 3621LE



Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, ST13 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate ST13 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

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

Although the Council reference open countryside within the above reason, no reference is made to Green Belt, or the need to keep the Site permanently open.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that safe access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *“access is only constraint, mitigation required but not considered a showstopper to development. The evidence submitted through the PSC from the landowner/developer confirms that from a technical perspective the site could be accessed with the required mitigation including widening Moor Lane and is not a showstopper to development. Officers consider however, that there would still be adverse impacts when looked at cumulatively with site H29. On balance it is considered that site H29 would be preferable to site ST13 given it is smaller in*



scale and would require less mitigation. In addition, the development of Site ST13 would extend the built edge of Copmanthorpe to the west into open countryside.”

On this basis, they did not recommend that the Site be included as a draft allocation. However, it is again noteworthy that no concerns were raised about the need for the Site to remain permanently open to protect the special character of the historic city nor about the appropriateness of the Green Belt boundaries.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016 and in doing so resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, the appropriateness of the Site as a draft allocation was not reconsidered, since Members of the Council chose not to implement the recommendations of their own third party consultants, and increase the housing requirement.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

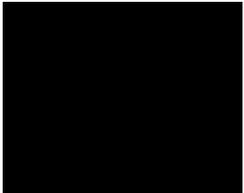
Paragraph 35 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.



To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Copmanthorpe.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

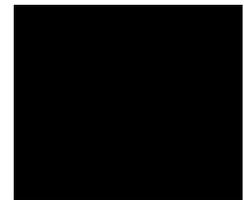
Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services; and preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

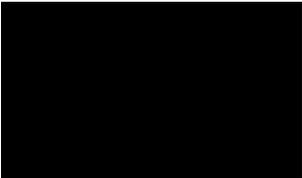
In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

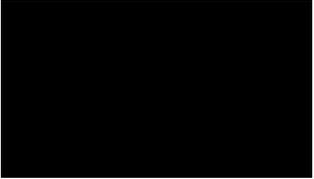
No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.



Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

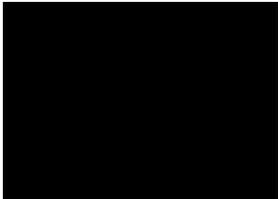
Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural addition to the village. The Site is bound to the immediate north east by the houses of Homefield Close and Barnfield Way, and to the immediate south east by houses situated on the west side of Moor Lane. The immediacy of the existing suburban development diminishes any sense that the site is open countryside or fulfils a specific Green Belt purpose by being permanently open. The development of the Site would not significantly extend the developed extent of Copmanthorpe beyond its existing western or southernmost extent, defined by the dwellings situated on Homefield Close and Moor Lane respectively, especially taking into account the inclusion of site H29 as a draft allocation. The allocation of the Site within the plan could clearly be achieved without undermining or compromising the role and special character of the City of York.

It is telling that the Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. The technical reason given for the deletion of the Site as a draft allocation (relating to access) has since been addressed by DPP in previous representations, to the satisfaction of Officers, who have acknowledged that access into the Site was not a “*showstopper*”.

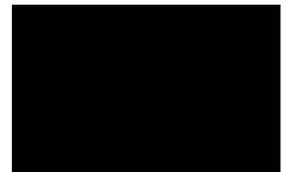
The Site was ultimately not selected by Officers following the Technical Officer Workshop, on the basis that H29 required less mitigation in highways terms. However the Council have never previously cited any Green Belt issues in their reason for the deletion of ST13 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issue it is plain that ST13 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site ST13 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time as the Green Belt should not include land which does not need to be kept permanently open.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer’s concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one’s impression of a compact city. Copmanthorpe is located beyond the outer ring road (A64), a considerable distance from York, and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.



The Site is not on a main approach to the city and due to the built form and landscape features which surround the Site it does not offer open views into the countryside. Further, the Site is not located in one of the strays, Ings or green wedges.

The consideration of compactness does not relate to villages. Even if it did, it is clear that the allocation of the Site would not reduce the compactness of Copmanthorpe. It is noted that the historic linear form of Copmanthorpe has been subsumed by more modern development emerging in the post-war era. In particular, the Site is bound on two sides by residential development which is characteristically suburban in nature and given the mature trees on the boundaries the development of the Site will in fact consolidate the form of Copmanthorpe. This consideration is therefore not affected.

Landmark Monuments: the character of Copmanthorpe is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not individual villages. Nevertheless, there are no landmark monuments within the vicinity of the Site. On the subject of landmark monuments, Officers note within Annex 4 of the TP1 Addendum 2021 that *Copmanthorpe has seen substantial residential growth relative to the scale of the original historic core during the mid to late 20th century and development now extends beyond the original Main Street in all directions, absorbing the core and Back Lane. Notwithstanding the previous growth of the village, allowing it to grow further significantly would take it out of proportion with the scale of York's outlying settlements, an important character identified in the Heritage Topic Paper (HTP).*

The Developer would agree with the assertion that much of the historic core of the village is now subsumed by suburban development.

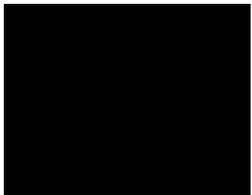
However, the Developer would argue that the allocation of the Site would not significantly increase the overall scale of Copmanthorpe to an extent which would take it out of proportion with the scale of York's outlying settlements. Even with the proposed development of ST13 Copmanthorpe will still be comparable in size to Dunnington, Bishopthorpe, Strensall and Nether Poppleton.

The Site is relatively modest in scale. It would not notably increase the perceptible scale of the village to an extent that would fundamentally affect the character of Copmanthorpe as one of several freestanding villages located on the periphery of York.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York to the south of the A64 and to the west of Copmanthorpe and is not perceptible on the approach from the west towards the city. The Site remains discrete and separate from the wider landscape that surrounds the city.

ST13 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on two of its sides. It is only perceptible from the west of the village, from which it is visible solely in the context of the existing built development to the immediate north east and north west, located on Homefield Close / Barnfield Way, and Moor Lane respectively. It is



noted that there are few public footpaths to the south / west of the village, nor are there any major highways routes from which the southern part of the village or the Site can be viewed. Given the paucity of public vantage points, the impact of the allocation of the Site on the setting of York is non-existent and limited at best in relation to the settlement of Copmanthorpe, the latter of which is not relevant to this purpose of including land in the Green Belt.

Urban Sprawl: the Site forms part of Copmanthorpe, a sustainable but relatively modest village. Copmanthorpe is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a well contained parcel of land which is bound by development on two sides, and which also benefits from a strong and clear western and southern boundary. The development of the Site would not extend the village beyond its westernmost point (Homefield Close), nor its southernmost point, taking into account draft allocation H29, which will extend the settlement southwards, with the East Coast Main Line serving as a suitable and permanent edge.

The Site benefits from clear and established hedge boundaries, which could readily serve as a defined edge to the settlement, thereby precluding urban sprawl from occurring beyond.

Encroachment: although the Site is admittedly open and undeveloped, it is bound on two sides by suburban development, which extends along the entirety of both the Site's north east and north west boundaries. The housing in question is situated right up against the field boundary and is a notable and urbanising feature. The housing serves to diminish any sense that the Site is open countryside. The Site is further distinguishable from land to the west and south, which is comprised of much larger arable fields, and is far more detached with no examples of existing built development. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained parcel of land which is well related to the existing urban form.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the revised methodology, the Developer remains wholly of the view that Site ST13 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore **unsound**.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.



Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

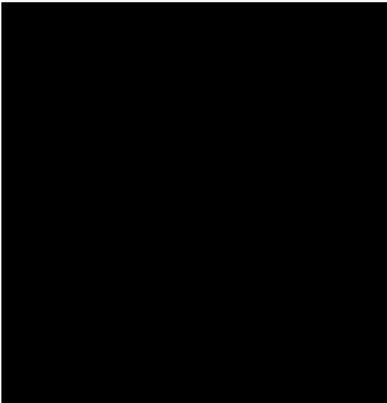
There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that ST13 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of ST13 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST13, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 05 July 2021 15:13
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205328
Attachments: L001_ST13_Copmanthorpe.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

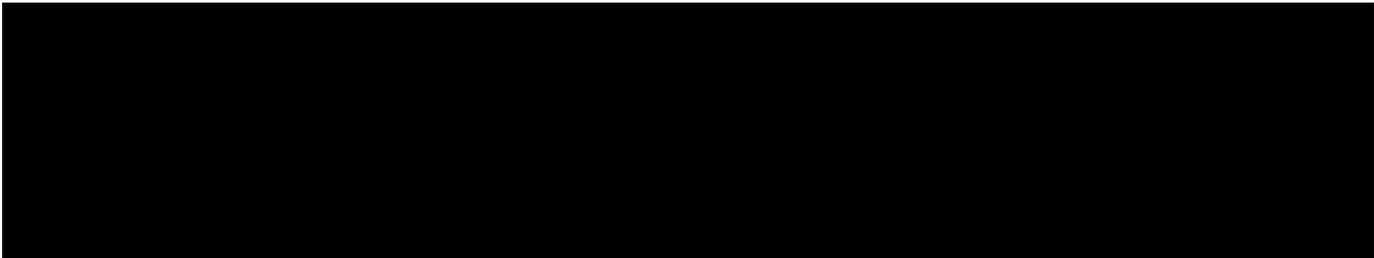
If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_ST13_Copmanthorpe.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3621LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT MOOR LANE, COPMANTHORPE (HOUSING SITE REF: ST13).

Introduction

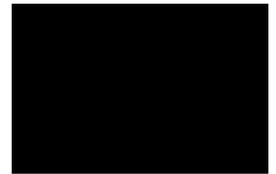
This submission is made on behalf of Crossways Commercial Estates Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST13 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known as ST13 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)
- SHLAA Update (April 2021)

Ref: 3621LE



Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, ST13 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate ST13 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

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

Although the Council reference open countryside within the above reason, no reference is made to Green Belt, or the need to keep the Site permanently open.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that safe access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *"access is only constraint, mitigation required but not considered a showstopper to development. The evidence submitted through the PSC from the landowner/developer confirms that from a technical perspective the site could be accessed with the required mitigation including widening Moor Lane and is not a showstopper to development. Officers consider however, that there would still be adverse impacts when looked at cumulatively with site H29. On balance it is considered that site H29 would be preferable to site ST13 given it is smaller in*



scale and would require less mitigation. In addition, the development of Site ST13 would extend the built edge of Copmanthorpe to the west into open countryside.”

On this basis, they did not recommend that the Site be included as a draft allocation. However, it is again noteworthy that no concerns were raised about the need for the Site to remain permanently open to protect the special character of the historic city nor about the appropriateness of the Green Belt boundaries.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016 and in doing so resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, the appropriateness of the Site as a draft allocation was not reconsidered, since Members of the Council chose not to implement the recommendations of their own third party consultants, and increase the housing requirement.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Copmanthorpe.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

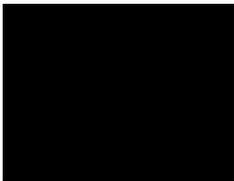
No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.



Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural addition to the village. The Site is bound to the immediate north east by the houses of Homefield Close and Barnfield Way, and to the immediate south east by houses situated on the west side of Moor Lane. The immediacy of the existing suburban development diminishes any sense that the site is open countryside or fulfils a specific Green Belt purpose by being permanently open. The development of the Site would not significantly extend the developed extent of Copmanthorpe beyond its existing western or southernmost extent, defined by the dwellings situated on Homefield Close and Moor Lane respectively, especially taking into account the inclusion of site H29 as a draft allocation. The allocation of the Site within the plan could clearly be achieved without undermining or compromising the role and special character of the City of York.

It is telling that the Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. The technical reason given for the deletion of the Site as a draft allocation (relating to access) has since been addressed by DPP in previous representations, to the satisfaction of Officers, who have acknowledged that access into the Site was not a “*showstopper*”.

The Site was ultimately not selected by Officers following the Technical Officer Workshop, on the basis that H29 required less mitigation in highways terms. However the Council have never previously cited any Green Belt issues in their reason for the deletion of ST13 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issue it is plain that ST13 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site ST13 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time as the Green Belt should not include land which does not need to be kept permanently open.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer’s concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one’s impression of a compact city. Copmanthorpe is located beyond the outer ring road (A64), a considerable distance from York, and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.



The Site is not on a main approach to the city and due to the built form and landscape features which surround the Site it does not offer open views into the countryside. Further, the Site is not located in one of the strays, Ings or green wedges.

The consideration of compactness does not relate to villages. Even if it did, it is clear that the allocation of the Site would not reduce the compactness of Copmanthorpe. It is noted that the historic linear form of Copmanthorpe has been subsumed by more modern development emerging in the post-war era. In particular, the Site is bound on two sides by residential development which is characteristically suburban in nature and given the mature trees on the boundaries the development of the Site will in fact consolidate the form of Copmanthorpe. This consideration is therefore not affected.

Landmark Monuments: the character of Copmanthorpe is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not individual villages. Nevertheless, there are no landmark monuments within the vicinity of the Site. On the subject of landmark monuments, Officers note within Annex 4 of the TP1 Addendum 2021 that *Copmanthorpe has seen substantial residential growth relative to the scale of the original historic core during the mid to late 20th century and development now extends beyond the original Main Street in all directions, absorbing the core and Back Lane. Notwithstanding the previous growth of the village, allowing it to grow further significantly would take it out of proportion with the scale of York's outlying settlements, an important character identified in the Heritage Topic Paper (HTP).*

The Developer would agree with the assertion that much of the historic core of the village is now subsumed by suburban development.

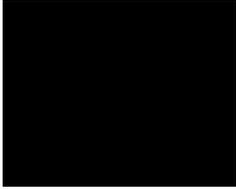
However, the Developer would argue that the allocation of the Site would not significantly increase the overall scale of Copmanthorpe to an extent which would take it out of proportion with the scale of York's outlying settlements. Even with the proposed development of ST13 Copmanthorpe will still be comparable in size to Dunnington, Bishopthorpe, Strensall and Nether Poppleton.

The Site is relatively modest in scale. It would not notably increase the perceptible scale of the village to an extent that would fundamentally affect the character of Copmanthorpe as one of several freestanding villages located on the periphery of York.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York to the south of the A64 and to the west of Copmanthorpe and is not perceptible on the approach from the west towards the city. The Site remains discrete and separate from the wider landscape that surrounds the city.

ST13 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on two of its sides. It is only perceptible from the west of the village, from which it is visible solely in the context of the existing built development to the immediate north east and north west, located on Homefield Close / Barnfield Way, and Moor Lane respectively. It is



noted that there are few public footpaths to the south / west of the village, nor are there any major highways routes from which the southern part of the village or the Site can be viewed. Given the paucity of public vantage points, the impact of the allocation of the Site on the setting of York is non-existent and limited at best in relation to the settlement of Copmanthorpe, the latter of which is not relevant to this purpose of including land in the Green Belt.

Urban Sprawl: the Site forms part of Copmanthorpe, a sustainable but relatively modest village. Copmanthorpe is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a well contained parcel of land which is bound by development on two sides, and which also benefits from a strong and clear western and southern boundary. The development of the Site would not extend the village beyond its westernmost point (Homefield Close), nor its southernmost point, taking into account draft allocation H29, which will extend the settlement southwards, with the East Coast Main Line serving as a suitable and permanent edge.

The Site benefits from clear and established hedge boundaries, which could readily serve as a defined edge to the settlement, thereby precluding urban sprawl from occurring beyond.

Encroachment: although the Site is admittedly open and undeveloped, it is bound on two sides by suburban development, which extends along the entirety of both the Site's north east and north west boundaries. The housing in question is situated right up against the field boundary and is a notable and urbanising feature. The housing serves to diminish any sense that the Site is open countryside. The Site is further distinguishable from land to the west and south, which is comprised of much larger arable fields, and is far more detached with no examples of existing built development. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained parcel of land which is well related to the existing urban form.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the revised methodology, the Developer remains wholly of the view that Site ST13 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore **unsound**.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.



Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

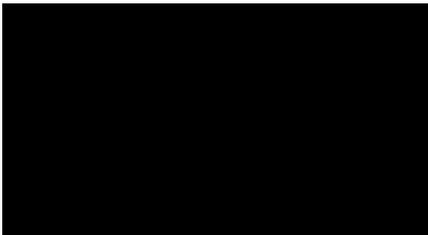
There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that ST13 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of ST13 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST13, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 05 July 2021 15:25
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205339

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]
Name: [REDACTED]
Email address: [REDACTED]
Telephone: [REDACTED]
Organisation name: [REDACTED]
Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Strategic Housing Land Availability Assessment Update (April 2021) (EX/CYC/56)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 07 July 2021 09:04
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205872
Attachments: L002_ST13_Copmanthorpe.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

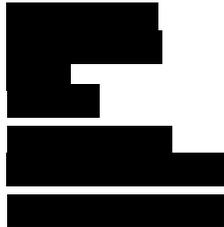
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

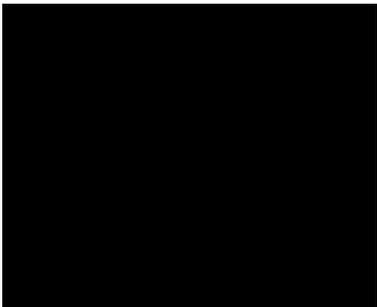
Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L002_ST13_Copmanthorpe.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3621LE
6th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT MOOR LANE, COPMANTHORPE (HOUSING SITE REF: ST13).

Introduction

This submission is made on behalf of Crossways Commercial Estates Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST13 (‘the Site’). In particular, it should be read alongside letter L001 – ST13 – Copmanthorpe, submitted by DPP on the 5th July 2021.

These comments are made in respect of the following document:

- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt

Background

DPP have previously submitted representations on behalf of the Developer concerning Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021) (‘the TP1 Addendum 2021), in addition to the TP1 Addendum 2021 Annex 7: Housing Supply Update, the GL Hearn Housing Needs Update (September 2020), and the SHLAA Update (April 2021). Within the letter of representation submitted, the Developer objected to the methodology used to define the Green Belt boundaries. The Developer now wishes to object to the Green Belt boundaries proposed around Wheldrake, as defined in Annex 4 of the TP1 Addendum 2021, and as indicated on the below extract.

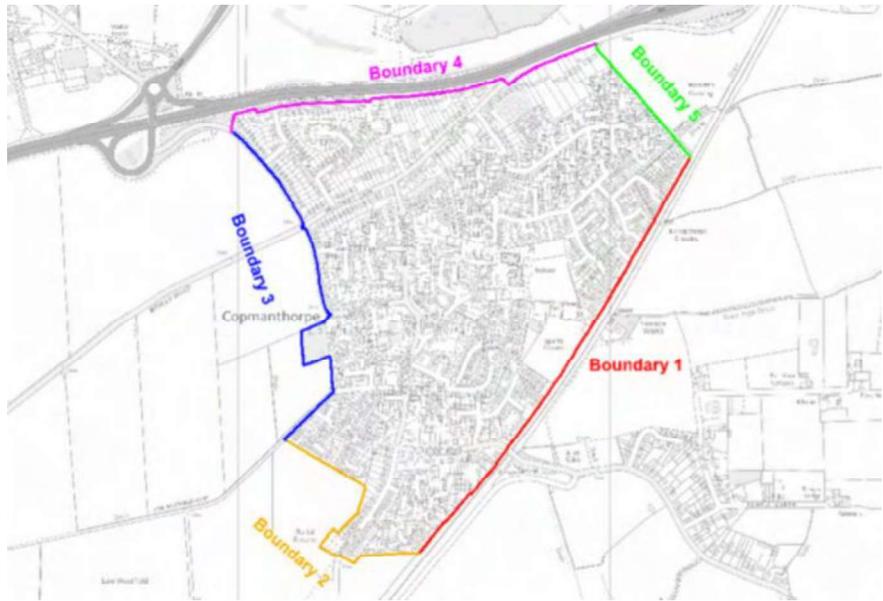


Figure 1 – Extract from Annex 4 of the TP1 Addendum 2021

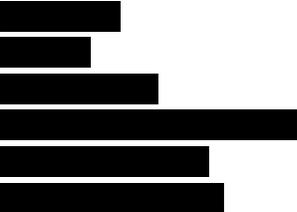
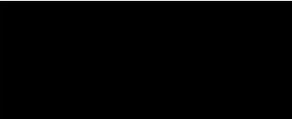
Comment

The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is bound on two sides by existing built development and is perceptibly different in character from land to the west, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the character of the village or the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Our Proposed Modifications

The Developer would suggest that the Green Belt boundaries is modified to encompass the Site. Boundary 2 should be relocated, and redrawn along the western boundary of the Site. The relocated boundary would join up with boundary 2, and Moor Lane, it would follow the route of a clear and established boundary, and would be more logical and defensible as a result. It would exclude land from the Green Belt which has no need to be kept permanently open.

Yours sincerely,



From: [REDACTED]
Sent: 05 July 2021 15:47
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205354
Attachments: L001_H28_Wheldrake.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

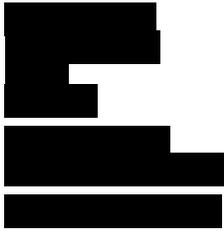
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H28_Wheldrake.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF NORTH LANE, WHELDRAKE (HOUSING SITE REF: H28).

Introduction

This submission is made on behalf of Mulgrave Properties Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H28 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known H28 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, H28 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H28 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

"Further technical assessment has highlighted limited and difficult access opportunities via North Lane which would require further detailed survey or analysis. The submission of the site included proposed access option via Cranbrooks, North Lane or Valley View which need to be investigated further given they are narrow residential streets. There would also be visibility and footway issues given the narrow access options."

The Council made no reference to the Green Belt at the time that this assessment was undertaken.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *"the representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View, that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated."*



Officers at that stage were of the view that the Site could be included as an allocation within the Local Plan. On this basis, they recommended that the Site be included as a draft allocation, to cater for the uplift in housing requirement recommended in the GL Hearn SHMA 2016. Officers were again of the view that the Site did not need to be kept permanently open, that the proposed Green Belt were defensible, and that the development of the Site would accord with the spatial strategy of the emerging local plan.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016. They also resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, although Officers advocated for the allocation of the Site, it was not carried forward, simply on the basis that Members of the Council chose not to implement the recommendations of their own third-party consultants.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.



To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Wheldrake.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

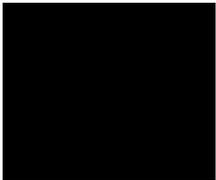
Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using 'criteria 1'. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

'Purpose two – "to prevent neighbouring towns merging into one another" – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says "the potential issue of towns merging does not arise". We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.'

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York's Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

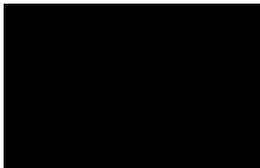
No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

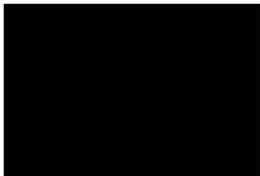
Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural infill opportunity within the village. The allocation and development of the Site would effectively infill the existing gap between development situated on Derwent Drive and Valley View to the west, The Cranbrooks to the east and Main Street and North Lane to the south. The Site, whilst admittedly undeveloped, does not fulfil any the purposes of Green Belt (particularly the first, third and fourth purpose). The Site comprises of a number of smaller paddocks, enclosed to the north by an existing established field boundary and drainage ditch. Its allocation within the plan could be achieved without undermining or compromising the role and function of the York Green Belt.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H28 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H28 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site H28 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. Wheldrake is located approximately 7 miles to the southeast of York and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.

Turning to the village of Wheldrake itself, it is noted that within Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt, the Council state the following:

"The village has broadly retained its rural setting, views across agricultural landscape connection to its historic core. There is a risk that further expansion outwards from Main Street, particularly to the north (beyond boundaries 2, 3 and 4) would result in the village losing its compact scale."



Even if the consideration of compactness related to villages, which it does not, the Developer disagrees with the assertion that development beyond boundary 3 (which encompasses the Site within the Green Belt) would diminish the compact form of Wheldrake. The north of Wheldrake is characterised by suburban development extending northward beyond Main Street and North Lane. The allocation of the Site would infill a large gap between The Cranbrooks and Valley View / Derwent Drive, and would not therefore result in a loss of compactness.

Landmark Monuments: the character of Wheldrake is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not Wheldrake. Nevertheless, there are no landmark monuments within the vicinity of the Site. However, Annex 4 of the TP1 Addendum 2021 notes that *it is the form of the medieval village, its street pattern and distinct sense of place, rather than individual monuments, which afford it [Wheldrake] its special character. No single building is dominant or prominent in views.*

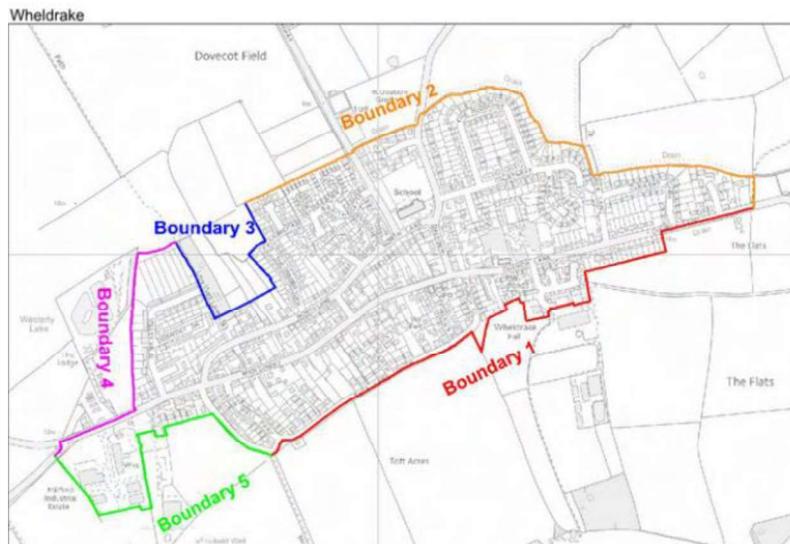
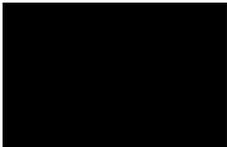
The Developer would agree with this assertion. However, they would note that the perception of Wheldrake as a linear settlement from wider surrounding viewpoints has been diminished as a result of the substantive suburban development that has emerged in the post-war era. Whilst the Site remains undeveloped, views into the centre of the village (North Lane and Main Street) are obscured by the existing buildings to the north of North Lane and located to the immediate south of the Site. There are no public footpaths to the north of the Site. Even if there were, one would not be able to appreciate the historic form of Wheldrake, given the extent of more recent development to the north of the village.

The character of Wheldrake is experienced when you are travelling along Main Street. There is no intervisibility with the Site and the development of the Site will not impact on the intrinsic character of the village.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York, it is not on one of the approaches to the city and remains discreet and separate from the wider landscape that surrounds the city and the village itself. H28 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on three sides. It does not form part of the wider setting within which Wheldrake is viewed.

Urban Sprawl: the Site forms part of Wheldrake, a sustainable but relatively small village. Wheldrake is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a vacant parcel of land which is bound by development on three sides, and which also benefits from a strong and clear boundary to the edge which runs broadly parallel with the northernmost extent of the existing suburban development to the east and the west. The Developer notes that within Annex 4 of the TP1 Addendum 2021, the Council acknowledge that the development of the Site would not result in sprawl. It is stated that the *urban area is at risk of sprawl for boundaries 1, 2 and 4 as the land is not contained. However, the land is contained on 3 sides for boundaries 3 and 5.*



Boundary Key – Wheldrake (TP1 Addendum Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt)

The Developer welcomes the Council’s acknowledgement that the development of the Site (which is located beyond boundary 3 as indicated above) would not result in sprawl, on the basis that the Site is clearly well contained by existing built development.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of the village and is of a fundamentally different character to the land to the immediate north which is overtly typical of countryside, comprising of open and vast arable fields. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the clarified methodology, the Developer remains wholly of the view that Site H28 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council’s methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method.



The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H28 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of H28 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, H28, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

From: [REDACTED]
Sent: 05 July 2021 15:49
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205356
Attachments: L001_H28_Wheldrake.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

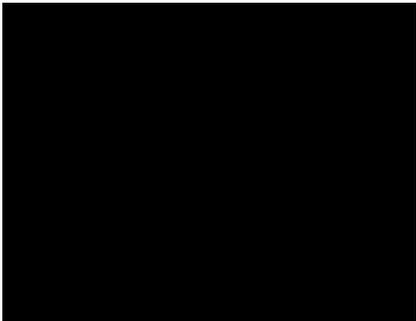
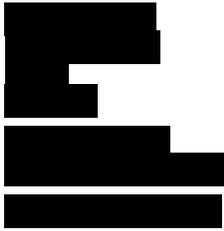
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H28_Wheldrake.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF NORTH LANE, WHELDRAKE (HOUSING SITE REF: H28).

Introduction

This submission is made on behalf of Mulgrave Properties Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H28 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known H28 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- 
- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, H28 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H28 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

“Further technical assessment has highlighted limited and difficult access opportunities via North Lane which would require further detailed survey or analysis. The submission of the site included proposed access option via Cranbrooks, North Lane or Valley View which need to be investigated further given they are narrow residential streets. There would also be visibility and footway issues given the narrow access options.”

The Council made no reference to the Green Belt at the time that this assessment was undertaken.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *“the representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View, that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated.”*



Officers at that stage were of the view that the Site could be included as an allocation within the Local Plan. On this basis, they recommended that the Site be included as a draft allocation, to cater for the uplift in housing requirement recommended in the GL Hearn SHMA 2016. Officers were again of the view that the Site did not need to be kept permanently open, that the proposed Green Belt were defensible, and that the development of the Site would accord with the spatial strategy of the emerging local plan.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016. They also resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, although Officers advocated for the allocation of the Site, it was not carried forward, simply on the basis that Members of the Council chose not to implement the recommendations of their own third-party consultants.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.



To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Wheldrake.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

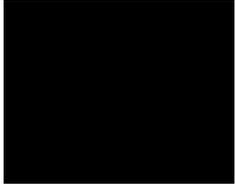
Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using 'criteria 1'. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

'Purpose two – "to prevent neighbouring towns merging into one another" – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says "the potential issue of towns merging does not arise". We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.'

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York's Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

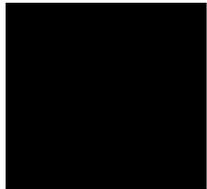
In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.



Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

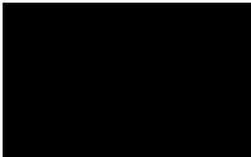
Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural infill opportunity within the village. The allocation and development of the Site would effectively infill the existing gap between development situated on Derwent Drive and Valley View to the west, The Cranbrooks to the east and Main Street and North Lane to the south. The Site, whilst admittedly undeveloped, does not fulfil any the purposes of Green Belt (particularly the first, third and fourth purpose). The Site comprises of a number of smaller paddocks, enclosed to the north by an existing established field boundary and drainage ditch. Its allocation within the plan could be achieved without undermining or compromising the role and function of the York Green Belt.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H28 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H28 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site H28 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. Wheldrake is located approximately 7 miles to the southeast of York and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.

Turning to the village of Wheldrake itself, it is noted that within Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt, the Council state the following:

"The village has broadly retained its rural setting, views across agricultural landscape connection to its historic core. There is a risk that further expansion outwards from Main Street, particularly to the north (beyond boundaries 2, 3 and 4) would result in the village losing its compact scale."



Even if the consideration of compactness related to villages, which it does not, the Developer disagrees with the assertion that development beyond boundary 3 (which encompasses the Site within the Green Belt) would diminish the compact form of Wheldrake. The north of Wheldrake is characterised by suburban development extending northward beyond Main Street and North Lane. The allocation of the Site would infill a large gap between The Cranbrooks and Valley View / Derwent Drive, and would not therefore result in a loss of compactness.

Landmark Monuments: the character of Wheldrake is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not Wheldrake. Nevertheless, there are no landmark monuments within the vicinity of the Site. However, Annex 4 of the TP1 Addendum 2021 notes that *it is the form of the medieval village, its street pattern and distinct sense of place, rather than individual monuments, which afford it [Wheldrake] its special character. No single building is dominant or prominent in views.*

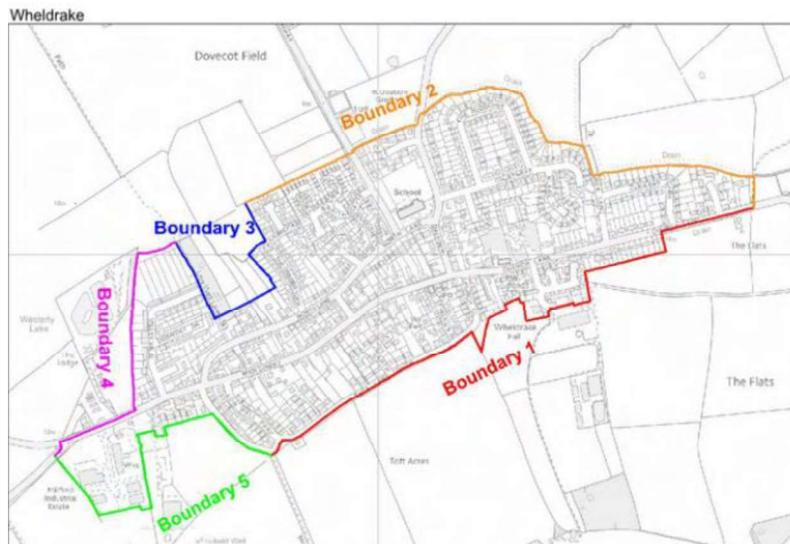
The Developer would agree with this assertion. However, they would note that the perception of Wheldrake as a linear settlement from wider surrounding viewpoints has been diminished as a result of the substantive suburban development that has emerged in the post-war era. Whilst the Site remains undeveloped, views into the centre of the village (North Lane and Main Street) are obscured by the existing buildings to the north of North Lane and located to the immediate south of the Site. There are no public footpaths to the north of the Site. Even if there were, one would not be able to appreciate the historic form of Wheldrake, given the extent of more recent development to the north of the village.

The character of Wheldrake is experienced when you are travelling along Main Street. There is no intervisibility with the Site and the development of the Site will not impact on the intrinsic character of the village.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York, it is not on one of the approaches to the city and remains discreet and separate from the wider landscape that surrounds the city and the village itself. H28 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on three sides. It does not form part of the wider setting within which Wheldrake is viewed.

Urban Sprawl: the Site forms part of Wheldrake, a sustainable but relatively small village. Wheldrake is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a vacant parcel of land which is bound by development on three sides, and which also benefits from a strong and clear boundary to the edge which runs broadly parallel with the northernmost extent of the existing suburban development to the east and the west. The Developer notes that within Annex 4 of the TP1 Addendum 2021, the Council acknowledge that the development of the Site would not result in sprawl. It is stated that the *urban area is at risk of sprawl for boundaries 1, 2 and 4 as the land is not contained. However, the land is contained on 3 sides for boundaries 3 and 5.*



Boundary Key – Whedrake (TP1 Addendum Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt)

The Developer welcomes the Council’s acknowledgement that the development of the Site (which is located beyond boundary 3 as indicated above) would not result in sprawl, on the basis that the Site is clearly well contained by existing built development.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of the village and is of a fundamentally different character to the land to the immediate north which is overtly typical of countryside, comprising of open and vast arable fields. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the clarified methodology, the Developer remains wholly of the view that Site H28 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council’s methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method.



The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H28 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of H28 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, H28, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

From: [REDACTED]
Sent: 05 July 2021 15:51
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205358
Attachments: L001_H28_Wheldrake.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 7 Housing Supply Update (EX/CYC/59i)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

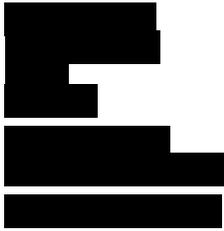
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H28_Wheldrake.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF NORTH LANE, WHELDRAKE (HOUSING SITE REF: H28).

Introduction

This submission is made on behalf of Mulgrave Properties Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H28 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known H28 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- 
- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, H28 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H28 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

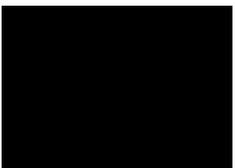
“Further technical assessment has highlighted limited and difficult access opportunities via North Lane which would require further detailed survey or analysis. The submission of the site included proposed access option via Cranbrooks, North Lane or Valley View which need to be investigated further given they are narrow residential streets. There would also be visibility and footway issues given the narrow access options.”

The Council made no reference to the Green Belt at the time that this assessment was undertaken.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *“the representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View, that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated.”*



Officers at that stage were of the view that the Site could be included as an allocation within the Local Plan. On this basis, they recommended that the Site be included as a draft allocation, to cater for the uplift in housing requirement recommended in the GL Hearn SHMA 2016. Officers were again of the view that the Site did not need to be kept permanently open, that the proposed Green Belt were defensible, and that the development of the Site would accord with the spatial strategy of the emerging local plan.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016. They also resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, although Officers advocated for the allocation of the Site, it was not carried forward, simply on the basis that Members of the Council chose not to implement the recommendations of their own third-party consultants.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

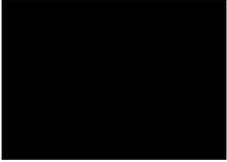
Paragraph 35 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.



To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Wheldrake.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using 'criteria 1'. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

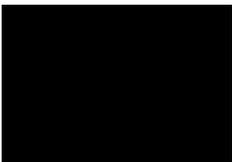
In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

'Purpose two – "to prevent neighbouring towns merging into one another" – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says "the potential issue of towns merging does not arise". We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.'

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York's Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

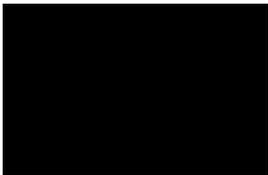
In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.



Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

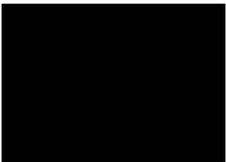
Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural infill opportunity within the village. The allocation and development of the Site would effectively infill the existing gap between development situated on Derwent Drive and Valley View to the west, The Cranbrooks to the east and Main Street and North Lane to the south. The Site, whilst admittedly undeveloped, does not fulfil any the purposes of Green Belt (particularly the first, third and fourth purpose). The Site comprises of a number of smaller paddocks, enclosed to the north by an existing established field boundary and drainage ditch. Its allocation within the plan could be achieved without undermining or compromising the role and function of the York Green Belt.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H28 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H28 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site H28 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

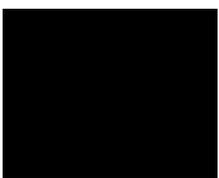
Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. Wheldrake is located approximately 7 miles to the southeast of York and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.

Turning to the village of Wheldrake itself, it is noted that within Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt, the Council state the following:

"The village has broadly retained its rural setting, views across agricultural landscape connection to its historic core. There is a risk that further expansion outwards from Main Street, particularly to the north (beyond boundaries 2, 3 and 4) would result in the village losing its compact scale."



Even if the consideration of compactness related to villages, which it does not, the Developer disagrees with the assertion that development beyond boundary 3 (which encompasses the Site within the Green Belt) would diminish the compact form of Wheldrake. The north of Wheldrake is characterised by suburban development extending northward beyond Main Street and North Lane. The allocation of the Site would infill a large gap between The Cranbrooks and Valley View / Derwent Drive, and would not therefore result in a loss of compactness.

Landmark Monuments: the character of Wheldrake is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not Wheldrake. Nevertheless, there are no landmark monuments within the vicinity of the Site. However, Annex 4 of the TP1 Addendum 2021 notes that *it is the form of the medieval village, its street pattern and distinct sense of place, rather than individual monuments, which afford it [Wheldrake] its special character. No single building is dominant or prominent in views.*

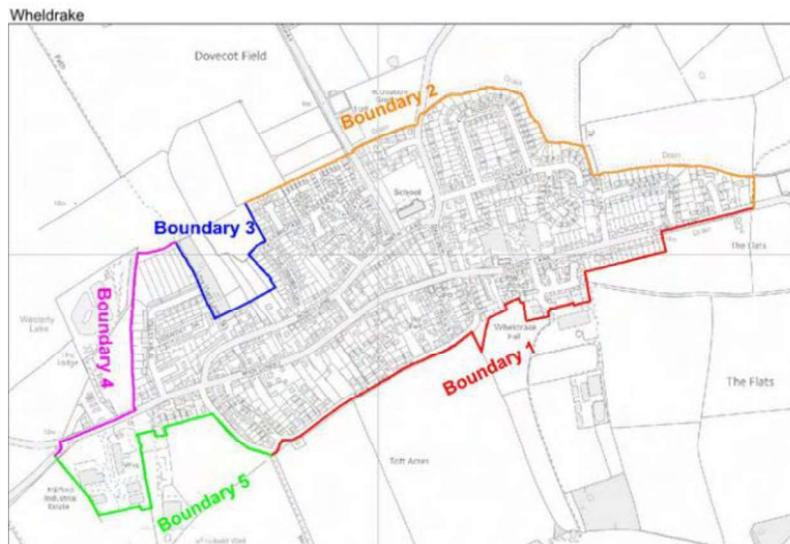
The Developer would agree with this assertion. However, they would note that the perception of Wheldrake as a linear settlement from wider surrounding viewpoints has been diminished as a result of the substantive suburban development that has emerged in the post-war era. Whilst the Site remains undeveloped, views into the centre of the village (North Lane and Main Street) are obscured by the existing buildings to the north of North Lane and located to the immediate south of the Site. There are no public footpaths to the north of the Site. Even if there were, one would not be able to appreciate the historic form of Wheldrake, given the extent of more recent development to the north of the village.

The character of Wheldrake is experienced when you are travelling along Main Street. There is no intervisibility with the Site and the development of the Site will not impact on the intrinsic character of the village.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York, it is not on one of the approaches to the city and remains discreet and separate from the wider landscape that surrounds the city and the village itself. H28 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on three sides. It does not form part of the wider setting within which Wheldrake is viewed.

Urban Sprawl: the Site forms part of Wheldrake, a sustainable but relatively small village. Wheldrake is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a vacant parcel of land which is bound by development on three sides, and which also benefits from a strong and clear boundary to the edge which runs broadly parallel with the northernmost extent of the existing suburban development to the east and the west. The Developer notes that within Annex 4 of the TP1 Addendum 2021, the Council acknowledge that the development of the Site would not result in sprawl. It is stated that the *urban area is at risk of sprawl for boundaries 1, 2 and 4 as the land is not contained. However, the land is contained on 3 sides for boundaries 3 and 5.*



Boundary Key – Whedrake (TP1 Addendum Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt)

The Developer welcomes the Council’s acknowledgement that the development of the Site (which is located beyond boundary 3 as indicated above) would not result in sprawl, on the basis that the Site is clearly well contained by existing built development.

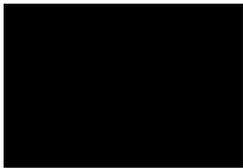
Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of the village and is of a fundamentally different character to the land to the immediate north which is overtly typical of countryside, comprising of open and vast arable fields. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the clarified methodology, the Developer remains wholly of the view that Site H28 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council’s methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method.



The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H28 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of H28 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, H28, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

From: [REDACTED]
Sent: 05 July 2021 15:54
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205359
Attachments: L001_H28_Wheldrake.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

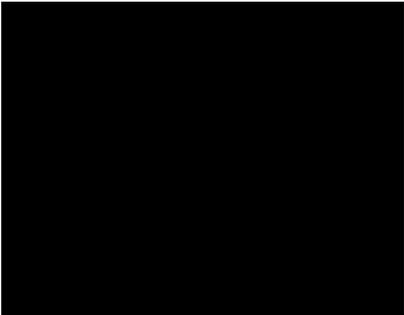
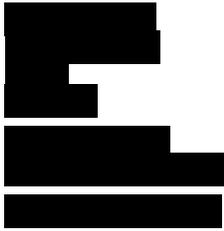
If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H28_Wheldrake.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF NORTH LANE, WHELDRAKE (HOUSING SITE REF: H28).

Introduction

This submission is made on behalf of Mulgrave Properties Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H28 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known H28 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, H28 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H28 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

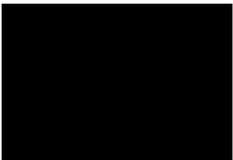
“Further technical assessment has highlighted limited and difficult access opportunities via North Lane which would require further detailed survey or analysis. The submission of the site included proposed access option via Cranbrooks, North Lane or Valley View which need to be investigated further given they are narrow residential streets. There would also be visibility and footway issues given the narrow access options.”

The Council made no reference to the Green Belt at the time that this assessment was undertaken.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *“the representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View, that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated.”*



Officers at that stage were of the view that the Site could be included as an allocation within the Local Plan. On this basis, they recommended that the Site be included as a draft allocation, to cater for the uplift in housing requirement recommended in the GL Hearn SHMA 2016. Officers were again of the view that the Site did not need to be kept permanently open, that the proposed Green Belt were defensible, and that the development of the Site would accord with the spatial strategy of the emerging local plan.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016. They also resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, although Officers advocated for the allocation of the Site, it was not carried forward, simply on the basis that Members of the Council chose not to implement the recommendations of their own third-party consultants.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.



To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Wheldrake.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

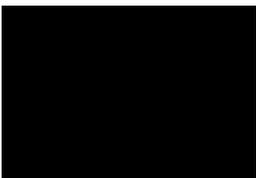
Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using 'criteria 1'. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

'Purpose two – "to prevent neighbouring towns merging into one another" – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says "the potential issue of towns merging does not arise". We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.'

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York's Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.



Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural infill opportunity within the village. The allocation and development of the Site would effectively infill the existing gap between development situated on Derwent Drive and Valley View to the west, The Cranbrooks to the east and Main Street and North Lane to the south. The Site, whilst admittedly undeveloped, does not fulfil any the purposes of Green Belt (particularly the first, third and fourth purpose). The Site comprises of a number of smaller paddocks, enclosed to the north by an existing established field boundary and drainage ditch. Its allocation within the plan could be achieved without undermining or compromising the role and function of the York Green Belt.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H28 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H28 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site H28 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

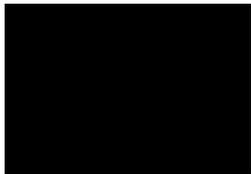
Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. Wheldrake is located approximately 7 miles to the southeast of York and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.

Turning to the village of Wheldrake itself, it is noted that within Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt, the Council state the following:

"The village has broadly retained its rural setting, views across agricultural landscape connection to its historic core. There is a risk that further expansion outwards from Main Street, particularly to the north (beyond boundaries 2, 3 and 4) would result in the village losing its compact scale."



Even if the consideration of compactness related to villages, which it does not, the Developer disagrees with the assertion that development beyond boundary 3 (which encompasses the Site within the Green Belt) would diminish the compact form of Wheldrake. The north of Wheldrake is characterised by suburban development extending northward beyond Main Street and North Lane. The allocation of the Site would infill a large gap between The Cranbrooks and Valley View / Derwent Drive, and would not therefore result in a loss of compactness.

Landmark Monuments: the character of Wheldrake is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not Wheldrake. Nevertheless, there are no landmark monuments within the vicinity of the Site. However, Annex 4 of the TP1 Addendum 2021 notes that *it is the form of the medieval village, its street pattern and distinct sense of place, rather than individual monuments, which afford it [Wheldrake] its special character. No single building is dominant or prominent in views.*

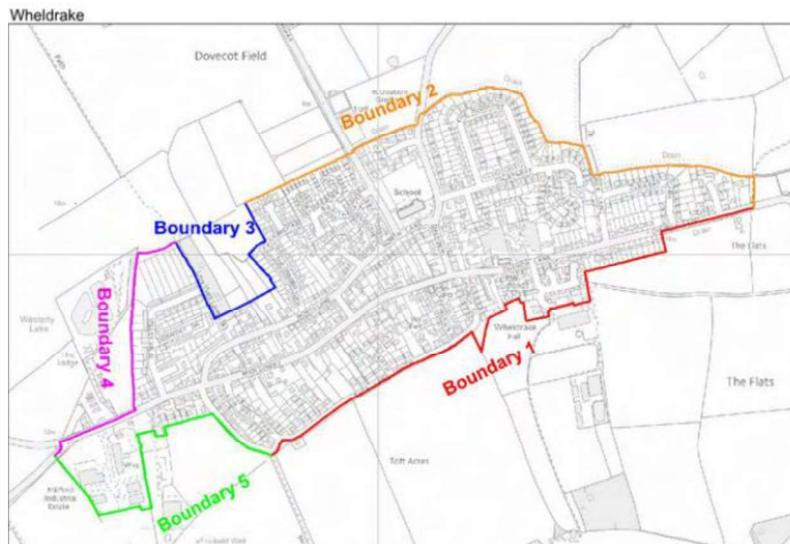
The Developer would agree with this assertion. However, they would note that the perception of Wheldrake as a linear settlement from wider surrounding viewpoints has been diminished as a result of the substantive suburban development that has emerged in the post-war era. Whilst the Site remains undeveloped, views into the centre of the village (North Lane and Main Street) are obscured by the existing buildings to the north of North Lane and located to the immediate south of the Site. There are no public footpaths to the north of the Site. Even if there were, one would not be able to appreciate the historic form of Wheldrake, given the extent of more recent development to the north of the village.

The character of Wheldrake is experienced when you are travelling along Main Street. There is no intervisibility with the Site and the development of the Site will not impact on the intrinsic character of the village.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York, it is not on one of the approaches to the city and remains discreet and separate from the wider landscape that surrounds the city and the village itself. H28 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on three sides. It does not form part of the wider setting within which Wheldrake is viewed.

Urban Sprawl: the Site forms part of Wheldrake, a sustainable but relatively small village. Wheldrake is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a vacant parcel of land which is bound by development on three sides, and which also benefits from a strong and clear boundary to the edge which runs broadly parallel with the northernmost extent of the existing suburban development to the east and the west. The Developer notes that within Annex 4 of the TP1 Addendum 2021, the Council acknowledge that the development of the Site would not result in sprawl. It is stated that the *urban area is at risk of sprawl for boundaries 1, 2 and 4 as the land is not contained. However, the land is contained on 3 sides for boundaries 3 and 5.*



Boundary Key – Wheldrake (TP1 Addendum Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt)

The Developer welcomes the Council’s acknowledgement that the development of the Site (which is located beyond boundary 3 as indicated above) would not result in sprawl, on the basis that the Site is clearly well contained by existing built development.

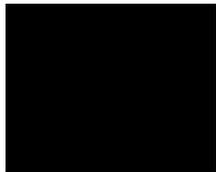
Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of the village and is of a fundamentally different character to the land to the immediate north which is overtly typical of countryside, comprising of open and vast arable fields. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the clarified methodology, the Developer remains wholly of the view that Site H28 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council’s methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method.



The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H28 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of H28 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, H28, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

From: [REDACTED]
Sent: 05 July 2021 15:56
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205360
Attachments: L001_H28_Wheldrake.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: no

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]
Name: [REDACTED]
Email address: [REDACTED]
Telephone: [REDACTED]
Organisation name: [REDACTED]
Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Strategic Housing Land Availability Assessment Update (April 2021) (EX/CYC/56)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

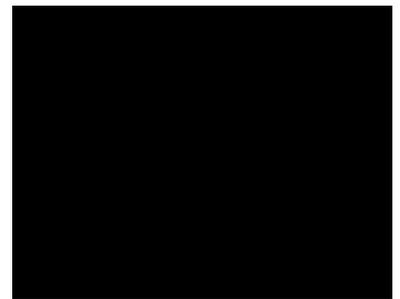
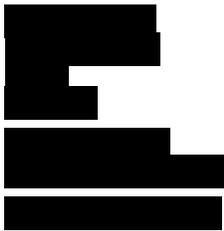
If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_H28_Wheldrake.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF NORTH LANE, WHELDRAKE (HOUSING SITE REF: H28).

Introduction

This submission is made on behalf of Mulgrave Properties Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H28 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known H28 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)



- 
- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, H28 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate H28 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

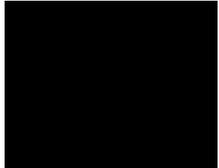
“Further technical assessment has highlighted limited and difficult access opportunities via North Lane which would require further detailed survey or analysis. The submission of the site included proposed access option via Cranbrooks, North Lane or Valley View which need to be investigated further given they are narrow residential streets. There would also be visibility and footway issues given the narrow access options.”

The Council made no reference to the Green Belt at the time that this assessment was undertaken.

Following the deletion of the Site as a draft allocation within the Local Plan Preferred Sites (2016), DPP submitted representations to the Preferred Sites Consultation in September 2016 to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The purpose of the report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites, and to seek the views of Members on the methodology and studies carried out to inform the city's housing and employment land requirements. Officers sought the approval of Members to instigate the necessary work to produce a draft plan based on the evidence collected, including the GL Hearn Strategic Housing Market Assessment 2016, which included a recommendation to apply a further 10% to the figure for market signals (to 953 dwellings per annum) within the emerging Local Plan.

Within their report to the Local Plan Working Group, Officers also assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated: *“the representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View, that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated.”*



Officers at that stage were of the view that the Site could be included as an allocation within the Local Plan. On this basis, they recommended that the Site be included as a draft allocation, to cater for the uplift in housing requirement recommended in the GL Hearn SHMA 2016. Officers were again of the view that the Site did not need to be kept permanently open, that the proposed Green Belt were defensible, and that the development of the Site would accord with the spatial strategy of the emerging local plan.

During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the GL Hearn SHMA 2016. They also resolved that the increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, although Officers advocated for the allocation of the Site, it was not carried forward, simply on the basis that Members of the Council chose not to implement the recommendations of their own third-party consultants.

The Site is still not allocated within the current Publication Draft Local Plan (2018).

The Test of Soundness

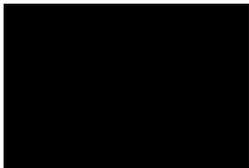
Paragraph 35 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound”. In order to be sound, NPPF confirms that a plan should be:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.



To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 4 of the TP1 Addendum 2021 contains the local level assessment of the boundaries surrounding developed areas within the Green Belt, including Wheldrake.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

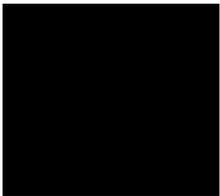
Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") were of little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations again bear little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.



General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using 'criteria 1'. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

'Purpose two – "to prevent neighbouring towns merging into one another" – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says "the potential issue of towns merging does not arise". We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.'

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York's Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the



fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector's letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the "*The Approach to the Green Belt Appraisal 2003*" and the "*Heritage Topic Paper Update 2014*" documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City's special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

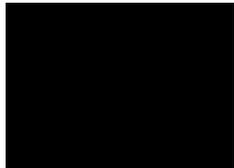
No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like "historic settlements". It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature



conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

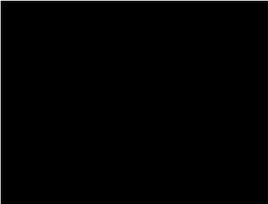
In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.



Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing



requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and natural infill opportunity within the village. The allocation and development of the Site would effectively infill the existing gap between development situated on Derwent Drive and Valley View to the west, The Cranbrooks to the east and Main Street and North Lane to the south. The Site, whilst admittedly undeveloped, does not fulfil any the purposes of Green Belt (particularly the first, third and fourth purpose). The Site comprises of a number of smaller paddocks, enclosed to the north by an existing established field boundary and drainage ditch. Its allocation within the plan could be achieved without undermining or compromising the role and function of the York Green Belt.

It is noted that the Council have never previously cited any Green Belt issues in their reason for the deletion of H28 as a draft allocation. It is clear that the Council have previously been satisfied that the Site does not serve a material purposes for including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan. Indeed, the Council have never asserted that the Site performs a Green Belt purpose or that the Green Belt boundaries were inappropriate and irrespective of the technical issues it is plain that H28 does not need to be kept permanently open. If land does not need to be kept permanently open it should not be included in the Green Belt.

On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site H28 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

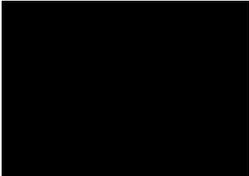
Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. Wheldrake is located approximately 7 miles to the southeast of York and is clearly not viewed in the same context. The allocation of the Site would not affect the compact form of York as a result.

Turning to the village of Wheldrake itself, it is noted that within Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt, the Council state the following:

"The village has broadly retained its rural setting, views across agricultural landscape connection to its historic core. There is a risk that further expansion outwards from Main Street, particularly to the north (beyond boundaries 2, 3 and 4) would result in the village losing its compact scale."



Even if the consideration of compactness related to villages, which it does not, the Developer disagrees with the assertion that development beyond boundary 3 (which encompasses the Site within the Green Belt) would diminish the compact form of Wheldrake. The north of Wheldrake is characterised by suburban development extending northward beyond Main Street and North Lane. The allocation of the Site would infill a large gap between The Cranbrooks and Valley View / Derwent Drive, and would not therefore result in a loss of compactness.

Landmark Monuments: the character of Wheldrake is not relevant in respect of the consideration of this purpose of including land within the Green Belt, as the Green Belt is intended to preserve the setting and special character of the city of York and not Wheldrake. Nevertheless, there are no landmark monuments within the vicinity of the Site. However, Annex 4 of the TP1 Addendum 2021 notes that *it is the form of the medieval village, its street pattern and distinct sense of place, rather than individual monuments, which afford it [Wheldrake] its special character. No single building is dominant or prominent in views.*

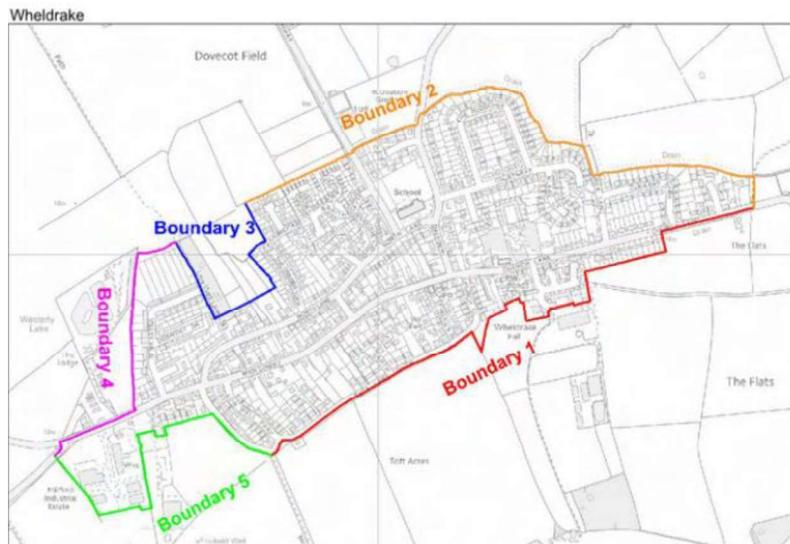
The Developer would agree with this assertion. However, they would note that the perception of Wheldrake as a linear settlement from wider surrounding viewpoints has been diminished as a result of the substantive suburban development that has emerged in the post-war era. Whilst the Site remains undeveloped, views into the centre of the village (North Lane and Main Street) are obscured by the existing buildings to the north of North Lane and located to the immediate south of the Site. There are no public footpaths to the north of the Site. Even if there were, one would not be able to appreciate the historic form of Wheldrake, given the extent of more recent development to the north of the village.

The character of Wheldrake is experienced when you are travelling along Main Street. There is no intervisibility with the Site and the development of the Site will not impact on the intrinsic character of the village.

Views into York and its associated landmarks are obscured, given the distance, and given the presence of existing development and vegetation. The allocation of the Site would not harm this purpose of including land within the Green Belt.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. The Site lies a considerable distance from York, it is not on one of the approaches to the city and remains discreet and separate from the wider landscape that surrounds the city and the village itself. H28 does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is bound by existing development on three sides. It does not form part of the wider setting within which Wheldrake is viewed.

Urban Sprawl: the Site forms part of Wheldrake, a sustainable but relatively small village. Wheldrake is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply infilling a vacant parcel of land which is bound by development on three sides, and which also benefits from a strong and clear boundary to the edge which runs broadly parallel with the northernmost extent of the existing suburban development to the east and the west. The Developer notes that within Annex 4 of the TP1 Addendum 2021, the Council acknowledge that the development of the Site would not result in sprawl. It is stated that the *urban area is at risk of sprawl for boundaries 1, 2 and 4 as the land is not contained. However, the land is contained on 3 sides for boundaries 3 and 5.*



Boundary Key – Whedrake (TP1 Addendum Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt)

The Developer welcomes the Council’s acknowledgement that the development of the Site (which is located beyond boundary 3 as indicated above) would not result in sprawl, on the basis that the Site is clearly well contained by existing built development.

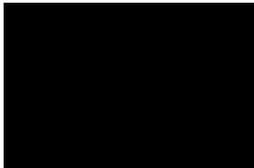
Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of the village and is of a fundamentally different character to the land to the immediate north which is overtly typical of countryside, comprising of open and vast arable fields. The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the clarified methodology, the Developer remains wholly of the view that Site H28 should be included as an allocation within the Publication Draft Local Plan 2018.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council’s methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method.



The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that H28 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, whilst the technical issues previously raised by the Council have been addressed in detail in previous representations submitted to the Council. The Developer therefore **Objects** to the continued omission of H28 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, H28, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

From: [REDACTED]
Sent: 07 July 2021 09:03
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205871
Attachments: L002_H28_Wheldrake.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

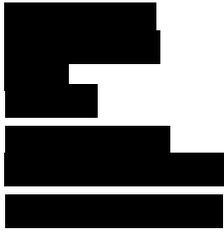
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L002_H28_Wheldrake.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3523LE
6th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF NORTH LANE, WHELDRAKE (HOUSING SITE REF: H28).

Introduction

This submission is made on behalf of Mulgrave Properties Ltd (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as H28 (‘the Site’). In particular, it should be read alongside letter L001 – H28 – Wheldrake, submitted by DPP on the 5th July 2021.

These comments are made in respect of the following document:

- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 4: Other Densely Developed Areas in the General Extent of the Green Belt

Background

DPP have previously submitted representations on behalf of the Developer concerning Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021) (‘the TP1 Addendum 2021), in addition to the TP1 Addendum 2021 Annex 7: Housing Supply Update, the GL Hearn Housing Needs Update (September 2020), and the SHLAA Update (April 2021). Within the letter of representation submitted, the Developer objected to the methodology used to define the Green Belt boundaries. The Developer now wishes to object to the Green Belt boundaries proposed around Wheldrake, as defined in Annex 4 of the TP1 Addendum 2021, and as indicated on the below extract.



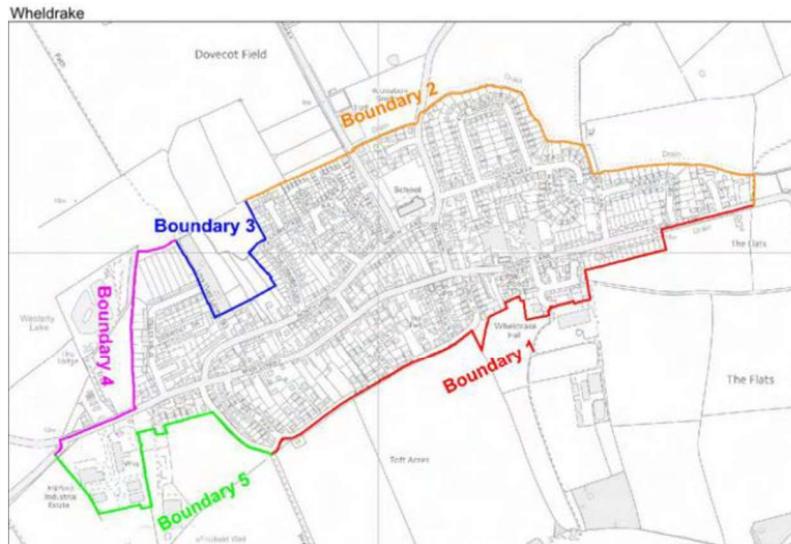


Figure 1 – Extract from Annex 4 of the TP1 Addendum 2021

Comment

The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is bound on three sides by existing built development and is perceptibly different in character from land to the north, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the character of the village or the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Our Proposed Modifications

The Developer would suggest that the Green Belt boundaries is modified to encompass the Site. Boundary 3 should be relocated, and redrawn along the northern boundary of the Site. The relocated boundary would join up with boundaries 2 and 4 to form a straight edge, would follow the route of a clear and established boundary, and would be more logical and defensible as a result. It would exclude land from the Green Belt which has no need to be kept permanently open.

Yours sincerely,

[Redacted signature]

[Redacted contact information]

[Redacted footer]

From: [Redacted]
Sent: 05 July 2021 16:28
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205382

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [Redacted]

Name: [Redacted]

Email address: [Redacted]

Telephone: [Redacted]

Organisation name: [Redacted]

Organisation address: [Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 7 Housing Supply Update (EX/CYC/59i)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 05 July 2021 16:24
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205380
Attachments: L001_ST29_Karbon_Homes.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

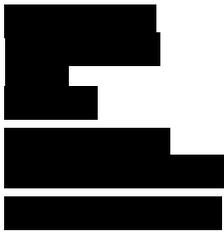
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_ST29_Karbon_Homes.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3982LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND OFF BROOUGHBRIDGE ROAD, WEST OF TRENCHARD ROAD, YORK (SITE REF: ST29).

Introduction

This submission is made on behalf of York Housing Association, Karbon Homes Ltd, & Karbon Developments Ltd (“the Developers”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST29 (‘the Site’).

The Developers wish to **object** to the continued omission of the Site from the emerging Local Plan. The Developers are of the view that the revised methodology used by the Council to determine Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developers wish to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1: Approach to defining York's Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 1: Sections 1 - 4
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)
- SHLAA Update (April 2021)





Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, ST29 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Publication Draft Local Plan (2014). In proposing to allocate ST29 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

“Following further technical officer consideration, it is considered that the Site provides an important role in the setting of York providing views over open countryside as you travel from York towards the A1237 along the A59. Although the Site is partially contained with occasional tree planting and hedgerows along with existing residential properties to the east it has open fields to the southern boundary. The Site provides a role in separating the urban edge of York from the village of Poppleton, preventing coalescence which has already been compromised on the opposite side of the road through the Manor School development. For these reasons it is considered to serve greenbelt purposes”

The Site is not allocated within the current Publication Draft Local Plan (2018).

The Developers submitted a full planning application to the Council for the erection of 60 affordable homes with associated infrastructure, including access, public open space and landscaping on the Site (LPA ref: 20/00752/FULM). This application was made in full and was deemed valid on the 4th May 2020. The application was presented to Planning Committee on the 3rd December 2020 and was refused. That application has been appealed and an inquiry is scheduled to commence on the 5th July 2021.

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*



c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 3 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the inner Green Belt boundaries, including the boundary adjacent to the Site.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.



Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as “Shapers”) bared little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the “Shapers” used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developers remain wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.



In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.



In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

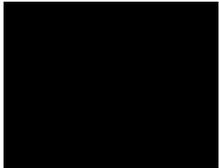
In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting text suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.



Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developers that the Green Belt boundaries are anything but justified and reasonable.

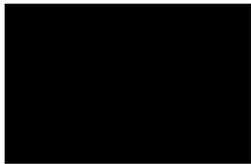
Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City, particularly the need for affordable homes which is acute. Indeed, the Strategic Housing Market Assessment (SHMA) sets out an objective assessment of housing needs in the City of York. The 2016 SHMA identifies a need for 573 net additional affordable dwellings per annum between 2012 and 2032. Against the requirement identified in the 2016 SHMA an annual average of just 108 affordable dwellings have been completed per annum in the City of York. Once Right to Buy losses have been accounted for, net affordable housing completions in the City of York average just 45 dwellings per annum since 2012/13. The Council has accumulated a net shortfall of 4,228 affordable dwellings against the SHMA need figure over this period.

DPP have argued that the housing requirement should be increased to boost the number of affordable homes that can and need to be delivered in order to address the clear need for additional affordable homes.

Apart from the reasons already cited which include affordability issues and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has
Ref: 1198LE



been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

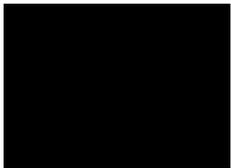
Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developers consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developers wholly believe that if Site ST29 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review.

In the reasoning provided by the Council, it is suggested that the Site needs to remain open, as it provides an important role in the setting of York, enabling views over open countryside as one travels from the city centre towards the A1237



along the A59. The Council also suggest that the Site provides an important role in separating the urban edge of York from Poppleton.

The Developers strongly disagree with this conclusion, as addressed comprehensively in the ongoing appeal. The original planning application, and the subsequent appeal, are accompanied by a Green Belt & Landscape Assessment. Although the application and appeal relate only to part of Site ST29, the assessment nevertheless remains relevant and useful, and confirms that the reasons for the deletion of the Site provided by the Council are not justified.

Impact on the Setting of the City when Travelling from York Towards the A1237

The Green Belt & Landscape assessment demonstrates that, owing to existing development and vegetation, only glimpses of the countryside are achievable from Boroughbridge Road. Views of the countryside are visible through the small gap that exists between Trenchard Road, and the cluster of buildings comprising the residential and business buildings to the north and north west. This is the only area where open fields beyond the Site are achievable on the approach to the A1237 from the City Centre.

The submitted Green Belt & Landscape Assessment further notes that views of the open fields to the south of the Site are generally obscured given the prevailing topography of the Site. The land slopes downwards from the south and the west of the Site. The view achievable is therefore occupied by the skyline. The perception of open arable fields / countryside is diminished as a result from this key viewpoint cited by the Council. The Developers are of the view that the Council have significantly overstated the need to keep the Site open to preserve the setting of York by persons travelling towards the ring road from the city.

Role in Separating the urban edge of York from the village of Poppleton.

The other reason cited by the Council for the deletion of the Site is that the land is considered to provide an important role in separating the urban edge of York from Poppleton.

There are various examples of existing built development on the southern side of the A59 beyond the Site, including Muddy Boots Nursery and car park and the petrol filling station and associated M&S simply food and McDonalds beyond. On the northern side of the A59 (immediately adjacent to the Site) there is the site of the Miller Appeal, where an inspector recently allowed an appeal resulting in the granting of full planning permission for a major residential development (Appeal Reference APP/C2741/W19/3227359). Interestingly, in allowing the Miller Appeal, the Inspector stated the following:

“The proposal would introduce built form on to the currently open site, which would increase the amount of development in the area. Whilst this would result in the considerable reduction in the openness of the site, the proposal would not extend development beyond the existing urban form that surrounds the site. Accordingly, it would not visually or physically extend development towards nearby settlements, including Upper and Nether Poppleton.”

Paragraph 27 – Appeal ref APP/C2741/W19/3227359

The below aerial photograph illustrates this. It demonstrates that the allocation of the Site would not extend the developed confines of York and Acomb any closer to Upper Poppleton than the consented Miller Appeal Scheme.



Figure 1 – Aerial image of the Site (outlined in Red) and the Miller Appeal site (outlined in Blue)

Aside from the permitted Miller Appeal scheme, there are further examples of intervening development between the Site and Poppleton, particularly situated off Cinder Lane. Cumulatively, it is clear that existing development extends further westward, beyond the Site towards Poppleton. The assertion that the Site needs to remain open to prevent the merging of York and Upper Poppleton does not stand up to scrutiny and has effectively been dismissed by Inspector Wright in allowing the Miller Appeal.

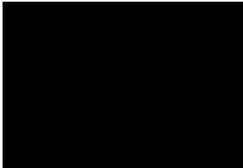
The Developer maintains that the Site does not need to be kept permanently open, that it is suitable for housing development and that the Green Belt boundaries proposed at the Publication Draft Local Plan (2014) stage are the most appropriate.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer’s concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one’s impression of a compact city. There are several reasons for this but principally there are a number of existing buildings along Boroughbridge Road, which diminishes any sense of being within the countryside. Rather it gives the impression that you are entering the urban area. The existing development gives rise to a gradual transition on the approach into York along the A59 from countryside to the urban area.

In addition to this, the topography of the Site, and the existing field boundary obscure views of much of the existing Site and the buildings comprising the large swathe of built development comprising the edge of the city. In fact, it is only the handful of dwellings on Trenchard Road that are clearly visible, with only distant glimpses of the dwellings situated to the north of Sherwood Grove achievable.



The approach to the city provides only glimpses of the urban edge which means that the Site is not particularly visible and therefore its development will not harm the perception of a compact city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the City of York and the identity of the city and surrounding villages will be maintained.

Landmark Monuments: there are no landmark monuments within the vicinity of the Site. Views into York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach into York along Boroughbridge Road, the Minster is entirely obscured by the mature trees that line the highway, as indeed is the entirety of the historic City Centre. The land therefore does not need to be kept permanently open to understand the siting or context of a building, landmark or monument, as there are none, nor the City Centre as there is no intervisibility.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. As outlined above, the prevailing context is one of modern suburban development, comprising what is a poor edge to the city. The setting of the Site therefore contributes nothing to the overall historic character of the city.

In their local assessment of the boundary within Annex 3 of the TP1 Addendum 2021, the Council note that *undeveloped land to the west/southwest of the boundary provides an impression of a historic city set within a rural setting*. As mentioned above the Site maybe open but it is heavily influenced by urban development. The Site is distinctly different in character to the land further to the south which does exhibit a more rural character. We would not describe the Site as being rural rather it is land on the fringe of the urban area and heavily influenced by urban development. Further, the existing development in the vicinity of the Site comprises post-war residential development which is to be supplemented by modern development on the Miller Homes site opposite. This part of the urban area is not historic. It is not therefore necessary to keep the Site open to preserve the setting of this part of the city.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the urban form and mature landscape features which enclose the Site from the wider open landscape to the south and the land beyond the outer ring road. The southern part of the Site, which is less well contained by existing landscape features, is nevertheless bounded on two sides by modern residential estates. The Site is a logical infill, with an obvious and natural boundary. The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the east and the west and land to the north benefits from an extant permission for residential development. The Site sits in contrast to the arable land to the south, which is open and vast, and contains no examples of built development.

It follows that the allocation of the Site will not therefore result in encroachment into the countryside. On the contrary, the Site would provide a more clearly defined boundary between the urban edge of the city, and the land to the south which is more open countryside and more rural in character.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.



On the basis that the Site does not fulfil the material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Developers remains wholly of the view that Site ST29 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developers are of the view that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that ST29 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, as outlined in detail in previous representations submitted to the Council. The Developers therefore **Objects** to the continued omission of ST29 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST29, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,



From: [REDACTED]
Sent: 05 July 2021 16:27
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205381
Attachments: L001_ST29_Karbon_Homes.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 Sections 1 to 4 (EX/CYC/59c)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

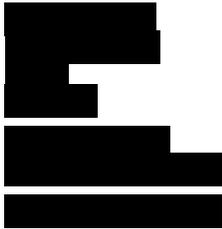
If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

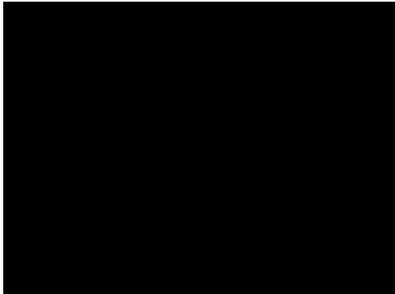
Please provide any documents which support the comments made as part of this submission:

L001_ST29_Karbon_Homes.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3982LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND OFF BROOUGHBRIDGE ROAD, WEST OF TRENCHARD ROAD, YORK (SITE REF: ST29).

Introduction

This submission is made on behalf of York Housing Association, Karbon Homes Ltd, & Karbon Developments Ltd (“the Developers”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST29 (‘the Site’).

The Developers wish to **object** to the continued omission of the Site from the emerging Local Plan. The Developers are of the view that the revised methodology used by the Council to determine Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developers wish to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1: Approach to defining York's Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 1: Sections 1 - 4
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)
- SHLAA Update (April 2021)



Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, ST29 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Publication Draft Local Plan (2014). In proposing to allocate ST29 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

"Following further technical officer consideration, it is considered that the Site provides an important role in the setting of York providing views over open countryside as you travel from York towards the A1237 along the A59. Although the Site is partially contained with occasional tree planting and hedgerows along with existing residential properties to the east it has open fields to the southern boundary. The Site provides a role in separating the urban edge of York from the village of Poppleton, preventing coalescence which has already been compromised on the opposite side of the road through the Manor School development. For these reasons it is considered to serve greenbelt purposes"

The Site is not allocated within the current Publication Draft Local Plan (2018).

The Developers submitted a full planning application to the Council for the erection of 60 affordable homes with associated infrastructure, including access, public open space and landscaping on the Site (LPA ref: 20/00752/FULM). This application was made in full and was deemed valid on the 4th May 2020. The application was presented to Planning Committee on the 3rd December 2020 and was refused. That application has been appealed and an inquiry is scheduled to commence on the 5th July 2021.

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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". In order to be sound, NPPF confirms that a plan should be:

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*



c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 3 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the inner Green Belt boundaries, including the boundary adjacent to the Site.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as “Shapers”) bared little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the “Shapers” used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developers remain wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.



In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.



In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting text suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.



Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developers that the Green Belt boundaries are anything but justified and reasonable.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City, particularly the need for affordable homes which is acute. Indeed, the Strategic Housing Market Assessment (SHMA) sets out an objective assessment of housing needs in the City of York. The 2016 SHMA identifies a need for 573 net additional affordable dwellings per annum between 2012 and 2032. Against the requirement identified in the 2016 SHMA an annual average of just 108 affordable dwellings have been completed per annum in the City of York. Once Right to Buy losses have been accounted for, net affordable housing completions in the City of York average just 45 dwellings per annum since 2012/13. The Council has accumulated a net shortfall of 4,228 affordable dwellings against the SHMA need figure over this period.

DPP have argued that the housing requirement should be increased to boost the number of affordable homes that can and need to be delivered in order to address the clear need for additional affordable homes.

Apart from the reasons already cited which include affordability issues and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has
Ref: 1198LE



been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developers consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developers wholly believe that if Site ST29 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review.

In the reasoning provided by the Council, it is suggested that the Site needs to remain open, as it provides an important role in the setting of York, enabling views over open countryside as one travels from the city centre towards the A1237



along the A59. The Council also suggest that the Site provides an important role in separating the urban edge of York from Poppleton.

The Developers strongly disagree with this conclusion, as addressed comprehensively in the ongoing appeal. The original planning application, and the subsequent appeal, are accompanied by a Green Belt & Landscape Assessment. Although the application and appeal relate only to part of Site ST29, the assessment nevertheless remains relevant and useful, and confirms that the reasons for the deletion of the Site provided by the Council are not justified.

Impact on the Setting of the City when Travelling from York Towards the A1237

The Green Belt & Landscape assessment demonstrates that, owing to existing development and vegetation, only glimpses of the countryside are achievable from Boroughbridge Road. Views of the countryside are visible through the small gap that exists between Trenchard Road, and the cluster of buildings comprising the residential and business buildings to the north and north west. This is the only area where open fields beyond the Site are achievable on the approach to the A1237 from the City Centre.

The submitted Green Belt & Landscape Assessment further notes that views of the open fields to the south of the Site are generally obscured given the prevailing topography of the Site. The land slopes downwards from the south and the west of the Site. The view achievable is therefore occupied by the skyline. The perception of open arable fields / countryside is diminished as a result from this key viewpoint cited by the Council. The Developers are of the view that the Council have significantly overstated the need to keep the Site open to preserve the setting of York by persons travelling towards the ring road from the city.

Role in Separating the urban edge of York from the village of Poppleton.

The other reason cited by the Council for the deletion of the Site is that the land is considered to provide an important role in separating the urban edge of York from Poppleton.

There are various examples of existing built development on the southern side of the A59 beyond the Site, including Muddy Boots Nursery and car park and the petrol filling station and associated M&S simply food and McDonalds beyond. On the northern side of the A59 (immediately adjacent to the Site) there is the site of the Miller Appeal, where an inspector recently allowed an appeal resulting in the granting of full planning permission for a major residential development (Appeal Reference APP/C2741/W19/3227359). Interestingly, in allowing the Miller Appeal, the Inspector stated the following:

“The proposal would introduce built form on to the currently open site, which would increase the amount of development in the area. Whilst this would result in the considerable reduction in the openness of the site, the proposal would not extend development beyond the existing urban form that surrounds the site. Accordingly, it would not visually or physically extend development towards nearby settlements, including Upper and Nether Poppleton.”

Paragraph 27 – Appeal ref APP/C2741/W19/3227359

The below aerial photograph illustrates this. It demonstrates that the allocation of the Site would not extend the developed confines of York and Acomb any closer to Upper Poppleton than the consented Miller Appeal Scheme.



Figure 1 – Aerial image of the Site (outlined in Red) and the Miller Appeal site (outlined in Blue)

Aside from the permitted Miller Appeal scheme, there are further examples of intervening development between the Site and Poppleton, particularly situated off Cinder Lane. Cumulatively, it is clear that existing development extends further westward, beyond the Site towards Poppleton. The assertion that the Site needs to remain open to prevent the merging of York and Upper Poppleton does not stand up to scrutiny and has effectively been dismissed by Inspector Wright in allowing the Miller Appeal.

The Developer maintains that the Site does not need to be kept permanently open, that it is suitable for housing development and that the Green Belt boundaries proposed at the Publication Draft Local Plan (2014) stage are the most appropriate.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer’s concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one’s impression of a compact city. There are several reasons for this but principally there are a number of existing buildings along Boroughbridge Road, which diminishes any sense of being within the countryside. Rather it gives the impression that you are entering the urban area. The existing development gives rise to a gradual transition on the approach into York along the A59 from countryside to the urban area.

In addition to this, the topography of the Site, and the existing field boundary obscure views of much of the existing Site and the buildings comprising the large swathe of built development comprising the edge of the city. In fact, it is only the handful of dwellings on Trenchard Road that are clearly visible, with only distant glimpses of the dwellings situated to the north of Sherwood Grove achievable.



The approach to the city provides only glimpses of the urban edge which means that the Site is not partic therefore its development will not harm the perception of a compact city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the City of York and the identity of the city and surround villages will be maintained.

Landmark Monuments: there are no landmark monuments within the vicinity of the Site. Views into York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach into York along Boroughbridge Road, the Minster is entirely obscured by the mature trees that line the highway, as indeed is the entirety of the historic City Centre. The land therefore does not need to be kept permanently open to understand the siting or context of a building, landmark or monument, as there are none, nor the City Centre as there is no intervisibility.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. As outlined above, the prevailing context is one of modern suburban development, comprising what is a poor edge to the city. The setting of the Site therefore contributes nothing to the overall historic character of the city.

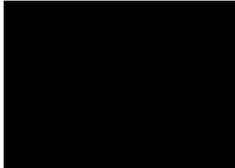
In their local assessment of the boundary within Annex 3 of the TP1 Addendum 2021, the Council note that *undeveloped land to the west/southwest of the boundary provides an impression of a historic city set within a rural setting*. As mentioned above the Site maybe open but it is heavily influenced by urban development. The Site is distinctly different in character to the land further to the south which does exhibit a more rural character. We would not describe the Site as being rural rather it is land on the fringe of the urban area and heavily influenced by urban development. Further, the existing development in the vicinity of the Site comprises post-war residential development which is to be supplemented by modern development on the Miller Homes site opposite. This part of the urban area is not historic. It is not therefore necessary to keep the Site open to preserve the setting of this part of the city.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the urban form and mature landscape features which encloses the Site from the wider open landscape to the south and the land beyond the outer ring road. The southern part of the Site, which is less well contained by existing landscape features, is nevertheless bounded on two sides by modern residential estates. The Site is a logical infill, with an obvious and natural boundary. The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the east and the west and land to the north benefits from an extant permission for residential development. The Site sits in contrast to the arable land to the south, which is open and vast, and contains no examples of built development.

It follows that the allocation of the Site will not therefore result in encroachment into the countryside. On the contrary, the Site would provide a more clearly defined boundary between the urban edge of the city, and the land to the south which is more open countryside and more rural in character.

When assessed against the new criteria, it is remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.



On the basis that the Site does not fulfil the material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Developers remains wholly of the view that Site ST29 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

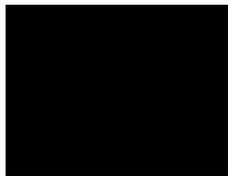
Overall, the Developers are of the view that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that ST29 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, as outlined in detail in previous representations submitted to the Council. The Developers therefore **Objects** to the continued omission of ST29 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST29, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.



Yours sincerely,

A large black rectangular redaction covering the signature area.

A series of six horizontal black bars of varying lengths redacting contact information.

From: [REDACTED]
Sent: 05 July 2021 16:31
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205386
Attachments: L001_ST29_Karbon_Homes.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Strategic Housing Land Availability Assessment Update (April 2021) (EX/CYC/56)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_ST29_Karbon_Homes.pdf



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Local Plan
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Ref: 3982LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND OFF BROOUGHBRIDGE ROAD, WEST OF TRENCHARD ROAD, YORK (SITE REF: ST29).

Introduction

This submission is made on behalf of York Housing Association, Karbon Homes Ltd, & Karbon Developments Ltd (“the Developers”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST29 (‘the Site’).

The Developers wish to **object** to the continued omission of the Site from the emerging Local Plan. The Developers are of the view that the revised methodology used by the Council to determine Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developers wish to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1: Approach to defining York’s Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 1: Sections 1 - 4
- Topic Paper TP1 Approach to defining York’s Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)
- SHLAA Update (April 2021)



Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, ST29 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Publication Draft Local Plan (2014). In proposing to allocate ST29 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

“Following further technical officer consideration, it is considered that the Site provides an important role in the setting of York providing views over open countryside as you travel from York towards the A1237 along the A59. Although the Site is partially contained with occasional tree planting and hedgerows along with existing residential properties to the east it has open fields to the southern boundary. The Site provides a role in separating the urban edge of York from the village of Poppleton, preventing coalescence which has already been compromised on the opposite side of the road through the Manor School development. For these reasons it is considered to serve greenbelt purposes”

The Site is not allocated within the current Publication Draft Local Plan (2018).

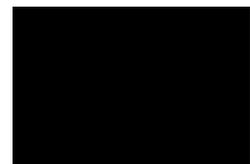
The Developers submitted a full planning application to the Council for the erection of 60 affordable homes with associated infrastructure, including access, public open space and landscaping on the Site (LPA ref: 20/00752/FULM). This application was made in full and was deemed valid on the 4th May 2020. The application was presented to Planning Committee on the 3rd December 2020 and was refused. That application has been appealed and an inquiry is scheduled to commence on the 5th July 2021.

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*



c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 3 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the inner Green Belt boundaries, including the boundary adjacent to the Site.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") bared little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the "Shapers" in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developers remain wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using '*criteria 1*'. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.



In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.



In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting text suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.



Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developers that the Green Belt boundaries are anything but justified and reasonable.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City, particularly the need for affordable homes which is acute. Indeed, the Strategic Housing Market Assessment (SHMA) sets out an objective assessment of housing needs in the City of York. The 2016 SHMA identifies a need for 573 net additional affordable dwellings per annum between 2012 and 2032. Against the requirement identified in the 2016 SHMA an annual average of just 108 affordable dwellings have been completed per annum in the City of York. Once Right to Buy losses have been accounted for, net affordable housing completions in the City of York average just 45 dwellings per annum since 2012/13. The Council has accumulated a net shortfall of 4,228 affordable dwellings against the SHMA need figure over this period.

DPP have argued that the housing requirement should be increased to boost the number of affordable homes that can and need to be delivered in order to address the clear need for additional affordable homes.

Apart from the reasons already cited which include affordability issues and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has
Ref: 1198LE



been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developers consider that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developers wholly believe that if Site ST29 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review.

In the reasoning provided by the Council, it is suggested that the Site needs to remain open, as it provides an important role in the setting of York, enabling views over open countryside as one travels from the city centre towards the A1237

along the A59. The Council also suggest that the Site provides an important role in separating the urban area from Poppleton.

The Developers strongly disagree with this conclusion, as addressed comprehensively in the ongoing appeal. The original planning application, and the subsequent appeal, are accompanied by a Green Belt & Landscape Assessment. Although the application and appeal relate only to part of Site ST29, the assessment nevertheless remains relevant and useful, and confirms that the reasons for the deletion of the Site provided by the Council are not justified.

Impact on the Setting of the City when Travelling from York Towards the A1237

The Green Belt & Landscape assessment demonstrates that, owing to existing development and vegetation, only glimpses of the countryside are achievable from Boroughbridge Road. Views of the countryside are visible through the small gap that exists between Trenchard Road, and the cluster of buildings comprising the residential and business buildings to the north and north west. This is the only area where open fields beyond the Site are achievable on the approach to the A1237 from the City Centre.

The submitted Green Belt & Landscape Assessment further notes that views of the open fields to the south of the Site are generally obscured given the prevailing topography of the Site. The land slopes downwards from the south and the west of the Site. The view achievable is therefore occupied by the skyline. The perception of open arable fields / countryside is diminished as a result from this key viewpoint cited by the Council. The Developers are of the view that the Council have significantly overstated the need to keep the Site open to preserve the setting of York by persons travelling towards the ring road from the city.

Role in Separating the urban edge of York from the village of Poppleton.

The other reason cited by the Council for the deletion of the Site is that the land is considered to provide an important role in separating the urban edge of York from Poppleton.

There are various examples of existing built development on the southern side of the A59 beyond the Site, including Muddy Boots Nursery and car park and the petrol filling station and associated M&S simply food and McDonalds beyond. On the northern side of the A59 (immediately adjacent to the Site) there is the site of the Miller Appeal, where an inspector recently allowed an appeal resulting in the granting of full planning permission for a major residential development (Appeal Reference APP/C2741/W19/3227359). Interestingly, in allowing the Miller Appeal, the Inspector stated the following:

“The proposal would introduce built form on to the currently open site, which would increase the amount of development in the area. Whilst this would result in the considerable reduction in the openness of the site, the proposal would not extend development beyond the existing urban form that surrounds the site. Accordingly, it would not visually or physically extend development towards nearby settlements, including Upper and Nether Poppleton.”

Paragraph 27 – Appeal ref APP/C2741/W19/3227359

The below aerial photograph illustrates this. It demonstrates that the allocation of the Site would not extend the developed confines of York and Acomb any closer to Upper Poppleton than the consented Miller Appeal Scheme.



Figure 1 – Aerial image of the Site (outlined in Red) and the Miller Appeal site (outlined in Blue)

Aside from the permitted Miller Appeal scheme, there are further examples of intervening development between the Site and Poppleton, particularly situated off Cinder Lane. Cumulatively, it is clear that existing development extends further westward, beyond the Site towards Poppleton. The assertion that the Site needs to remain open to prevent the merging of York and Upper Poppleton does not stand up to scrutiny and has effectively been dismissed by Inspector Wright in allowing the Miller Appeal.

The Developer maintains that the Site does not need to be kept permanently open, that it is suitable for housing development and that the Green Belt boundaries proposed at the Publication Draft Local Plan (2014) stage are the most appropriate.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer’s concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one’s impression of a compact city. There are several reasons for this but principally there are a number of existing buildings along Boroughbridge Road, which diminishes any sense of being within the countryside. Rather it gives the impression that you are entering the urban area. The existing development gives rise to a gradual transition on the approach into York along the A59 from countryside to the urban area.

In addition to this, the topography of the Site, and the existing field boundary obscure views of much of the existing Site and the buildings comprising the large swathe of built development comprising the edge of the city. In fact, it is only the handful of dwellings on Trenchard Road that are clearly visible, with only distant glimpses of the dwellings situated to the north of Sherwood Grove achievable.



The approach to the city provides only glimpses of the urban edge which means that the Site is not particularly visible and therefore its development will not harm the perception of a compact city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the City of York and the identity of the city and surrounding villages will be maintained.

Landmark Monuments: there are no landmark monuments within the vicinity of the Site. Views into York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach into York along Boroughbridge Road, the Minster is entirely obscured by the mature trees that line the highway, as indeed is the entirety of the historic City Centre. The land therefore does not need to be kept permanently open to understand the siting or context of a building, landmark or monument, as there are none, nor the City Centre as there is no intervisibility.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. As outlined above, the prevailing context is one of modern suburban development, comprising what is a poor edge to the city. The setting of the Site therefore contributes nothing to the overall historic character of the city.

In their local assessment of the boundary within Annex 3 of the TP1 Addendum 2021, the Council note that *undeveloped land to the west/southwest of the boundary provides an impression of a historic city set within a rural setting*. As mentioned above the Site maybe open but it is heavily influenced by urban development. The Site is distinctly different in character to the land further to the south which does exhibit a more rural character. We would not describe the Site as being rural rather it is land on the fringe of the urban area and heavily influenced by urban development. Further, the existing development in the vicinity of the Site comprises post-war residential development which is to be supplemented by modern development on the Miller Homes site opposite. This part of the urban area is not historic. It is not therefore necessary to keep the Site open to preserve the setting of this part of the city.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the urban form and mature landscape features which enclose the Site from the wider open landscape to the south and the land beyond the outer ring road. The southern part of the Site, which is less well contained by existing landscape features, is nevertheless bounded on two sides by modern residential estates. The Site is a logical infill, with an obvious and natural boundary. The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the east and the west and land to the north benefits from an extant permission for residential development. The Site sits in contrast to the arable land to the south, which is open and vast, and contains no examples of built development.

It follows that the allocation of the Site will not therefore result in encroachment into the countryside. On the contrary, the Site would provide a more clearly defined boundary between the urban edge of the city, and the land to the south which is more open countryside and more rural in character.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.



On the basis that the Site does not fulfil the material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Developers remains wholly of the view that Site ST29 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developers are of the view that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that ST29 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, as outlined in detail in previous representations submitted to the Council. The Developers therefore **Objects** to the continued omission of ST29 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST29, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

[Redacted signature]

[Redacted contact information]



From: [REDACTED]
Sent: 05 July 2021 16:30
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205384
Attachments: L001_ST29_Karbon_Homes.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]
Name: [REDACTED]
Email address: [REDACTED]
Telephone: [REDACTED]
Organisation name: [REDACTED]
Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_ST29_Karbon_Homes.pdf





www.dppukltd.com

Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3982LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND OFF BROOUGHBRIDGE ROAD, WEST OF TRENCHARD ROAD, YORK (SITE REF: ST29).

Introduction

This submission is made on behalf of York Housing Association, Karbon Homes Ltd, & Karbon Developments Ltd (“the Developers”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST29 (‘the Site’).

The Developers wish to **object** to the continued omission of the Site from the emerging Local Plan. The Developers are of the view that the revised methodology used by the Council to determine Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The Developers wish to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021
- Topic Paper TP1: Approach to defining York's Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 1: Sections 1 - 4
- Topic Paper TP1 Approach to defining York's Green Belt Addendum January 2021 Annex 7 Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)
- SHLAA Update (April 2021)



Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

In terms of the Site, ST29 was originally assessed as part of the Council's site selection methodology and was deemed suitable and appropriate for housing development. The Site was subsequently included as a housing allocation in the Publication Draft Local Plan (2014). In proposing to allocate ST29 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York. However, the Site was subsequently deleted as a draft allocation in the Preferred Sites Consultation Local Plan (2016). The reason given for the deletion of the Site was as follows:

“Following further technical officer consideration, it is considered that the Site provides an important role in the setting of York providing views over open countryside as you travel from York towards the A1237 along the A59. Although the Site is partially contained with occasional tree planting and hedgerows along with existing residential properties to the east it has open fields to the southern boundary. The Site provides a role in separating the urban edge of York from the village of Poppleton, preventing coalescence which has already been compromised on the opposite side of the road through the Manor School development. For these reasons it is considered to serve greenbelt purposes”

The Site is not allocated within the current Publication Draft Local Plan (2018).

The Developers submitted a full planning application to the Council for the erection of 60 affordable homes with associated infrastructure, including access, public open space and landscaping on the Site (LPA ref: 20/00752/FULM). This application was made in full and was deemed valid on the 4th May 2020. The application was presented to Planning Committee on the 3rd December 2020 and was refused. That application has been appealed and an inquiry is scheduled to commence on the 5th July 2021.

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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”. In order to be sound, NPPF confirms that a plan should be:

*a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*

*b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*



c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds to the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projects will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 3 of the TP1 Addendum 2021 describes the outcome of the assessment made in relation to the inner Green Belt boundaries, including the boundary adjacent to the Site.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. None of the proposed modifications affect the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these documents have any direct implications in relation to the Site.



Comments and Observations on the Proposed Modifications

The Inspector's Concerns

To summarise, the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as “Shapers”) bared little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in NPPF. The Inspectors noted that many of the “Shapers” used by the Council, including, *ensuring accessibility to sustainable modes of transport and a range of services*; and *preventing unacceptable levels of congestion and pollution*, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to exclude land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt function in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

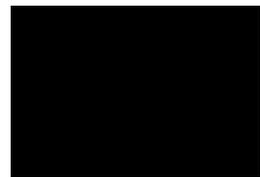
The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developers remain wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt. We consider how each purpose has been considered in turn.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York's Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.



In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’

In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper 1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

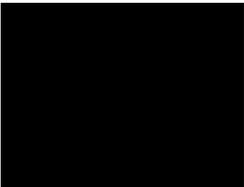
On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes, and six principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of Green Belt.

No explanation is provided as to why these three characteristics have been used, and how they specifically relate to the fourth purpose.

Our concerns in relation to the assessment criteria are highlighted below.



In relation to the first criterion *compactness* this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the City, and some of the surrounding villages cannot be described as being compact, as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion *landscape and setting* it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting text suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum 2021 also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true, or what exactly is meant by this. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that this criterion does not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl or the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.



Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. These uses may be associated with the countryside, but the assessment question would suggest that it should include every parcel of land outside the urban area. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment or what is truly countryside as opposed to land that has been influenced by urban development.

Summary

The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine the Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developers that the Green Belt boundaries are anything but justified and reasonable.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City, particularly the need for affordable homes which is acute. Indeed, the Strategic Housing Market Assessment (SHMA) sets out an objective assessment of housing needs in the City of York. The 2016 SHMA identifies a need for 573 net additional affordable dwellings per annum between 2012 and 2032. Against the requirement identified in the 2016 SHMA an annual average of just 108 affordable dwellings have been completed per annum in the City of York. Once Right to Buy losses have been accounted for, net affordable housing completions in the City of York average just 45 dwellings per annum since 2012/13. The Council has accumulated a net shortfall of 4,228 affordable dwellings against the SHMA need figure over this period.

DPP have argued that the housing requirement should be increased to boost the number of affordable homes that can and need to be delivered in order to address the clear need for additional affordable homes.

Apart from the reasons already cited which include affordability issues and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has
Ref: 1198LE



been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

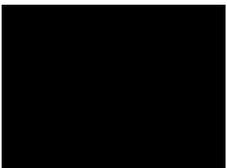
Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developers considers that housing requirement in the emerging Local Plan is unsound on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

The Site has previously been assessed by the Council and deemed suitable as a housing allocation within the emerging Local Plan. The Site was only deleted from the emerging Local Plan when the housing requirement was reduced at the time the Preferred Sites Local Plan (2016) was published. On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developers wholly believe that if Site ST29 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review.

In the reasoning provided by the Council, it is suggested that the Site needs to remain open, as it provides an important role in the setting of York, enabling views over open countryside as one travels from the city centre towards the A1237



along the A59. The Council also suggest that the Site provides an important role in separating the urban edge of York from Poppleton.

The Developers strongly disagree with this conclusion, as addressed comprehensively in the ongoing appeal. The original planning application, and the subsequent appeal, are accompanied by a Green Belt & Landscape Assessment. Although the application and appeal relate only to part of Site ST29, the assessment nevertheless remains relevant and useful, and confirms that the reasons for the deletion of the Site provided by the Council are not justified.

Impact on the Setting of the City when Travelling from York Towards the A1237

The Green Belt & Landscape assessment demonstrates that, owing to existing development and vegetation, only glimpses of the countryside are achievable from Boroughbridge Road. Views of the countryside are visible through the small gap that exists between Trenchard Road, and the cluster of buildings comprising the residential and business buildings to the north and north west. This is the only area where open fields beyond the Site are achievable on the approach to the A1237 from the City Centre.

The submitted Green Belt & Landscape Assessment further notes that views of the open fields to the south of the Site are generally obscured given the prevailing topography of the Site. The land slopes downwards from the south and the west of the Site. The view achievable is therefore occupied by the skyline. The perception of open arable fields / countryside is diminished as a result from this key viewpoint cited by the Council. The Developers are of the view that the Council have significantly overstated the need to keep the Site open to preserve the setting of York by persons travelling towards the ring road from the city.

Role in Separating the urban edge of York from the village of Poppleton.

The other reason cited by the Council for the deletion of the Site is that the land is considered to provide an important role in separating the urban edge of York from Poppleton.

There are various examples of existing built development on the southern side of the A59 beyond the Site, including Muddy Boots Nursery and car park and the petrol filling station and associated M&S simply food and McDonalds beyond. On the northern side of the A59 (immediately adjacent to the Site) there is the site of the Miller Appeal, where an inspector recently allowed an appeal resulting in the granting of full planning permission for a major residential development (Appeal Reference APP/C2741/W19/3227359). Interestingly, in allowing the Miller Appeal, the Inspector stated the following:

“The proposal would introduce built form on to the currently open site, which would increase the amount of development in the area. Whilst this would result in the considerable reduction in the openness of the site, the proposal would not extend development beyond the existing urban form that surrounds the site. Accordingly, it would not visually or physically extend development towards nearby settlements, including Upper and Nether Poppleton.”

Paragraph 27 – Appeal ref APP/C2741/W19/3227359

The below aerial photograph illustrates this. It demonstrates that the allocation of the Site would not extend the developed confines of York and Acomb any closer to Upper Poppleton than the consented Miller Appeal Scheme.



Figure 1 – Aerial image of the Site (outlined in Red) and the Miller Appeal site (outlined in Blue)

Aside from the permitted Miller Appeal scheme, there are further examples of intervening development between the Site and Poppleton, particularly situated off Cinder Lane. Cumulatively, it is clear that existing development extends further westward, beyond the Site towards Poppleton. The assertion that the Site needs to remain open to prevent the merging of York and Upper Poppleton does not stand up to scrutiny and has effectively been dismissed by Inspector Wright in allowing the Miller Appeal.

The Developer maintains that the Site does not need to be kept permanently open, that it is suitable for housing development and that the Green Belt boundaries proposed at the Publication Draft Local Plan (2014) stage are the most appropriate.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer’s concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one’s impression of a compact city. There are several reasons for this but principally there are a number of existing buildings along Boroughbridge Road, which diminishes any sense of being within the countryside. Rather it gives the impression that you are entering the urban area. The existing development gives rise to a gradual transition on the approach into York along the A59 from countryside to the urban area.

In addition to this, the topography of the Site, and the existing field boundary obscure views of much of the existing Site and the buildings comprising the large swathe of built development comprising the edge of the city. In fact, it is only the handful of dwellings on Trenchard Road that are clearly visible, with only distant glimpses of the dwellings situated to the north of Sherwood Grove achievable.



The approach to the city provides only glimpses of the urban edge which means that the Site is not particularly visible and therefore its development will not harm the perception of a compact city.

The concentric form of city and surrounding villages will be maintained. The scale of the Site is small compared to the City of York and the identity of the city and surrounding villages will be maintained.

Landmark Monuments: there are no landmark monuments within the vicinity of the Site. Views into York and its associated landmarks are obscured by existing development and vegetation. Again, on the approach into York along Boroughbridge Road, the Minster is entirely obscured by the mature trees that line the highway, as indeed is the entirety of the historic City Centre. The land therefore does not need to be kept permanently open to understand the siting or context of a building, landmark or monument, as there are none, nor the City Centre as there is no intervisibility.

Landscape and Setting: the Site does not need to be kept permanently open as part of the wider landscape associated with the historic character and setting of York. As outlined above, the prevailing context is one of modern suburban development, comprising what is a poor edge to the city. The setting of the Site therefore contributes nothing to the overall historic character of the city.

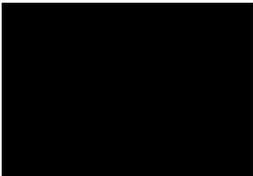
In their local assessment of the boundary within Annex 3 of the TP1 Addendum 2021, the Council note that *undeveloped land to the west/southwest of the boundary provides an impression of a historic city set within a rural setting*. As mentioned above the Site maybe open but it is heavily influenced by urban development. The Site is distinctly different in character to the land further to the south which does exhibit a more rural character. We would not describe the Site as being rural rather it is land on the fringe of the urban area and heavily influenced by urban development. Further, the existing development in the vicinity of the Site comprises post-war residential development which is to be supplemented by modern development on the Miller Homes site opposite. This part of the urban area is not historic. It is not therefore necessary to keep the Site open to preserve the setting of this part of the city.

Urban Sprawl: development adjoining the urban area does not necessarily result in sprawl. The Site is visually and physically well contained by the urban form and mature landscape features which enclose the Site from the wider open landscape to the south and the land beyond the outer ring road. The southern part of the Site, which is less well contained by existing landscape features, is nevertheless bounded on two sides by modern residential estates. The Site is a logical infill, with an obvious and natural boundary. The boundaries around the Site would prevent any development resulting in unrestricted sprawl, which is the key test of NPPF.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. There is existing built development to the east and the west and land to the north benefits from an extant permission for residential development. The Site sits in contrast to the arable land to the south, which is open and vast, and contains no examples of built development.

It follows that the allocation of the Site will not therefore result in encroachment into the countryside. On the contrary, the Site would provide a more clearly defined boundary between the urban edge of the city, and the land to the south which is more open countryside and more rural in character.

When assessed against the new criteria, it remains apparent that the Site still does not fulfil any material purpose of including land within the Green Belt.



On the basis that the Site does not fulfil the material purpose for including land within the Green Belt, when assessed against the clarified methodology, the Developers remains wholly of the view that Site ST29 should be included as an allocation within the Publication Draft Local Plan (2018).

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developers are of the view that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that ST29 remains available, and capable of accommodating housing growth. The Site contributes very little, if anything, to the purposes of the Green Belt, as outlined in detail in previous representations submitted to the Council. The Developers therefore **Objects** to the continued omission of ST29 as either an allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST29, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.



Yours sincerely,

A large black rectangular redaction mark covering the signature area.

A series of six horizontal black rectangular redaction marks of varying lengths, covering contact information such as phone numbers and email addresses.

From: [REDACTED]
Sent: 07 July 2021 09:06
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205873

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 Sections 1 to 4 (EX/CYC/59c)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 07 July 2021 09:09
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205876
Attachments: L002_ST29_Karbon_Homes.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 1 Sections 1 to 4 (EX/CYC/59c)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

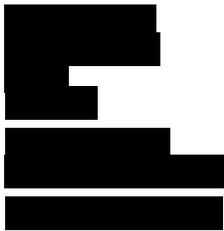
If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L002_ST29_Karbon_Homes.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA

Ref: 3982LE
6th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND AT LAND OFF BROOUGHBRIDGE ROAD, WEST OF TRENCHARD ROAD, YORK (SITE REF: ST29).

Introduction

This submission is made on behalf of York Housing Association, Karbon Homes Ltd, & Karbon Developments Ltd (“the Developers”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST29 (‘the Site’). In particular, it should be read alongside letter L001 – ST29 – Karbon Homes, submitted by DPP on the 5th July 2021.

These comments are made in respect of the following documents:

- Topic Paper TP1: Approach to defining York’s Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 1: Sections 1 - 4

Background

DPP have previously submitted representations on behalf of the Developer concerning Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021) (‘the TP1 Addendum 2021’), in addition to the TP1 Addendum 2021 Annex 7: Housing Supply Update, the GL Hearn Housing Needs Update (September 2020), and the SHLAA Update (April 2021). Within the letter of representation submitted, the Developer objected to the methodology used to define the Green Belt boundaries. The Developer now wishes to object to the Green Belt inner boundaries proposed around this part of York, as defined in Annex 3 part 1 of the TP1 Addendum 2021, and as indicated on the below extract.



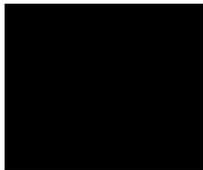


Figure 1 – Extract from Annex 3 of the TP1 Addendum 2021

Comment

The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is bound on three sides by existing built development (taking into account the approved Miller Appeal) and is perceptibly different in character from land to the south, which is vast and open and provides extensive views. It is plain that the Site does not need to remain permanently open to preserve the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Our Proposed Modifications

The Developer would suggest that the Green Belt boundary is modified to encompass the Site, utilising the existing Site Boundaries. Such would follow the route of a clear and established boundary, and would be more logical and defensible as a result. It would exclude land from the Green Belt which has no need to be kept permanently open.

Yours sincerely,



From: [REDACTED]
Sent: 05 July 2021 16:36
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205387

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 05 July 2021 16:39
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205390

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 7 Housing Supply Update (EX/CYC/59i)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 05 July 2021 16:38
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205388
Attachments: L001_ST30_Stockton_Lane.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

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Your comments: Whether the document is ‘sound’

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Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

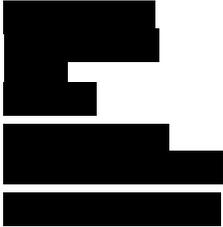
If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L001_ST30_Stockton_Lane.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF STOCKTON LANE (HOUSING SITE REF: ST30).

Introduction

This submission is made on behalf of Countryside Properties PLC (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST30 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known ST30 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 2: Sections 5 - 6
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 6: Proposed Modifications
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)

Ref: 3523LE

- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

The Site was first considered by North Yorkshire County Council in the mid-nineties. In the original draft of the draft York Green Belt Local Plan the Site was proposed to be included in the Green Belt. This was subject to an objection and was considered at the subsequent local plan examination. The Inspector's report which was published in January 1994, recommended that the Green Belt boundary be changed to exclude the Site. The Inspector did so on the basis that the character of the Site varied from north to south, with the north part of the Site being more closely aligned with the green wedge based on Monk Stray and the open countryside. To the south, the Inspector noted that its character is increasingly influenced by existing urban development on Stockton Lane.

The Inspector was of the opinion that, when viewing the site from Stockton Lane, 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 already largely urbanised and did not form part of a wider countryside or green wedge extending into York from the open countryside.

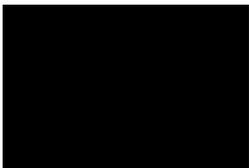
The Inspector believed that the position at which urban influence diminishes, and the green wedge became dominant was difficult to determine, but the Inspector believed that the most realistic line would be the first field boundary to the north from Stockton Lane (the northern boundary of the Site).

In September 1995, and following the Inspector's recommendations, North Yorkshire County Council 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 Inspector's recommendation was clear; the Site did not perform a Green Belt function, and that there was no need to keep the Site permanently open. The Inspector clearly considered that the Site did not lie within the green wedge or impact on the Stray to the north.

The Site was then assessed as part of the emerging Local Plan. The Site was deemed suitable and appropriate for housing development as part of the site selection work underpinning the Preferred Options Local Plan (2013). In assessing the site within the *Further Sites Consultation Appendix 1: Residential and Employment Site Selection Methodology June 2014*, the Council stated the following:

'The site contains a number of hedges marking a small field pattern, supplemented with a number of small ponds. The site would lessen the distance between Heworth and Malton Road, possibly impacting on the setting of the city. Development would come level with properties on Greenfield Park Drive, which are visible from Malton Road. It is felt that the site is potentially suitable for development subject to a detailed landscape and visual appraisal, and amendments to the site layout to ensure the development is further set back.'



The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate ST30 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York.

In the 26 years since 1995 and seven years since 2014 the trees and hedgerows have continued to grow and reinforce the difference in character and nature of the land between Stockton Lane and Malton Road as first identified in the 1995 Inspector's Report.

However, despite previously supporting the draft allocation of the Site, the Council subsequently omitted the Site from the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

'Following further technical officer consideration of the site it is considered that the site performs an important role in maintaining a green wedge into York from Monk Stray which contributes to the setting of York. Maintaining green wedges is a key characteristic of York and an important roles of York's Green Belt. The site is not constrained to the north and eastern boundaries opening onto open agricultural fields to the northern boundary providing access to open countryside. Pasture Lane to the eastern boundary has intermittent residential properties along a track and does not provide containment to the site.'

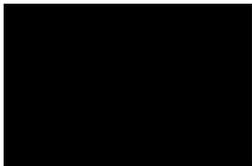
The deletion of the Site as a draft allocation from the Local Plan Preferred Sites Consultation (2016) coincided with a reduction in the housing requirement, from 996 dwellings per annum within the Publication Draft Local Plan (2014) to 841 dwellings per annum in the Local Plan Preferred Sites Document (2016)

The Site remains within the Green Belt in the Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*



It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 3 of the TP1 Addendum 2021 contains the local level assessment of the inner boundaries, including those adjacent to the Site.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, after December 2019 the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") bore little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable*



modes of transport and a range of services; and preventing unacceptable levels of congestion and pollution, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to justify including land within the Green Belt by reference land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt purpose in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’



In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

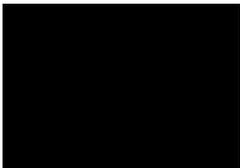
Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes*, and six *principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion - *compactness* - this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the city, and some of the surrounding villages, cannot be described as being compact as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* - gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to



understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion - *landscape and setting* - it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that these criteria do not provide clear guidance as to what land should or should not be included in the Green Belt.

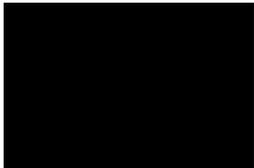
Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl nor is the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary



The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine whether land needs to be kept permanently open and the most appropriate Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

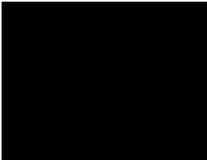
Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in



exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.

Paragraph 139 also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

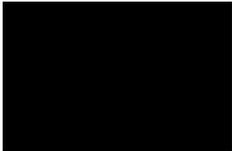
As outlined in the previous representations submitted by DPP, the Site remains a logical and appropriate part of the City of York and it is plain that the Site does not need to remain permanently open nor does it serve any Green Belt purpose, a view shared by the Inspector who considered the York Green Belt Local Plan.

The 1994 Inspector was correct in the assertion that the Site has largely been urbanised by existing residential development, located predominantly on Greenfield Park Drive, but also on Pasture Lane. The Inspector was of the view that the Site was discrete and separate from the wider green wedge situated to the north. Notably, the Inspector determined that the northern boundary of the Site represented the transition from the urban area to the green wedge. The Inspector therefore recommended that the Site be excluded from the Green Belt

The Developer wholly agrees with the Inspector's assessment of the Site and sees no justifiable reason why the Council should arrive at a different conclusion. The passage of time with accompanying growth of trees have reinforced his conclusion. Green Belt policy and the purposes of including land within the Green Belt has remained fundamentally the same for a considerable period of time. We are not aware of any material change to Green Belt policy which would justify the Council in reaching a different decision to that of the Inspector. Further, the factors that make the City of York special have not changed, and neither has the character of the Site. other than it has become more segregated from Monk Stray than before.

The Site comprises of a number of smaller paddocks, rather than any single larger expanse of land. The Site remains enclosed to the north by an existing established field boundary and drainage ditch. The Site is bound to the east by a number of dwellings located on Pasture Lane. The dwellings are not 'intermittent' as the Council suggest. There is a row of sizable dwellings which front on to and are visibly prominent from the Site. A further group of buildings are located to the north of Pasture Lane, which are equally visible and prominent from within the Site. The Developer therefore **objects** to the Site's continued omission as a draft allocation within the emerging Local Plan.

It is noted that the deletion of Site as a draft allocation coincided with the reduction in housing requirement between the publishing of the Publication Draft Local Plan (2014) and the Preferred Sites Local Plan (2016). Prior to then, the Council had previously been satisfied that the Site did not serve any material purpose of including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan.



On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site ST30 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. As noted by the previous Inspector, the Site is more urban in character, given the presence of existing development located on Pasture Lane, and situated on the north side of Stockton Lane. Additionally, given the abundance of field boundaries within the Site, and the presence of buildings on Stockton Lane (including the sizeable *Christ Church*) and Pasture Lane the Site is plainly not open and it certainly does not offer views to or from the countryside.

The sense of a compact city is far greater from the green wedge to the north of the Site, where views in to and out of the centre of York are achievable. However, as acknowledged by the Inspector, the Site itself does not form part of the wider green wedge.

Perhaps most importantly when approaching the city along Stockton Lane you see houses immediately east of Pasture Lane. You do not see the Site until you pass the junction with Pasture Lane. There the extent of the urban area does not change.

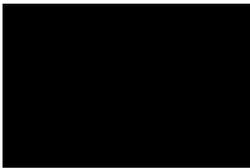
The Site does not therefore need to remain open to aid one's sense of a compact city as the edge of the city will not change.

Landmark Monuments: the development of the Site would not impact views into the historic centre of York achieved from the green wedge. As a result, the key view of York Minster is not affected. The Site is tucked into the already developed confines of Heworth. The Site is located immediately adjacent to the residential estate formed around Greenfield Park Drive. The main developed body of Heworth is located beyond Greenfield Park Drive to the south west. As a result, there is a significant expanse of intervening development between the Site and York Minster.

Views into York and its associated landmarks are obscured, given the distance and the presence of existing development and vegetation.

In Annex 3 of the TP1 Addendum 2021 (part 2), the Council also reference the need for the site to be kept permanently open to maintain the open setting of Heworth Christ Church. The church is a modern building (1964) and is not listed, nor is it recognised as a non-designated heritage asset. The Developer is not clear why the Council have referenced Christ Church in assessing landmark monuments in relation to the fourth purpose of the Green Belt. The presence of individual buildings and monuments are considered irrelevant to protecting the special character of the City of York as a whole and we can see absolutely no justification for having regard to a building of no noted heritage value.

The allocation of the Site would not harm this purpose of including land within the Green Belt.



Landscape and Setting: in Annex 3 of the TP1 Addendum 2021 (part 2), the Council state the following in respect of landscape and setting:

'This land is important in preserving the setting and special character of York as it maintains an open stretch of land providing a rural setting to the city from the ring road (A64) reaching close to the centre of the city, in particular experienced in this location from the A64 and Stockton lane, an historic approach (evident on the 1852 OS Map) and main arterial road into the city... This land contributes to the open landscape on the edges of the urban areas, and when viewed from Malton Road and Stockton Lane, contributes to the landscaped setting of the city.'

As noted above, the Developer agrees with the Green Belt Local Plan Inspector's conclusion that the Site is distinct and separate from the green wedge to the north. The Inspector rightly noted that the character of the Site is influenced by the urbanising features located around it. The existing dwellings located on Pasture Lane and Stockton Lane diminish any sense that the Site forms part of the wider green wedge – a site bound on numerous sides by built development cannot be defined as part of a wedge.

Views of the green wedge to the north of the Site are difficult to achieve from within the Site given the strength and size of the northern boundary. This further reinforces the fact the Site and the green wedge to the north are separate entities.

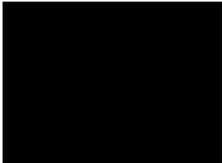
The Site is more readily associated with the developed extent of Heworth than the open green wedge beyond.

Urban Sprawl: the Site would not result in unrestricted sprawl, principally on the basis that the Site is bound by existing development to the west, the south, and to the east. The development to the immediately south and west in particular is comprised of sizeable and established housing estates. Pasture Lane to east contains a number of large, detached dwellings facing westward into the Site. As a result, the development of the Site would simply infill a parcel of land. To its north, the Site benefits from a strong and established hedge boundary. This boundary is parallel with the northernmost extent of the development to the immediate west, located on Green Sward. The Site does not extend northwards beyond this clear boundary. Therefore, the Site is well contained, following logical and defensible boundaries and its development would not represent sprawl.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views into the green wedge, or more importantly into or out of the city. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of Heworth and is of a fundamentally different character to the land to the immediate north, which is comprised of larger arable fields, with isolated farms, and from which the historic city centre, and the countryside to the north east can be seen. The Inspector agreed that the northern boundary of the Site defines the transition between the more urbanised character of the Site, and the green wedge beyond. It follows that the development of the Site would not result in encroachment.

The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the revised methodology, the Developer remains wholly of the view that Site ST30 should be included as an allocation within the Publication Draft



Local Plan 2018 and excluded from the Green Belt when it is defined for the first time as the Site does not need to be kept permanently open.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

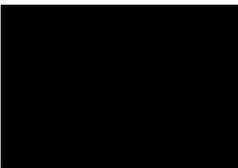
Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

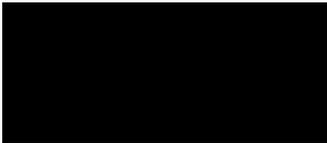
These representations confirm that the Developer's Site (ST30) remains available, and capable of accommodating housing growth. The Site contributes little if anything to the purposes of the Green Belt, a view which has been endorsed previously by the Inspector examining the York Green Belt Local Plan. The Developer therefore **Objects** to the continued omission of ST30 as either a housing allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST30, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.



Yours sincerely,



From: [Redacted]
Sent: 05 July 2021 16:42
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205393
Attachments: L001_ST30_Stockton_Lane.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [Redacted]

Name: [Redacted]

Email address: [Redacted]

Telephone: [Redacted]

Organisation name: [Redacted]

Organisation address: [Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Strategic Housing Land Availability Assessment Update (April 2021) (EX/CYC/56)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

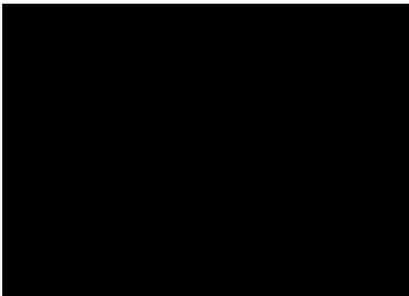
Please provide any documents which support the comments made as part of this submission:

L001_ST30_Stockton_Lane.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF STOCKTON LANE (HOUSING SITE REF: ST30).

Introduction

This submission is made on behalf of Countryside Properties PLC (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST30 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known ST30 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 2: Sections 5 - 6
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 6: Proposed Modifications
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)

Ref: 3523LE

- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

The Site was first considered by North Yorkshire County Council in the mid-nineties. In the original draft of the draft York Green Belt Local Plan the Site was proposed to be included in the Green Belt. This was subject to an objection and was considered at the subsequent local plan examination. The Inspector's report which was published in January 1994, recommended that the Green Belt boundary be changed to exclude the Site. The Inspector did so on the basis that the character of the Site varied from north to south, with the north part of the Site being more closely aligned with the green wedge based on Monk Stray and the open countryside. To the south, the Inspector noted that its character is increasingly influenced by existing urban development on Stockton Lane.

The Inspector was of the opinion that, when viewing the site from Stockton Lane, 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 already largely urbanised and did not form part of a wider countryside or green wedge extending into York from the open countryside.

The Inspector believed that the position at which urban influence diminishes, and the green wedge became dominant was difficult to determine, but the Inspector believed that the most realistic line would be the first field boundary to the north from Stockton Lane (the northern boundary of the Site).

In September 1995, and following the Inspector's recommendations, North Yorkshire County Council 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 Inspector's recommendation was clear; the Site did not perform a Green Belt function, and that there was no need to keep the Site permanently open. The Inspector clearly considered that the Site did not lie within the green wedge or impact on the Stray to the north.

The Site was then assessed as part of the emerging Local Plan. The Site was deemed suitable and appropriate for housing development as part of the site selection work underpinning the Preferred Options Local Plan (2013). In assessing the site within the *Further Sites Consultation Appendix 1: Residential and Employment Site Selection Methodology June 2014*, the Council stated the following:

'The site contains a number of hedges marking a small field pattern, supplemented with a number of small ponds. The site would lessen the distance between Heworth and Malton Road, possibly impacting on the setting of the city. Development would come level with properties on Greenfield Park Drive, which are visible from Malton Road. It is felt that the site is potentially suitable for development subject to a detailed landscape and visual appraisal, and amendments to the site layout to ensure the development is further set back.'



The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate ST30 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York.

In the 26 years since 1995 and seven years since 2014 the trees and hedgerows have continued to grow and reinforce the difference in character and nature of the land between Stockton Lane and Malton Road as first identified in the 1995 Inspector's Report.

However, despite previously supporting the draft allocation of the Site, the Council subsequently omitted the Site from the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

'Following further technical officer consideration of the site it is considered that the site performs an important role in maintaining a green wedge into York from Monk Stray which contributes to the setting of York. Maintaining green wedges is a key characteristic of York and an important roles of York's Green Belt. The site is not constrained to the north and eastern boundaries opening onto open agricultural fields to the northern boundary providing access to open countryside. Pasture Lane to the eastern boundary has intermittent residential properties along a track and does not provide containment to the site.'

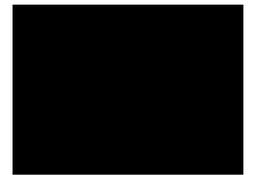
The deletion of the Site as a draft allocation from the Local Plan Preferred Sites Consultation (2016) coincided with a reduction in the housing requirement, from 996 dwellings per annum within the Publication Draft Local Plan (2014) to 841 dwellings per annum in the Local Plan Preferred Sites Document (2016)

The Site remains within the Green Belt in the Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*



It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 3 of the TP1 Addendum 2021 contains the local level assessment of the inner boundaries, including those adjacent to the Site.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, after December 2019 the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") bore little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable*



modes of transport and a range of services; and preventing unacceptable levels of congestion and pollution, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to justify including land within the Green Belt by reference land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt purpose in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

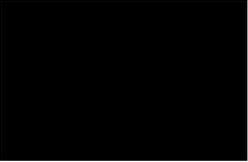
The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’



In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

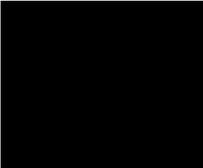
Purpose 4 - To Preserve the Setting and Special Character of Historic Towns

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes*, and six *principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion - *compactness* - this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the city, and some of the surrounding villages, cannot be described as being compact as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* - gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to



understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion - *landscape and setting* - it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that these criteria do not provide clear guidance as to what land should or should not be included in the Green Belt.

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

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl nor is the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary



The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine whether land needs to be kept permanently open and the most appropriate Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in



exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. **Paragraph 139** also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and appropriate part of the City of York and it is plain that the Site does not need to remain permanently open nor does it serve any Green Belt purpose, a view shared by the Inspector who considered the York Green Belt Local Plan.

The 1994 Inspector was correct in the assertion that the Site has largely been urbanised by existing residential development, located predominantly on Greenfield Park Drive, but also on Pasture Lane. The Inspector was of the view that the Site was discrete and separate from the wider green wedge situated to the north. Notably, the Inspector determined that the northern boundary of the Site represented the transition from the urban area to the green wedge. The Inspector therefore recommended that the Site be excluded from the Green Belt

The Developer wholly agrees with the Inspector's assessment of the Site and sees no justifiable reason why the Council should arrive at a different conclusion. The passage of time with accompanying growth of trees have reinforced his conclusion. Green Belt policy and the purposes of including land within the Green Belt has remained fundamentally the same for a considerable period of time. We are not aware of any material change to Green Belt policy which would justify the Council in reaching a different decision to that of the Inspector. Further, the factors that make the City of York special have not changed, and neither has the character of the Site. other than it has become more segregated from Monk Stray than before.

The Site comprises of a number of smaller paddocks, rather than any single larger expanse of land. The Site remains enclosed to the north by an existing established field boundary and drainage ditch. The Site is bound to the east by a number of dwellings located on Pasture Lane. The dwellings are not 'intermittent' as the Council suggest. There is a row of sizable dwellings which front on to and are visibly prominent from the Site. A further group of buildings are located to the north of Pasture Lane, which are equally visible and prominent from within the Site. The Developer therefore **objects** to the Site's continued omission as a draft allocation within the emerging Local Plan.

It is noted that the deletion of Site as a draft allocation coincided with the reduction in housing requirement between the publishing of the Publication Draft Local Plan (2014) and the Preferred Sites Local Plan (2016). Prior to then, the Council had previously been satisfied that the Site did not serve any material purpose of including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan.



On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site ST30 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. As noted by the previous Inspector, the Site is more urban in character, given the presence of existing development located on Pasture Lane, and situated on the north side of Stockton Lane. Additionally, given the abundance of field boundaries within the Site, and the presence of buildings on Stockton Lane (including the sizeable *Christ Church*) and Pasture Lane the Site is plainly not open and it certainly does not offer views to or from the countryside.

The sense of a compact city is far greater from the green wedge to the north of the Site, where views in to and out of the centre of York are achievable. However, as acknowledged by the Inspector, the Site itself does not form part of the wider green wedge.

Perhaps most importantly when approaching the city along Stockton Lane you see houses immediately east of Pasture Lane. You do not see the Site until you pass the junction with Pasture Lane. There the extent of the urban area does not change.

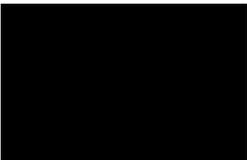
The Site does not therefore need to remain open to aid one's sense of a compact city as the edge of the city will not change.

Landmark Monuments: the development of the Site would not impact views into the historic centre of York achieved from the green wedge. As a result, the key view of York Minster is not affected. The Site is tucked into the already developed confines of Heworth. The Site is located immediately adjacent to the residential estate formed around Greenfield Park Drive. The main developed body of Heworth is located beyond Greenfield Park Drive to the south west. As a result, there is a significant expanse of intervening development between the Site and York Minster.

Views into York and its associated landmarks are obscured, given the distance and the presence of existing development and vegetation.

In Annex 3 of the TP1 Addendum 2021 (part 2), the Council also reference the need for the site to be kept permanently open to maintain the open setting of Heworth Christ Church. The church is a modern building (1964) and is not listed, nor is it recognised as a non-designated heritage asset. The Developer is not clear why the Council have referenced Christ Church in assessing landmark monuments in relation to the fourth purpose of the Green Belt. The presence of individual buildings and monuments are considered irrelevant to protecting the special character of the City of York as a whole and we can see absolutely no justification for having regard to a building of no noted heritage value.

The allocation of the Site would not harm this purpose of including land within the Green Belt.



Landscape and Setting: in Annex 3 of the TP1 Addendum 2021 (part 2), the Council state the following in respect of landscape and setting:

'This land is important in preserving the setting and special character of York as it maintains an open stretch of land providing a rural setting to the city from the ring road (A64) reaching close to the centre of the city, in particular experienced in this location from the A64 and Stockton lane, an historic approach (evident on the 1852 OS Map) and main arterial road into the city... This land contributes to the open landscape on the edges of the urban areas, and when viewed from Malton Road and Stockton Lane, contributes to the landscaped setting of the city.'

As noted above, the Developer agrees with the Green Belt Local Plan Inspector's conclusion that the Site is distinct and separate from the green wedge to the north. The Inspector rightly noted that the character of the Site is influenced by the urbanising features located around it. The existing dwellings located on Pasture Lane and Stockton Lane diminish any sense that the Site forms part of the wider green wedge – a site bound on numerous sides by built development cannot be defined as part of a wedge.

Views of the green wedge to the north of the Site are difficult to achieve from within the Site given the strength and size of the northern boundary. This further reinforces the fact the Site and the green wedge to the north are separate entities.

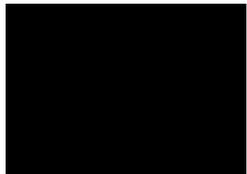
The Site is more readily associated with the developed extent of Heworth than the open green wedge beyond.

Urban Sprawl: the Site would not result in unrestricted sprawl, principally on the basis that the Site is bound by existing development to the west, the south, and to the east. The development to the immediately south and west in particular is comprised of sizeable and established housing estates. Pasture Lane to east contains a number of large, detached dwellings facing westward into the Site. As a result, the development of the Site would simply infill a parcel of land. To its north, the Site benefits from a strong and established hedge boundary. This boundary is parallel with the northernmost extent of the development to the immediate west, located on Green Sward. The Site does not extend northwards beyond this clear boundary. Therefore, the Site is well contained, following logical and defensible boundaries and its development would not represent sprawl.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views into the green wedge, or more importantly into or out of the city. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of Heworth and is of a fundamentally different character to the land to the immediate north, which is comprised of larger arable fields, with isolated farms, and from which the historic city centre, and the countryside to the north east can be seen. The Inspector agreed that the northern boundary of the Site defines the transition between the more urbanised character of the Site, and the green wedge beyond. It follows that the development of the Site would not result in encroachment.

The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the revised methodology, the Developer remains wholly of the view that Site ST30 should be included as an allocation within the Publication Draft



Local Plan 2018 and excluded from the Green Belt when it is defined for the first time as the Site does not need to be kept permanently open.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

These representations confirm that the Developer's Site (ST30) remains available, and capable of accommodating housing growth. The Site contributes little if anything to the purposes of the Green Belt, a view which has been endorsed previously by the Inspector examining the York Green Belt Local Plan. The Developer therefore **Objects** to the continued omission of ST30 as either a housing allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST30, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.

Yours sincerely,

[Redacted signature]

[Redacted contact information]



From: [REDACTED]
Sent: 05 July 2021 16:41
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205392
Attachments: L001_ST30_Stockton_Lane.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

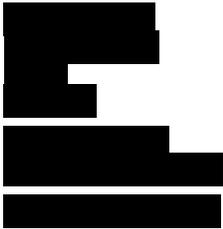
If you do wish to participate at hearing sessions, please state why: To elaborate upon attached letter

Supporting documentation

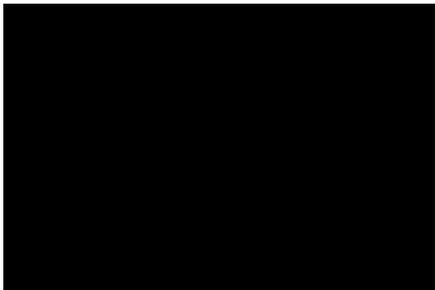
Please provide any documents which support the comments made as part of this submission:

L001_ST30_Stockton_Lane.pdf





Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3523LE
29th June 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF STOCKTON LANE (HOUSING SITE REF: ST30).

Introduction

This submission is made on behalf of Countryside Properties PLC (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST30 (‘the Site’). The representations previously submitted by DPP in support of the draft allocation of the land known ST30 confirmed that the Site is available and suitable for housing development and that the Site is capable of accommodating residential development.

The Developer wishes to **object** to the continued omission of the Site from the emerging Local Plan. The Developer is of the view that the revised methodology used by the Council to determine whether land needs to be kept permanently open by including it in the Green Belt and the associated Green Belt boundaries, as set out in the TP1 Addendum 2021, is not sound in respect of the Site, and that the OAN calculation of the housing requirement simply does not meet the need for market and affordable housing within the City of York and will not result in a permanent Green Belt. The developer wishes to **object** on this basis.

These comments are made in respect of the following documents:

- Topic Paper TP1 Approach to Defining York's Green Belt Addendum January 2021
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 2: Sections 5 - 6
- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 6: Proposed Modifications
- Topic Paper TP1 Approach to Defining York’s Green Belt Annex 7: Housing Supply Update
- GL Hearn Housing Needs Update (September 2020)

Ref: 3523LE

- SHLAA Update (April 2021)

Background

By way of brief background information, the Council launched a third Regulation 19 consultation concerning the City of York Local Plan in May 2021. The consultation concerns various documents comprising the requested Composite Proposed Modifications Schedule. The documents in question have been prepared by the Council in response to a number of issues raised by the Inspectors during and following the Phase 1 hearings sessions which took place in December of 2019.

The Site was first considered by North Yorkshire County Council in the mid-nineties. In the original draft of the draft York Green Belt Local Plan the Site was proposed to be included in the Green Belt. This was subject to an objection and was considered at the subsequent local plan examination. The Inspector's report which was published in January 1994, recommended that the Green Belt boundary be changed to exclude the Site. The Inspector did so on the basis that the character of the Site varied from north to south, with the north part of the Site being more closely aligned with the green wedge based on Monk Stray and the open countryside. To the south, the Inspector noted that its character is increasingly influenced by existing urban development on Stockton Lane.

The Inspector was of the opinion that, when viewing the site from Stockton Lane, 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 already largely urbanised and did not form part of a wider countryside or green wedge extending into York from the open countryside.

The Inspector believed that the position at which urban influence diminishes, and the green wedge became dominant was difficult to determine, but the Inspector believed that the most realistic line would be the first field boundary to the north from Stockton Lane (the northern boundary of the Site).

In September 1995, and following the Inspector's recommendations, North Yorkshire County Council 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 Inspector's recommendation was clear; the Site did not perform a Green Belt function, and that there was no need to keep the Site permanently open. The Inspector clearly considered that the Site did not lie within the green wedge or impact on the Stray to the north.

The Site was then assessed as part of the emerging Local Plan. The Site was deemed suitable and appropriate for housing development as part of the site selection work underpinning the Preferred Options Local Plan (2013). In assessing the site within the *Further Sites Consultation Appendix 1: Residential and Employment Site Selection Methodology June 2014*, the Council stated the following:

'The site contains a number of hedges marking a small field pattern, supplemented with a number of small ponds. The site would lessen the distance between Heworth and Malton Road, possibly impacting on the setting of the city. Development would come level with properties on Greenfield Park Drive, which are visible from Malton Road. It is felt that the site is potentially suitable for development subject to a detailed landscape and visual appraisal, and amendments to the site layout to ensure the development is further set back.'



The Site was subsequently included as a housing allocation in the Preferred Options Draft Local Plan (2013) and the Publication Draft Local Plan (2014). In proposing to allocate ST30 for housing development the Council concluded that the Site did not need to be kept permanently open, that it accorded with the spatial strategy and did not conflict with the fundamental purpose of the Green Belt around York.

In the 26 years since 1995 and seven years since 2014 the trees and hedgerows have continued to grow and reinforce the difference in character and nature of the land between Stockton Lane and Malton Road as first identified in the 1995 Inspector's Report.

However, despite previously supporting the draft allocation of the Site, the Council subsequently omitted the Site from the Local Plan Preferred Sites Consultation (2016). The reason given for the deletion of the Site was as follows:

'Following further technical officer consideration of the site it is considered that the site performs an important role in maintaining a green wedge into York from Monk Stray which contributes to the setting of York. Maintaining green wedges is a key characteristic of York and an important roles of York's Green Belt. The site is not constrained to the north and eastern boundaries opening onto open agricultural fields to the northern boundary providing access to open countryside. Pasture Lane to the eastern boundary has intermittent residential properties along a track and does not provide containment to the site.'

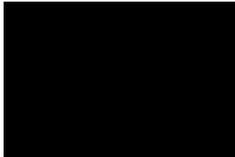
The deletion of the Site as a draft allocation from the Local Plan Preferred Sites Consultation (2016) coincided with a reduction in the housing requirement, from 996 dwellings per annum within the Publication Draft Local Plan (2014) to 841 dwellings per annum in the Local Plan Preferred Sites Document (2016)

The Site remains within the Green Belt in the Publication Draft Local Plan (2018).

The Test of Soundness

Paragraph 35 of the NPPF indicates that a 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:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) **Consistent** with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.*



It is against the above tests of soundness that the emerging Local Plan, including the proposed modifications, must be assessed.

The Proposed Modifications

The Council have published a number of additional documents, devised to address concerns raised by the Inspectors following the Phase 1 hearings. Much of the work undertaken seeks to address issues relating to the methodology used by the Council to determine whether a parcel of land needs to be kept permanently open and the Green Belt boundaries.

To summarise the work undertaken, the Council have published an addendum paper, *Topic Paper 1 Approach to defining Green Belt Addendum January 2021*, ('the TP1 Addendum 2021') which seeks to update the original Topic Paper 1: Approach to the Green Belt (2018) in three key respects. First, the TP1 Addendum 2021 responds the various issues which arose during the Phase 1 hearings. Secondly, the TP1 Addendum 2021 confirms that, in the opinion of the Council, the latest household projections will not have any implications in terms of the permanence of the boundaries. Finally, the TP1 Addendum 2021 responds to the key concerns raised by the Inspectors concerning the methodology used by the Council in establishing the Green Belt boundaries.

Annex 3 of the TP1 Addendum 2021 contains the local level assessment of the inner boundaries, including those adjacent to the Site.

Annex 6 of the TP1 Addendum 2021 outlines the proposed amendments to the Green Belt boundaries as a result of the revisions to the methodology. No alterations are proposed in the vicinity of the Site.

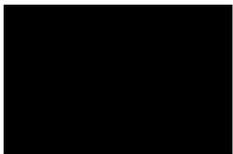
Annex 7 of TP1 Addendum 2021 (Housing Supply Update) seeks to demonstrate that the proposed Green Belt boundaries will endure through the plan period of the emerging Local Plan and beyond, taking into account the GL Hearn Housing Needs Update September 2020, and the SHLAA update (2021). Both of these documents are also the subject of the consultation.

Otherwise, a number of other supporting documentation and key evidence has been published by the Council, which are also the subject of the current consultation exercise. The additional documents include an updated Habitats Regulation Assessment, and other pieces of new evidence. None of these other documents have any direct implications in relation to the Site.

Comments and Observations on the Proposed Modifications

The Inspectors' Concerns

To summarise, after December 2019 the Inspectors expressed concern that the criteria used by the Council to assess sites and the Green Belt boundaries (referred to as "Shapers") bore little relevance to the issues associated with the definition of Green Belt, specifically in relation to openness, and the five purposes of Green Belt as defined in the NPPF. The Inspectors noted that many of the "Shapers" used by the Council, including, *ensuring accessibility to sustainable*



modes of transport and a range of services; and preventing unacceptable levels of congestion and pollution, were of very little relevance to Green Belt policy.

Of particular concern to the Inspectors was the manner in which the Council had assessed land against the third purpose of Green Belt *to assist in safeguarding the countryside from encroachment*. In assessing various sites, the Council had previously sought to justify including land within the Green Belt by reference land accommodating features such as nature conservation sites and ancient woodland. The Inspectors noted that such designations are again of little relevance to the issue of *safeguarding the countryside from encroachment*.

The Inspectors considered that the approach taken again suggested a conflation of this Green Belt purpose and the “Shapers” in the emerging Local Plan and deemed such an approach to be an insufficiently robust substitute for a proper analysis of the degree to which land performs the Green Belt purpose in question. As a result, the Inspectors rightly raised doubts as to the likelihood of the resulting Green Belt boundaries being reasonable and justified.

General Comments Relating to the Clarified Methodology

The TP1 Addendum 2021, now the subject of this consultation, seeks to demonstrate that the resulting Green Belt boundaries are sound, despite the originally flawed methodology, and that the land included in the Green Belt needs to be designated in order to protect the special character of the historic city of York. Having now had opportunity to assess the TP1 Addendum 2021 and annexes, the Developer remains wholly unconvinced that the work undertaken by the Council in respect to the methodology gives rise to Green Belt boundaries which are justified, reasonable, and ultimately sound.

We would like to take this opportunity to highlight a number of issues with the methodology, which we believe undermines the robustness of the assessment undertaken as a whole.

The TP1 Addendum 2021 confirms how the Council have sought to assess land and the Green Belt boundaries against the purposes of Green Belt.

Purpose 2 – To Prevent Neighbouring Towns from Merging into One Another

Within the original Topic Paper1: Approach to defining York’s Green Belt (TP1) 2018, the Council explained that the primary purpose of the York Green Belt is to protect the setting and special character of the historic city. As such, they sought to identify land most important to maintaining the historic character and setting of York, using ‘*criteria 1*’. They noted that the same criteria would also be used to assess land against the second purpose of the Green Belt *to prevent neighbouring towns merging into one another*.

In the letter of June 2020, which followed Phase 1 hearings, the Inspectors were critical of this approach. In paragraph 39, they stated the following:

‘Purpose two – “to prevent neighbouring towns merging into one another” – is considered. But there are no towns around York, and as paragraph 4.27 of the Addendum says “the potential issue of towns merging does not arise”. We recognise that the analysis here relates to preventing the coalescence of smaller settlements and villages where their individual identity is important to the setting and special character of York. That being so, this should be considered under the fourth purpose of including land in the Green Belt.’



In the TP1 Addendum 2021, the Council acknowledge in paragraph 5.7 that, as there are no towns within the York authority area, the need to assess whether land should be kept permanently open to prevent neighbouring towns from merging does not arise. We have no objection to this approach.

Purpose 5 – To Assist in Urban Regeneration, by Encouraging the Recycling of Derelict and Other Urban Land

As for the fifth purpose (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), the Council considered such to be achieved through the overall effect of the York Green Belt, rather than through the identification of individual parcels of land. As such, no site-specific assessment of this final purpose has been undertaken by the Council within the original Topic Paper1: Approach to defining York’s Green Belt (TP1). The Inspectors made no comment in respect of such. Consequently, no further site-specific assessment has been undertaken in respect of the fifth purpose within the TP1 Addendum 2021. Again, we have no comment to make in relation to this approach to ensuring the York Green Belt fulfils the fifth purpose of Green Belt.

On this basis, and taking in to account the Inspector’s letter of June 2020, the Council have determined that the need to keep land permanently open only needs to be assessed against the first, third and fourth purpose of including land within the Green Belt. The TP1 Addendum 2021 therefore introduces additional criteria to assess land against the first, third and fourth purposes of including land within the Green Belt. It is the use of these new criteria which is of concern to us. We have identified a number of flaws, specifically in relation to how they relate to each of the three relevant purposes. Our concerns are outlined below, following the chronology of purposes cited within the TP1 Addendum 2021.

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

Starting with the fourth purpose, the Council have sought to explain how the evidence and findings within the “*The Approach to the Green Belt Appraisal 2003*” and the “*Heritage Topic Paper Update 2014*” documents were used to assess land against the fourth purpose of including land within the Green Belt. It is explained that the latter document seeks to describe the strategic understanding of the City’s special historical qualities through the use of *factors, themes*, and six *principal characteristics*. Of these six principal characteristics, the TP1 Addendum 2021 has utilised three: *compactness; landmark monuments; and landscape setting*, to indicate to what extent land performs the fourth purpose of including land within Green Belt.

Our concerns in relation to the assessment criteria are highlighted below.

In relation to the first criterion - *compactness* - this outlines the need to retain the dense compact city or village form in an open or rural landscape. This is applied without regard to the facts of the situation, as many locations around the city, and some of the surrounding villages, cannot be described as being compact as they have been expanded over many years by suburban development. Just because land has not been built on does not make it important to the understanding of the special character of an area which is what the criterion suggests. The further flaw that the TP1 Addendum 2021 makes is to include villages in the assessment question. Villages are not relevant to this purpose of including land within the Green Belt. If the NPPF had meant for villages to be included, it would have used words like “historic settlements”. It does not. The relationship between the city and the villages is important but this purpose of including land within the Green Belt does not require villages to be compact.

In relation to the second criterion - *landmark monuments* - gives rise to a need to assess whether land is needed to remain open to aid the understanding and significance of a building, landmark or monument. Again, it is difficult to



understand how an assessment of every heritage asset, as required under this criterion, will ensure the fourth purpose has been duly considered. This is particularly relevant as this purpose of including land within the Green Belt relates to the setting and special character of historic towns as a whole. It is not an isolated exercise and certainly does not relate to a single building, landmark or monument.

In relation to the third criterion - *landscape and setting* - it is noted that the significance of designated landscapes, parks and gardens are considered to be important. It is difficult to discern why the significance of historic gardens, for example, is considered under this criterion, and it exemplifies a general confusion and conflation as to what is and what is not historic, and how such ultimately contributes to the *setting and special character of historic towns*. A further example relates to nature conservation designations, which are used as an indicator of *landscape and setting*. The supporting test suggests that, in terms of Green Belt, the nature conservation designations are a consideration only within a historical context, but it is unclear as to why the presence of nature conservation designations, historic or otherwise, are considered under *landscape and setting*, and again how they relate to the fourth purpose of including land within the Green Belt.

The TP1 Addendum also notes that all three of these criteria have the potential to render the whole of the York authority area relevant to the fourth purpose. It is unclear as to how this could be true. This is plainly an absurd assertion, as not all land around a settlement will be important to this purpose of including land with the Green Belt. It is considered that these criteria do not provide clear guidance as to what land should or should not be included in the Green Belt.

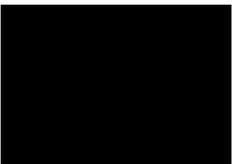
Purpose 1 - To Check the Unrestricted Sprawl of Large Built-Up Areas

In order to assess land against the first purpose, the Council have used the criterion, *urban sprawl*. This criterion seeks to establish whether land has an increased risk of sprawl occurring through such matters as the proximity of the urban area and presence of existing agricultural / recreational development. However, the proximity of the urban area is not in itself linked to sprawl nor is the presence of existing buildings / farmsteads etc. By this logic, any existing buildings / farmsteads would need including within the Green Belt to reduce the chance of sprawl occurring. This lacks logic. Surely the purpose of this criterion is to stop unrestricted sprawl. This is achieved by defining Green Belt boundaries which follow logical and permanent features but at the same time not including land that does not have to be kept permanently open. Indeed, where the urban area lacks definition or a proper transition into the countryside there may be a case for redefining the boundary to ensure it remains permanent.

Purpose 3 - to assist in safeguarding the countryside from encroachment

The Council have used an *encroachment* criterion to assess the performance of the boundaries and land against the third purpose. Under this criterion, the Council consider *whether or not land functions as part of the countryside in terms of relationships within it or acceptable uses within it; including those for agriculture, forestry, woodland, equestrian and other uses, small villages, rural business parks or other building clusters*. Again, it remains unclear how this as an assessment would aid one's understanding of whether or not land needs safeguarding from encroachment.

Summary



The above issues exemplify the contrived and often perplexing methodology used in the TP1 Addendum 2021 to determine whether land needs to be kept permanently open and the most appropriate Green Belt boundaries. The use of selected parts of historic evidence makes it difficult to understand the overarching approach to the Green Belt taken by the Council, and it is hard to dispel the impression that the TP1 Addendum 2021 document is an exercise in retrospectively justifying the proposed Green Belt boundaries rather than a proper exercise to determine the most appropriate boundaries. Irrespective of such, the various anomalies and inconsistencies cumulatively serve to undermine the robustness of the Green Belt assessment conducted by the Council. Given the extent of flaws within the revised methodology, it remains clear to the Developer that the Green Belt boundaries are anything but justified and reasonable.

Permanent Green Belt Boundaries

The Council are also consulting on the GL Hearn Housing Needs Update September 2020, and the SHLAA Update (April 2021). Within the former document, GL Hearn report that the housing requirement of 790 dpa identified within the Housing Need Update 2019 remains an appropriate figure, given that the need for housing in the City has not materially changed. The Council therefore continue to use a housing requirement of 822 dwellings per annum, first cited within the Proposed Modifications Consultation (2019). This is based upon a revised OAN of 790 dwellings per annum, plus a further 32 dwellings per annum to account for a shortfall in completions between 2012-2017.

DPP have repeatedly objected to the housing requirement used within the Publication Draft Local Plan (2018) and have outlined the reasons why it fails to meet the housing needs of the City.

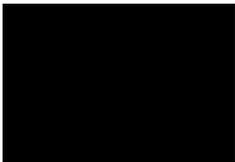
Apart from the reasons already cited which include concealed households, historic under delivery and market signals we have a further concern which relates to the TP1 Addendum 2021 and the permanence of the Green Belt. The Council's housing requirement has been calculated using the OAN (objectively assessed needs) process. As the emerging Local Plan was submitted prior to the cut-off date of the 24th January 2019, Paragraph 214 of NPPF allows the use of this process, rather than the standard method process, which is now the prevailing approach to calculating housing requirement.

Paragraph 33 of the NPPF 2019 requires policies in local plans and spatial development strategies to be reviewed and updated as necessary and at least once every five years. It also indicates that relevant strategic policies will need updating if their applicable local housing need figure has changed significantly. The NPPF indicates that LPAs are likely to require earlier reviews if local housing need changes significantly following the adoption of a plan.

This being the case, the Council's decision to continue to use the OAN process will almost certainly result in a significant change to their local housing need figure once the standard method is used as part of a local plan review. Even if it is not regarded as a significant change, it will still represent an increase in the housing requirement.

DPP estimates that, using the standard method, the Council would have to increase the housing requirement in the Publication Draft Local Plan (2018) to over 1,000 dwellings per annum. The Council will therefore have to find a significant number of additional housing sites in order to meet the housing requirement defined by the standard method and this will mean additional land will almost certainly have to be released from what the Council hope will be a recently adopted Green Belt.

Paragraph 133 of the Framework indicates that the essential characteristics of Green Belts are their openness and their permanence. **Paragraph 136** goes on to indicate that once established, Green Belt boundaries should only be altered in



exceptional circumstances and notes that strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period.

Paragraph 139 also indicates that plans should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.

It is clear that the inevitable transition from the OAN process to the standard method will result in an increase in the housing requirement which will necessitate further alterations to the Green Belt boundaries within a maximum of five years following adoption of the emerging Local Plan. On the basis of the above the Developer considers that housing requirement in the emerging Local Plan is **unsound** on the basis that it will not deliver a permanent Green Belt in accordance with the requirements of NPPF.

Suitability of the Site

As outlined in the previous representations submitted by DPP, the Site remains a logical and appropriate part of the City of York and it is plain that the Site does not need to remain permanently open nor does it serve any Green Belt purpose, a view shared by the Inspector who considered the York Green Belt Local Plan.

The 1994 Inspector was correct in the assertion that the Site has largely been urbanised by existing residential development, located predominantly on Greenfield Park Drive, but also on Pasture Lane. The Inspector was of the view that the Site was discrete and separate from the wider green wedge situated to the north. Notably, the Inspector determined that the northern boundary of the Site represented the transition from the urban area to the green wedge. The Inspector therefore recommended that the Site be excluded from the Green Belt

The Developer wholly agrees with the Inspector's assessment of the Site and sees no justifiable reason why the Council should arrive at a different conclusion. The passage of time with accompanying growth of trees have reinforced his conclusion. Green Belt policy and the purposes of including land within the Green Belt has remained fundamentally the same for a considerable period of time. We are not aware of any material change to Green Belt policy which would justify the Council in reaching a different decision to that of the Inspector. Further, the factors that make the City of York special have not changed, and neither has the character of the Site. other than it has become more segregated from Monk Stray than before.

The Site comprises of a number of smaller paddocks, rather than any single larger expanse of land. The Site remains enclosed to the north by an existing established field boundary and drainage ditch. The Site is bound to the east by a number of dwellings located on Pasture Lane. The dwellings are not 'intermittent' as the Council suggest. There is a row of sizable dwellings which front on to and are visibly prominent from the Site. A further group of buildings are located to the north of Pasture Lane, which are equally visible and prominent from within the Site. The Developer therefore **objects** to the Site's continued omission as a draft allocation within the emerging Local Plan.

It is noted that the deletion of Site as a draft allocation coincided with the reduction in housing requirement between the publishing of the Publication Draft Local Plan (2014) and the Preferred Sites Local Plan (2016). Prior to then, the Council had previously been satisfied that the Site did not serve any material purpose of including land within the Green Belt, which is the view the Developer has maintained since the Site was first submitted for consideration as a draft allocation in the emerging Local Plan.



On the basis of our view that the Council will soon need to reassess the housing requirement using the standard method instead of OAN it is clear to us that the Council will need to identify new sites to accommodate the increased housing requirement. The Developer wholly believes that if Site ST30 is not to be included within the emerging Local Plan as a housing allocation, it should be identified as safeguarded land in anticipation of the review. The Developer is firmly of the view that the Site should not be included in the Green Belt when it is defined for the first time.

Assessment of the Site Against TP1 Addendum 2021

Setting aside the Developer's concerns relating to the updated methodology used by the Council, we have assessed the Site against the criteria in the TP1 Addendum 2021 below:

Compactness: the continued absence of development on the Site does not aid one's impression of a compact City of York. As noted by the previous Inspector, the Site is more urban in character, given the presence of existing development located on Pasture Lane, and situated on the north side of Stockton Lane. Additionally, given the abundance of field boundaries within the Site, and the presence of buildings on Stockton Lane (including the sizeable *Christ Church*) and Pasture Lane the Site is plainly not open and it certainly does not offer views to or from the countryside.

The sense of a compact city is far greater from the green wedge to the north of the Site, where views in to and out of the centre of York are achievable. However, as acknowledged by the Inspector, the Site itself does not form part of the wider green wedge.

Perhaps most importantly when approaching the city along Stockton Lane you see houses immediately east of Pasture Lane. You do not see the Site until you pass the junction with Pasture Lane. There the extent of the urban area does not change.

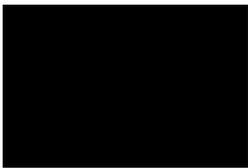
The Site does not therefore need to remain open to aid one's sense of a compact city as the edge of the city will not change.

Landmark Monuments: the development of the Site would not impact views into the historic centre of York achieved from the green wedge. As a result, the key view of York Minster is not affected. The Site is tucked into the already developed confines of Heworth. The Site is located immediately adjacent to the residential estate formed around Greenfield Park Drive. The main developed body of Heworth is located beyond Greenfield Park Drive to the south west. As a result, there is a significant expanse of intervening development between the Site and York Minster.

Views into York and its associated landmarks are obscured, given the distance and the presence of existing development and vegetation.

In Annex 3 of the TP1 Addendum 2021 (part 2), the Council also reference the need for the site to be kept permanently open to maintain the open setting of Heworth Christ Church. The church is a modern building (1964) and is not listed, nor is it recognised as a non-designated heritage asset. The Developer is not clear why the Council have referenced Christ Church in assessing landmark monuments in relation to the fourth purpose of the Green Belt. The presence of individual buildings and monuments are considered irrelevant to protecting the special character of the City of York as a whole and we can see absolutely no justification for having regard to a building of no noted heritage value.

The allocation of the Site would not harm this purpose of including land within the Green Belt.



Landscape and Setting: in Annex 3 of the TP1 Addendum 2021 (part 2), the Council state the following in respect of landscape and setting:

'This land is important in preserving the setting and special character of York as it maintains an open stretch of land providing a rural setting to the city from the ring road (A64) reaching close to the centre of the city, in particular experienced in this location from the A64 and Stockton lane, an historic approach (evident on the 1852 OS Map) and main arterial road into the city... This land contributes to the open landscape on the edges of the urban areas, and when viewed from Malton Road and Stockton Lane, contributes to the landscaped setting of the city.'

As noted above, the Developer agrees with the Green Belt Local Plan Inspector's conclusion that the Site is distinct and separate from the green wedge to the north. The Inspector rightly noted that the character of the Site is influenced by the urbanising features located around it. The existing dwellings located on Pasture Lane and Stockton Lane diminish any sense that the Site forms part of the wider green wedge – a site bound on numerous sides by built development cannot be defined as part of a wedge.

Views of the green wedge to the north of the Site are difficult to achieve from within the Site given the strength and size of the northern boundary. This further reinforces the fact the Site and the green wedge to the north are separate entities.

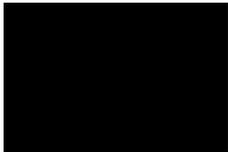
The Site is more readily associated with the developed extent of Heworth than the open green wedge beyond.

Urban Sprawl: the Site would not result in unrestricted sprawl, principally on the basis that the Site is bound by existing development to the west, the south, and to the east. The development to the immediately south and west in particular is comprised of sizeable and established housing estates. Pasture Lane to east contains a number of large, detached dwellings facing westward into the Site. As a result, the development of the Site would simply infill a parcel of land. To its north, the Site benefits from a strong and established hedge boundary. This boundary is parallel with the northernmost extent of the development to the immediate west, located on Green Sward. The Site does not extend northwards beyond this clear boundary. Therefore, the Site is well contained, following logical and defensible boundaries and its development would not represent sprawl.

Encroachment: in its setting, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views into the green wedge, or more importantly into or out of the city. This diminishes any sense that the Site could be perceived as open countryside. It is very well related to the existing urban form of Heworth and is of a fundamentally different character to the land to the immediate north, which is comprised of larger arable fields, with isolated farms, and from which the historic city centre, and the countryside to the north east can be seen. The Inspector agreed that the northern boundary of the Site defines the transition between the more urbanised character of the Site, and the green wedge beyond. It follows that the development of the Site would not result in encroachment.

The development of the Site would not therefore result in encroachment. Rather, the Site has the characteristics of a small well contained gap between development.

On the basis that the Site does not fulfil the purposes of Green Belt, when assessed against the revised methodology, the Developer remains wholly of the view that Site ST30 should be included as an allocation within the Publication Draft



Local Plan 2018 and excluded from the Green Belt when it is defined for the first time as the Site does not need to be kept permanently open.

Compliance with the Test of Soundness

Having considered the updated and additional clarification concerning the Council's methodology to determine the land that needs to be kept permanently open and to define Green Belt boundaries, it remains clear that there are a number of issues and anomalies which undermine the robustness of the exercise. As a result, and for the reasons explained, the Developer is of the view that the revised methodology does not provide a robust basis to determine which parcels of land need to remain permanently open, and the Green Belt boundaries therefore remain unreasonable and insufficiently justified, and therefore unsound.

Additionally, it is evident that the emerging Local Plan, in its current guise, will not result in a permanent Green Belt, contrary to the requirements of the NPPF. It is inevitable that the Council will soon need to identify additional sites for housing, once the switch is made from the OAN process of calculating the housing requirement to the standard method. The Council have therefore failed to fully account for the City's future housing need, which will ultimately necessitate a review of the emerging Local Plan if it is adopted, and the Green Belt boundaries, rendering such unsound as a result.

Overall, the Developer considers that the emerging Local Plan has **not been positively prepared**, the land that is included within the Green Belt has **not been justified**, it will **not be effective** and is **not consistent with national policy** in that the Green Belt will not endure, and land has been included in the Green Belt which does not need to be kept permanently open.

There are also a number of significant deficiencies in the City of York Housing Needs Update which mean that the 822 dwellings per annum OAN figure which the Council continue to use within the Proposed Modifications is unsound. The housing requirement and evidence base are **not justified**, and the local plan will **not be effective** in meeting the City's needs. It has **not been positively prepared**, and the approach adopted **does not reflect national policy**.

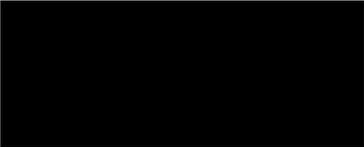
These representations confirm that the Developer's Site (ST30) remains available, and capable of accommodating housing growth. The Site contributes little if anything to the purposes of the Green Belt, a view which has been endorsed previously by the Inspector examining the York Green Belt Local Plan. The Developer therefore **Objects** to the continued omission of ST30 as either a housing allocation or safeguarded land within the emerging Local Plan.

Our Proposed Modifications

To make the local plan sound it is recommended that the housing requirement is recalculated and should reflect a figure similar to that produced by using the standard method. We also suggest that the Site, ST30, is reinstated as an allocation within the emerging Local Plan to cater for the increase in housing requirement that is required in order to render the Local Plan sound.



Yours sincerely,



- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

From: [REDACTED]
Sent: 07 July 2021 09:13
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205877
Attachments: L002_ST30_Stockton_Lane.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: See attached letter

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: See attached letter

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached letter

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: See attached letter

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: To elaborate upon attached

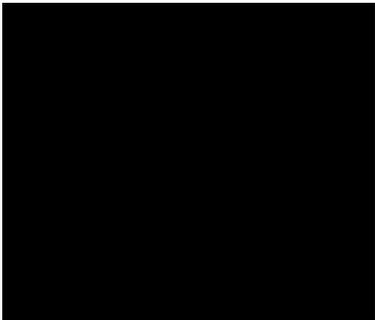
Supporting documentation

Please provide any documents which support the comments made as part of this submission:

L002_ST30_Stockton_Lane.pdf



Local Plan
City of York Council
West Offices
Station Rise
York
YO61 6GA



Ref: 3523LE
6th July 2021

Dear Sir / Madam,

RE: COMMENTS ON THE CITY OF YORK LOCAL PLAN PROPOSED MODIFICATIONS (27TH MAY TO 7TH JULY), IN RELATION TO LAND NORTH OF STOCKTON LANE (HOUSING SITE REF: ST30).

Introduction

This submission is made on behalf of Countryside Properties PLC (“the Developer”) and should be read in conjunction with the various detailed representations previously submitted to the City of York Council (“the Council”), throughout the plan making process in relation to the land referenced as ST30 (‘the Site’). In particular, it should be read alongside letter L001 – ST30 – Stockton Lane, submitted by DPP on the 5th July 2021.

These comments are made in respect of the following document:

- Topic Paper TP1 Approach to Defining York’s Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 2: Sections 5 - 6

Background

DPP have previously submitted representations on behalf of the Developer concerning Topic Paper 1: Approach to defining York’s Green Belt Addendum (2021) (‘the TP1 Addendum 2021), in addition to the TP1 Addendum 2021 Annex 7: Housing Supply Update, the GL Hearn Housing Needs Update (September 2020), and the SHLAA Update (April 2021). Within the letter of representation submitted, the Developer objected to the methodology used to define the Green Belt boundaries. The Developer now wishes to object to the Green Belt inner boundaries proposed around this part of York, as defined in Annex 3 part 2 of the TP1 Addendum 2021, and as indicated on the below extract.

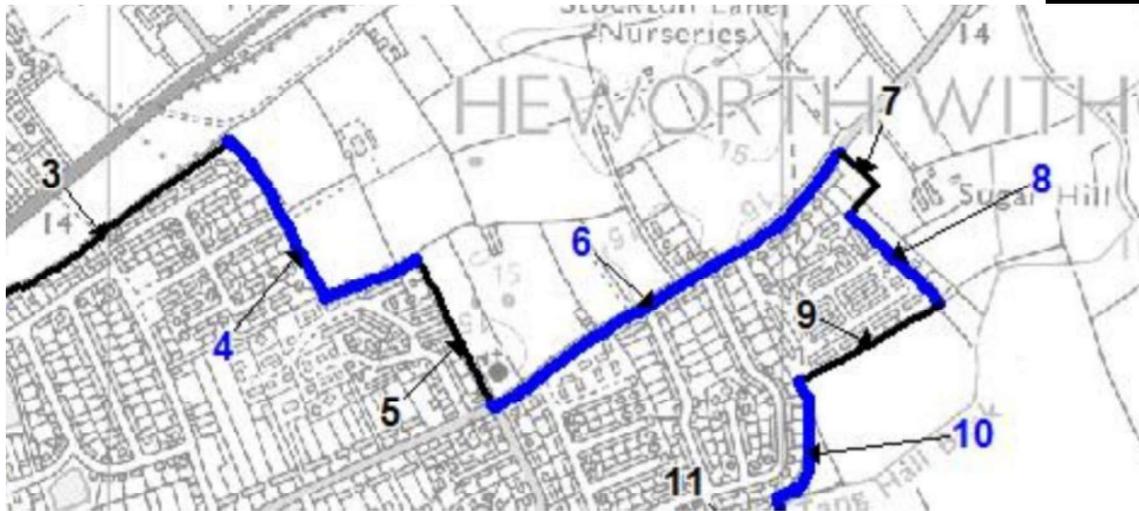


Figure 1 – Annex 3 Part 2 of the TP1 Addendum 2021

Comment

The flawed methodology used by the Council has resulted in a Green Belt boundary which is unjustified and ultimately unsound. As set out in the previous representations submitted by DPP, the boundary is such that it includes land within the Green Belt which does not serve any purpose of Green Belt. The Site is bound on three sides by existing built development and is perceptibly different in character from land to the north, which is vast and open and provides extensive views into and out of the city. It is plain that the Site does not need to remain permanently open to preserve the special character of the City of York. On this basis, it is clear that the Green Belt boundary is **not consistent** with the requirements of NPPF, and is therefore **unsound**.

Our Proposed Modifications

The Developer would suggest that the Green Belt boundary is modified to encompass the Site, utilising the existing northern boundary of the Site, and Pasture Lane to the east. Such would follow the route of a clear and established boundary, and would be more logical and defensible as a result. It would exclude land from the Green Belt which has no need to be kept permanently open.

Yours sincerely,

[Redacted signature]

[Redacted contact information]

From: [REDACTED]
Sent: 05 July 2021 20:59
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 205454

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Mr

Name: Andrew Jackson

Email address: [REDACTED]

Telephone:

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 2 Sections 5 to 6 (EX/CYC/59d)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: The Local Plan and the Green Belt boundaries, as submitted, are sound and legally compliant.

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: The Local Plan and the Green Belt boundaries, as submitted, are sound and legally compliant.

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: Yes, I consider the document to be sound

Please justify why you consider the document to be sound: The Local Plan and the Green Belt boundaries, as submitted, are sound and legally compliant.

Please justify why you do not consider the document to be sound:

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: No changes required - the Local Plan and the Green Belt boundaries, as submitted, are sound and legally compliant.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 06 July 2021 16:28
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, THIRD PARTY - reference: 205756
Attachments: Land_On_The_South_East_Side_Of_Yorkfield_Lane_Savills_July_2021_combined.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent another individual

Third party submission details

Title of person completing form:

Name of person completing form: Savills UK Ltd

Contact email: [REDACTED]

Contact telephone:

Title of the person you are representing: Mr

Name of the person you are representing: David Brewster

Address of the person you are representing: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: Please see additional correspondence

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Please see additional correspondence

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: Yes, I consider the document to be sound

Please justify why you consider the document to be sound: Please see additional correspondence

Please justify why you do not consider the document to be sound:

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see additional correspondence

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

Examination of the City of York Local Plan 2017-2033: Land to the East of Yorkfield Lane, Copmanthorpe

Representations to City of York Council: New Local Plan Proposed Modifications and Evidence Base Consultation

Written Representations prepared by Savills (UK) Ltd on behalf of private landowner: Mr D Brewster

Examination of the City of York Local Plan 2017-2033: Land to the East of Yorkfield Lane, Copmanthorpe

Representations to York City Council New Local Plan Proposed Modifications and Evidence Base Consultation



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3. York City Council New Local Plan Proposed Modifications and Evidence Base Commentary	5
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1. Introduction

- 1.1. Savills (UK) Ltd welcomes the opportunity to make representations to the York City Council's Local Plan Proposed Modifications and Evidence Base Consultation. The comments enclosed within these representations are made on behalf Mr D Brewster, a private landowner in respect of Land to the east of Yorkfield Lane, Copmanthorpe ('the site').
- 1.2. The new Local Plan, following adoption, will replace the current Local Plan which although never formally adopted, was approved for Development Management purposes in 2005. The draft Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government in May 2018 and is now undergoing independent Examination. These representations are made in relation to the Proposed Modifications and Evidence Base submitted since the Phase 1 hearing sessions in 2019. We understand that the Inspectors will be considering comments received as a result of this consultation as part of the ongoing Examination process in establishing whether the draft Local Plan is considered to be legally compliant and 'sound'. The comments enclosed are made in this context.
- 1.3. This submission is made in specific reference of land to the east of Yorkfield Lane, Copmanthorpe ('the site'). A Site Location Plan is included at Appendix 1. The site measures circa 0.41 hectares (1.01 acres) and is located east of Copmanthorpe, a village located 4 miles (6.4 km) south west of York. The site is identified as Site 740 which was submitted at Preferred Options Consultation in 2013. The site also forms part of wider Site 856 which was submitted following Officer discussion.
- 1.4. By way of background, Phase I Local Plan Hearings took place in December 2019 whereby it became apparent that the appointed Inspectors did not consider the evidence base provided by CYC contained sufficient assessment of land around York against the five Green Belt purposes as defined by the NPPF. The Inspectors therefore requested that the Council provide additional evidence to justify their approach to the Green Belt within the Plan. The Council were therefore instructed to undertake further work on its Green Belt assessment methodology and to update Topic Paper 1: Approach to defining York's Green Belt (May 2018) [TP001] and the Topic Paper Addendum (March 2019) [Ex/CYC/18]. This additional work has now been undertaken and these Representations are made in response to the consultation on this additional work.
- 1.5. It is acknowledged that some proposed Green Belt boundaries have been amended as a result of this additional work.
- 1.6. The site is identified as falling outside of the Green Belt within the draft Local Plan. The information and comments included within these representations are intended to support the sites exclusion from the Green Belt and to demonstrate clear support by the Landowner for the potential use of the site to accommodate residential development. The site is considered to be deliverable and developable in accordance with the NPPF and represents a logical extension to draft allocated site ref ST31 to the north.
- 1.7. These representations have been prepared in accordance with paragraph 35 of the NPPF which states Local Plans must be:

- a. **Positively prepared** - providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b. **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c. **Effective** - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and,
- d. **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.8. The following sections of this report are arranged as follows:

- Section 2: Provides background to the site;
- Section 3: Sets out our comments on the Proposed Modifications and Evidence Base Material; and
- Section 4: Concludes and summarises the report.

2. Site Context

Site Description

- 2.1. The site consists of Land to the east of Yorkfield Lane and measures approximately 0.41 Ha / 1.01 Acres (gross). It is currently used as pasture farmland with a hay crop. A site location plan is included at **Appendix 1**.
- 2.2. In respect of Local Plan records, the site is identified as Site 740 which was submitted at Preferred Options Consultation in 2013. The site also forms part of wider Site 856 which was submitted following Officer discussion.
- 2.3. The site lies to the north east of Copmanthorpe. The site is located outside of but directly adjacent to the development limits of Copmanthorpe, and is currently identified as being located within the York Green Belt. The draft Local Plan proposes to amend the Green Belt boundary in this location and seeks to include the site within the revised development limits of Copmanthorpe and therefore exclude the site from the Green Belt.
- 2.4. The site is bound to the east by a railway line, which forms the defensible southern boundary of the village. Residential dwellings are located directly adjacent to south of the site, and draft residential allocation (reference ST31) is located directly north of the site for 158 dwellings.
- 2.5. The site is currently accessed via an agricultural track from Yorkfield Lane. However, there is also scope to access the site via Learnans Way adjacent to the south, as the layout of allows for through access, with a stub end adjacent to the site boundary. A pedestrian / cycle access can also be achieved to the south of the site, creating the opportunity for a cohesive and accessible development to be brought forward in this location.
- 2.6. There is also potential for the site to be accessed through the development of the draft allocation the north (ref: ST31), subject to third party agreement. Yorkfield Lane is earmarked as a pedestrian and cycle access as part of this draft allocation ST31 however, unless the site is also brought forward for residential development, the prospects of Yorkfield Lane being utilised as a pedestrian and cycle access are severely compromised given Yorkfield Lane continues to be used as the sole agricultural access for the site.
- 2.7. Copmanthorpe is located circa 4 miles (6.4 km) south west of York City Centre. Copmanthorpe benefits from a range of key services including convenience stores, a school, recreation centre and a community centre.
- 2.8. In terms of sustainable transport, Copmanthorpe benefits from a number of bus services (no.13, number M3 and 843 Coastliner) which provides sustainable travel options to access York, Tadcaster and Leeds City Centre roughly every twenty minutes. The closest bus stop is located roughly 200 metres south west of the site.
- 2.9. The site is therefore considered to be in a sustainable location.

Statutory and Non-Statutory Designations

- 2.10. The site is not subject to any specific environmental or landscape designations nor is it located within an area of landscape protection.

- 2.11. The site is located entirely within Flood Zone 1 (Lowest risk of flooding).
- 2.12. Within the emerging Local Plan the site directly north of the site is identified as a preferred allocation to accommodate up to 158 dwellings (site reference ST31). The adjacent site is identified as 'The Land at Tadcaster Road, Copmanthorpe' and is set to deliver dwellings in the short to medium term (years 1-10).
- 2.13. Land to the east of Yorkfield Lane ('the site') would therefore represent a logical extension of the adjacent draft residential allocation ref ST31, making the best use of land in this location. The residential development of the site would also enable the proposed pedestrian and cycle use of Yorkfield Lane to come forward as planned in order to serve site ST31.

Planning Background

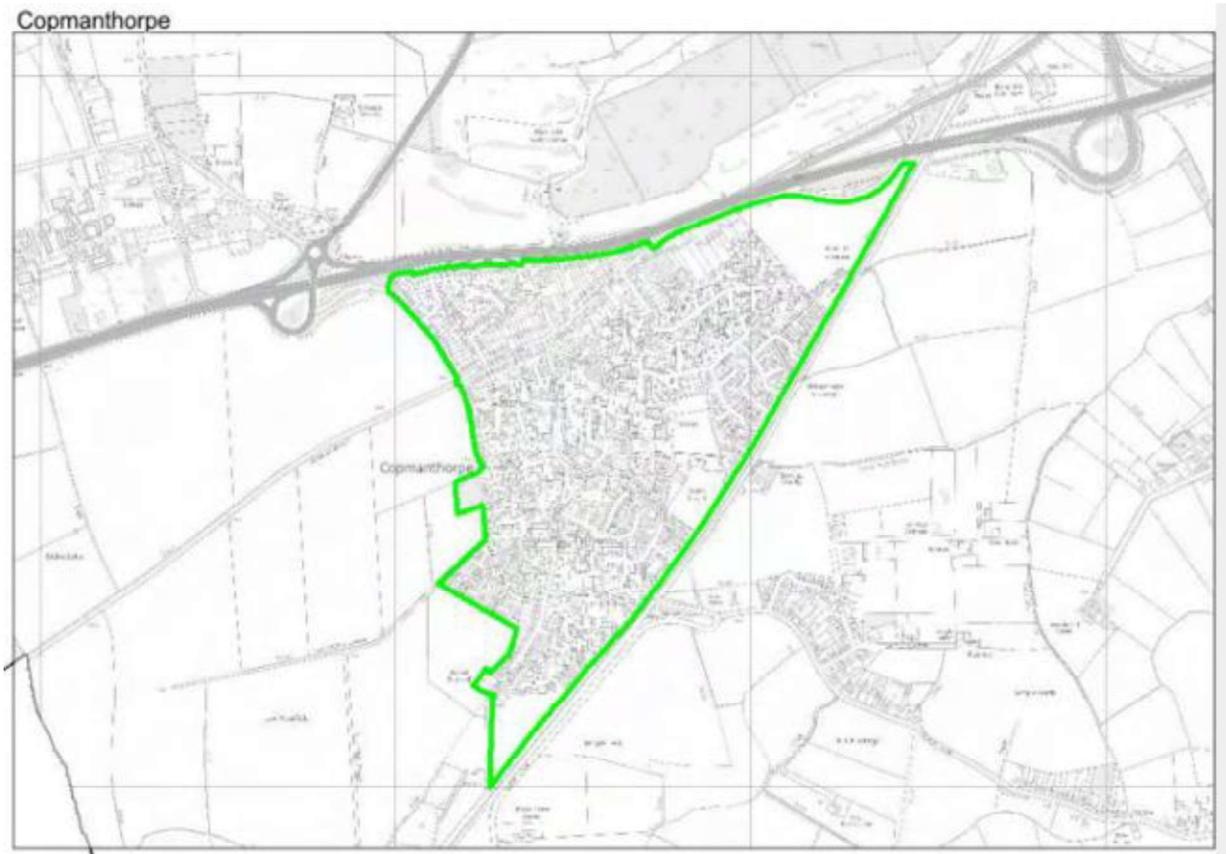
- 2.14. There have been no planning applications relating to the site.
- 2.15. A planning application has been submitted on the site to the north (ref. 18/00680/OUTM) which seeks outline planning permission with all matters reserved except for means of access for the erection of 160no. dwellings with public open space, landscaping and drainage. The application is currently awaiting a decision and is subject to a number of extensions to the determination period.

3. York City Council New Local Plan Proposed Modifications and Evidence Base Commentary

Green Belt Topic Paper

- 3.1. As part of the ongoing Independent Examination process, the appointed Inspectors have raised a number of issues regarding the Councils approach to reviewing Green Belt Boundaries and extent. The Inspectors' concerns related to:
- The consideration of 'shapers' including flood risk, air quality and other open space/ landscape designations such as the presence of existing open space and ancient woodland in determining the extent of the Green Belt boundaries, which are not of relevance to the established purposes of the Green Belt;
 - Weaknesses in the evidence base when assessing the Green Belt against purpose 4 'To preserve the setting and special character of historic towns';
 - The reliance on proximity of shops and services in determining the impact of Green Belt on preventing unrestricted sprawl in relation to Green Belt Purpose 1 'to assist in safeguarding the countryside from encroachment'; and
 - The assessment of Green Belt Boundaries against Green Belt purpose 2 'to prevent neighbouring towns from merging into one another'. The inspector determined this purpose was not of relevance in the Context of York's administrative area.
- 3.2. In response to the Inspectors comments in this regard, CYC have published a Topic Paper addressing their approach to defining York's Green Belt as part of their updated Evidence Base. This Topic Paper (TP1) presents a more simplified approach to defining Green Belt Boundaries in the District. This approach is supported in principle as it is considered to be more in line with National Policy in this regard however, this representation relates only to the detailed Green Belt boundaries in/around Copmanthorpe therefore please note that this representation does not seek to comment on the wider Green Belt assessment undertaken across the City.
- 3.3. The Methodology for assessing Green Belt Boundaries outlined within the Topic Paper seeks to follow the approach set out within the National Planning Policy Framework (NPPF).
- 3.4. This is the first time whereby the proposed detailed Green Belt boundaries have been assessed against the five Green Belt Purposes. These representations and subsequent Examination therefore represent the opportunity for there to be a critical assessment of the exercise conducted by CYC in drawing up detailed Green Belt boundaries.

- 3.5. The NPPF is clear that when defining Green Belt Boundaries, plans should 'not include land which it is unnecessary to keep permanently open'¹. The NPPF also encourages development be directed towards urban areas such as towns and villages in order to meet the requirements of sustainable development².
- 3.6. In order to inform this Representation, we have reviewed the approach undertaken by CYC in an attempt to define York's Green Belt. The amendments to the Green Belt Boundaries proposed following the Inspectors comments are set out in a series of Annexes to the Topic Paper. Annex 4 relates to 'Other Densely Developed Areas in the General Extent of the Green Belt' and sets out detailed justification for York's Villages and other densely developed areas. The Annex relates to the proposed methodology which seeks to direct growth to existing urban areas and defines Green Belt Boundaries in these locations accordingly.
- 3.7. Copmanthorpe is considered within Annex 4 and is identified as being inset within the Green Belt given it exhibits a low degree of openness and therefore is not considered to contribute to the openness of the Green Belt.
- 3.8. Within Annex 4, CYC proposes a revised settlement boundary for the village which includes extensions to boundaries 1 and 5 of the village to accommodate two proposed housing allocations in these locations. The site, whilst it is not allocated for residential development itself, is located adjacent to proposed allocation ST31 and is subsequently excluded from the Green Belt in this respect.
- 3.9. The proposed Green Belt boundary is outlined as follows:



- 3.10. This approach is supported in principle and should be carried forward through the Local Plan examination, to adoption however, it is considered that the site should also form part of the draft residential allocation ST31 for completeness. By excluding the site from the Green Belt CYC are in agreement that the site does not fulfil any of the Green Belt purposes. By allocating the adjacent site for development CYC are in agreement that the site is located in a sustainable location and by virtue it is considered that the site could therefore form part of a sustainable residential development adjacent to the existing village. The site should therefore be allocated for residential development in this context.
- 3.11. Within Annex 4, the site relates to the land immediately beyond boundary 5 specifically. This is described as *forming an undulating triangular shaped field, with robust boundaries including the railway line, Tadcaster Road and the built extent of Copmanthorpe* (forming boundary 5). The A64 and northern slip road are identified as *obvious man made features in the landscape in this location*.
- 3.12. Annex 4 identifies that there are services and facilities available within the village providing access to services within 800m and transport links into York. The document considers there is therefore potential to provide a sustainable location for growth which would focus development towards the urban area or areas within the Green Belt (in line with NPPF para 85) to be able to contribute to the long term permanence. This view is supported in principle.
- 3.13. The Annex goes on to state that whilst the above may be true, boundaries 4 & 5 are important in respect of preventing coalescence with nearby village Bishopthorpe. In respect of strategic permanence, CYC consider that the open land surrounding the village has some potential for suitable development in line with the Local Plan strategy. This view is supported in principle.
- 3.14. The proposed Green Belt boundary in respect of Boundary 5 now runs along the railway line in Copmanthorpe to the boundary of the A64. It cannot be denied that the railway line in this location represents a permanent, physical feature. Paragraph 139(f) of the NPPF requires plans to define Green Belt boundaries clearly, *'Using physical features that are readily recognisable and likely to be permanent'*. The railway line in this location is visible and easily recognisable both on the ground and on aerial and OS maps. The proposed Green Belt boundary in this location is therefore considered to be in line with paragraph 139(f) of the NPPF and is supported in principle in this context.
- 3.15. It is considered that both the railway line and the A64 located to the north of the site, are both permanent pieces of infrastructure which will bolster the integrity of the proposed Green Belt Boundary in this location, ensuring its permanence. This is considered to be wholly in line with Paragraphs 133 and 136 of the NPPF, which define permanence as an essential characteristic of the Green Belt.
- 3.16. In addition to the above comments, we have also undertaken our own Green Belt assessment of the site against the five Green Belt purposes below. Please note that this exercise is limited in its scope to the site and the immediate surrounding areas only.
- 3.17. As outlined above, the NPPF requires that the Green Belt serves five purposes. These are identified below along with our own assessment against these criteria.

Purpose 1 – To check the unrestricted sprawl of large built up areas

- 3.18. It is recognised that in many instances around York it is necessary to include land within the Green Belt in order to check unrestricted sprawl. However, this does not apply to the site.
- 3.19. The critical question is if the Green Belt designation were removed from the site, would this facilitate unrestricted sprawl in this part of York. This answer is no.
- 3.20. Utilising the permanent railway line feature as the southern Green Belt boundary of Copmanthorpe in this location will ensure that the growth of the settlement is restricted to that which meets the immediate requirements of the settlement. The proposed Green Belt Boundary in this location therefore ensures that planned growth to the village is managed and proportionate.
- 3.21. The railway line, along with the A64, ensures that there are adequate robust barriers to sprawl in this location. The site therefore does not fulfil this Green Belt purpose and should continue to be excluded from the Green Belt.

Purpose 2 – To prevent neighbouring towns merging into one another

- 3.22. The site was previously included within the Green Belt in an area identified as an 'Area Preventing Coalescence'. It is accepted that the Green Belt to the north east of Copmanthorpe does play an important part in restricting the merging of Copmanthorpe and Bishopthorpe however, the presence of the railway line and the A64 means that the extent of the proposed Green Belt in this location continues to achieve this aim. The site forms part of the triangular shaped land which intersects the railway line to the south and the A64 to the north of Copmanthorpe and is therefore now excluded from the Green Belt. This assessment is considered to be in line with the requirement for Green Belt Boundaries to be permanent as outlined in the NPPF and is therefore supported.
- 3.23. Given the physical boundaries present adjacent to the site, the site does not fulfil this Green Belt purpose and should continue to be excluded from the Green Belt.

Purpose 3 – To assist in safeguarding the countryside from encroachment

- 3.24. The exclusion of the site from the Green Belt in this location will have minimal impact on encroachment to the countryside, given the north eastern area of Copmanthorpe is enclosed by the railway line and the A64. The presence of the railway line impacts the quality, openness and character of the countryside in this location and the exclusion of the site from the Green Belt will not act to encourage encroachment beyond these physical barriers.
- 3.25. Given the physical boundaries present adjacent to the site, the site does not fulfil this Green Belt purpose and should continue to be excluded from the Green Belt.

Purpose 4 – To preserve the setting and special character of historic towns

- 3.26. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] outlines that CYC place a primary emphasis on the fourth NPPF Green Belt purpose and recognises this fourth purpose as the most appropriate in the context of York. This view is supported in principle.

- 3.27. It is accepted that boundary 5 can be considered important in retaining the separation with Bishopthorpe village to the east however, the northern boundary of the village is impacted by the A64 therefore limiting the function of the site in terms of protecting the wider views to the site from southern York. Areas of undeveloped land between the southern edge of York and the villages are kept open in order to help retain the physical separation of settlements and the pattern of villages in a rural setting. The exclusion of the site from the Green Belt has no impact in this respect. This is further strengthened by the proposed residential allocation ST31 which will render the site's function in this respect redundant.
- 3.28. Given the physical boundaries present adjacent to the site and the adjacent residential allocation, the site does not fulfil this Green Belt purpose and should continue to be excluded from the Green Belt.

Purpose 5 – To assist in urban regeneration by encouraging the recycling of derelict and other urban land

- 3.29. In the context of York there is very little derelict land. The sites which are to be regenerated and recycled are well known, complex and proposals are being brought forward. The removal of the site from the Green Belt will have no implications for these sites. Purpose 5 is not relevant in this context.
- 3.30. The updated Topic Paper 1: Approach to defining Green Belt Addendum [EX_CYC_59] details that this purpose is considered to be achieved through the overall effect of the York Green Belt, rather than through the identification of particular parcels of land which must be kept permanently open. This view is supported.
- 3.31. Taking into account the above Green Belt assessment, alongside evidence provided by CYC, it is considered that the exclusion of the site from the Green Belt is considered to be entirely justified in line with the purposes of the Green Belt as outlined within paragraph 134 of the NPPF. The site does not fulfil any of the five Green Belt purposes therefore excluding the site from the Green Belt and the approach to the Green Belt boundaries around Copmanthorpe are supported in principle in this context.

4. Summary and Conclusions

- 4.1. This representation has been prepared by Savills (UK) Ltd on behalf of a private landowner Mr D Brewster in respect of Land to the east of Yorkfield Lane, Copmanthorpe, in response to the City of York City Council's new Local Plan: Proposed Modifications and Evidence Base Consultation.
- 4.2. Comments herein are made to support of the exclusion of the site from the Green Belt. We have also sought to demonstrate that the site is suitable for residential development. The site is available for immediate development and can come forward within the period of 0-5 years. The site forms a logical extension to draft allocation ST31 and the residential development of the site would enable Yorkfield Lane to be utilised as a pedestrian and cycle access for site ST31 as planned. If the site continues in its current agricultural use, Yorkfield Lane would not be suitable as a pedestrian and cycle access to site ST31 given it is the only agricultural access to the site. The site could provide a moderate number of dwellings making an important contribution to sustaining the Council's future land supply and making the best, most efficient use of the land in this location.
- 4.3. It is considered that the site is both deliverable and developable, sustainably located and therefore capable of contributing to the vitality and sustainability of the Village of Copmanthorpe as well as a logical extension to existing planned growth and essentially 'rounding off' the settlement in this location.
- 4.4. Our client is fully in support of the site's exclusion from the Green Belt and welcomes confirmation of this in the emerging Local Plan moving forward.

Appendices

Appendix 1
Site Location Plan







From: [Redacted]
Sent: 06 July 2021 16:43
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205758
Attachments: FoS_Response_to_the_New_Local_Plan_Proposed_Modifications_Evidence_Base_Consultation.pdf

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [Redacted]

Name: [Redacted]

Email address: [Redacted]

Telephone: [Redacted]

Organisation name: [Redacted]

Organisation address: [Redacted]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: The document is ambiguous. This is contrary to the intent of transparent consultation that enables the public to make an informed input.

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: The document is ambiguous so does not enable an informed evaluation of whether there is compliance with the Duty to Cooperate.

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: The ambiguity of the plan means that it has not been positively prepared. The ambiguity of the plan means that it has not been adequately justified. The ambiguity of the plan ensures uncertainty and raises the prospect for future ongoing dispute, so it is not effective. The ambiguity of the plan means that it is not possible for a group of non-planning professionals to determine consistency with national policy. But note significant piecemeal development would be contrary to national policies for biodiversity, access to services, flood prevention, and a low carbon economy.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Topic Paper 1 Ex/CYC/59f and the Local Plan as necessary are reworded to keep the Green Belt boundaries as shown on pages A4:245 and A4:268. And that for the avoidance of doubt/uncertainty reference to alternative boundaries and parcels of land south of boundary 4 are removed.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why: I, or a member/s of the group FoS, wish to attend to have clarity about the Green Belt in Strensall. Further this would enable confidence in the planning process on behalf of the group owing the planning history of the area south of boundary 4, and with respect to the strategic planning for the village as a whole.

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

FoS_Response_to_the_New_Local_Plan_Proposed_Modifications_Evidence_Base_Consultation.pdf

New Local Plan Proposed Modifications and Evidence Base Consultation Response from FoS

Date 6 July 2021

This response from the group FoS to the City of York Council's (CYC) consultation for the 'New Local Plan Proposed Modifications and Evidence Base Consultation' focuses on 'Topic Paper 1: Approach to defining York's Green Belt Addendum (2021)' Ex/CYC/59f.

We support the CYC's New Local Plan and the reasoned conclusion given on page A4:261 of Topic Paper 1: '*The majority of open land surrounding the village is therefore not suitable for development*'. And support consequently the Green Belt boundaries shown in the maps on pages A4:245 and A4:268 but request that the ambiguity and reference to alternatives for boundary 4 are removed.

Ambiguity

Page A4:261 '*Some potential has previously been identified and considered to extend the village in areas where there are fewer constraints. This includes between the village and railway line (Boundary 4)...*'.

It is not clear what this means given the Green Belt boundaries shown on pages A4:245 and A4:268. Nor are the possible implications of this wording given the Local Plan function of as the framework for future planning decisions. If this wording means that modifications can be made to boundary 4 during the life of the Plan, these modifications would be opposed strongly and the transparency of the Local Plan questioned.

To prevent the risk of legal challenge throughout the life of the Local Plan, we firmly request that the wording is made clear and that boundary 4 is fixed to that shown on pages A4:245 and A4:268. As is well known there have been unsuccessful attempts to develop parcels of land between boundary 4 and Flaxton Road that have in at least one instance been subject to failed appeal to the Secretary of State, 18 July 2016 APP/C2741/W/16/3154113.

Development creep and sprawl

Given the number of sites deemed to have potential (pages A4:264 to 266), we believe that any change to boundary 4 would be a trojan horse to develop all the land south of this boundary – as shown by site 119 on page A4:264. The vagueness of the wording in the Topic Paper exaggerates this possibility of unsustainable development, therefore we reiterate our strong opposition to any changes to boundary 4.

Reasons

The reasons to oppose further significant development south of boundary 4 are largely addressed in the 7 January 2016 CYC Area Planning Sub-Committee Report. The Committee's recommendation was to refuse permission for that proposed development (resubmitted) of a site between 92 and 100 The Village Strensall. The decision making factors remain the same, and will be exaggerated if boundary 4 is modified to include larger parcels of land for development seemingly without justification. This would be contrary to Government Guidance on the National Planning Policy Network para. 136 that states '*Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans*'.

Since 2016 there have been further studies which include a detailed Habitat Regulations Assessment (HRA) by the Waterman consultancy October 2020. This reiterated the impact of increased visitor numbers on the Common that would arise from additional dwellings in a zone of influence up to 5.5km (para. 4.2.339) around our beloved Special Area of Conservation (SAC). We also note that the result of an HRA was the reason given to remove ST35 'Queen Elizabeth Barracks' and H59 'Howard Road Strensall' from the Local Plan submitted in 2018.

In addition to the protected habitat of the Common, there is equally recognised biodiversity on the land south of boundary 4 which includes deer, barn owls, crested newts and tansy beetles.

Awareness

We repeat the imprecise wording concerning boundary 4 and the potential development implications. Contrary to planning professionals, this wording is not clear for the person in the street and is at odds with the transparency intent of the planning consultation process. Moreover it is only due to the vigilance of another neighbour that we have been made aware of this consultation and have had to organise and respond quickly to the 7 July deadline.

Conclusion

We request that the Topic Paper 1 Ex/CYC/59f and the Local Plan as necessary are reworded to keep the Green Belt boundaries shown on pages A4:245 and A4:268. We object to any changes to boundary 4 and request that reference to alternative boundaries is removed.

FoS

FoS is a group of Strensall residents that support the contents of this response. It includes:



From: [REDACTED]
Sent: 06 July 2021 17:59
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 205782

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: mr

Name: John Burley

Email address: [REDACTED]

Telephone: [REDACTED]

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: York Economic Outlook December 2019 (EX/CYC/29)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: It is

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: The Draft Local Plan has been prepared without sufficient reference to neighbouring authorities.

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: The Evidence Base in relation to the National and Local Economy is out of date and does not take into account major global and National changes. Brexit and Covid have not been reflected in the Evidence Base. Demand for industrial property has grown significantly over the last 12 months. Changes in Distribution, Supply Chain management and repatriation of businesses have not been considered in the Evidence Base. The shortage of suitable sites for light industrial, industrial and warehousing has not been properly reflected in the Evidence Base. The Evidence Base does not reflect the structural changes in employment in particular, retailing, hospitality and the use of offices resulting from Covid and to a lesser extent Brexit. The Evidence Base does not properly reflect the opportunities from changing Government policy to reallocate resources to the North or the impact of changing technologies. The absence of a Local Plan has prevented York from providing the family housing required. This demand has been exported to the neighbouring Authorities. The traffic generated and the employment opportunities relating to this housing is not reflected in the Evidence Base. Unless the above factors are taken into account York will be unable to respond to the economic and commercial opportunities which arise in the future, to the detriment of local employment.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’:

Allocate suitable additional land for Employment Use particularly B1, B2 and B8 type uses. Ensure that the Green Belt boundary is not too prescriptive

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 06 July 2021 19:21
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 205795
Attachments: Elvington_Site_55_H39.docx

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title:

Name: Karen Marshall

Email address: [REDACTED]

Telephone:

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Approach to defining Green Belt Addendum January 2021 (EX/CYC/59)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: See attached document

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: See attached document

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: See attached document

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’:

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

Elvington_Site_55_H39.docx

Comments from Ms K Marshall, [REDACTED]

Site 95 / H39 currently sits within Greenbelt and any development would have a detrimental effect on the rural nature of Church Lane, part of which is already designated a conservation area. The land acts as a natural buffer between the houses on the edge of Church Lane and Beckside, to the more rural properties that intermittently line the edges before joining with agricultural land and forms part of The Wilberforce Way. The site has previously been put forward for development and was rejected by the inspector at the Local Plan Public Enquiry.

Soundness of key documents:

Positively Prepared:

I disagree that the plan has been positively prepared as more suitable sites have been put forward during previous consultations and drop in sessions held by the Parish Council. The residents were given the opportunity to complete a questionnaire and the outcome was that H39 /Site 95 would not be suitable for development due to the visual affect (see comments above) plus add to the traffic issues on the already busy residential estate of Beckside. Other more suitable areas were proposed by the council such as the land behind the school (Site 55/H26 where a larger development could be accommodated).

Justification:

Given that there is now the proposal to add a further 3,000+ houses in the Langwith Garden Village development on the West side of the runway of Elvington Airfield, is there any concrete justification for a 30+ housing development in Elvington which will significantly alter the rural setting of Site 95/H39.

Consistent with National Planning Policy Framework:

I do not believe that the development of site 95/H39 is consistent with the National Planning Policy:

Paragraph 136 states that *“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified”* The local plan process has not justified and fully evidenced why site 95/H39 should be removed from Greenbelt. The analysis leading to the site allocation makes no mention of the rural nature of Church Lane or the potential affects a large housing state would have on the area. The housing estates throughout the village are small by comparison to the proposed increased Beckside estate, being very much linear in their design and would be totally out of keeping with the overall character of the Village.

From: [REDACTED]
Sent: 06 July 2021 19:31
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 205796

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Mr

Name: Stuart Gunson

Email address: [REDACTED]

Telephone: [REDACTED]

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 3 Inner Boundary Part 3 Sections 7 to 8 (EX/CYC/59e)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: These documents are particularly difficult for the lay reader to appreciate and comprehend in detail. There is no easily accessible summary. This makes public engagement with the process extremely difficult and opens the risk of commercially motivated organisations with the time and resource to dedicate to the understanding of, and engagement with the process gaining advantage over the process. There were no elements which appeared to not be legally compliant

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: These documents are particularly difficult for the lay reader to appreciate and comprehend in detail. There is no easily accessible summary. This makes public engagement with the process extremely difficult and opens the risk of commercially motivated organisations with the time and resource to dedicate to the understanding of, and engagement with the process gaining advantage over the process. There were no elements which appeared to not comply with the Duty to Cooperate

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: Yes, I consider the document to be sound

Please justify why you consider the document to be sound: These documents are particularly difficult for the lay reader to appreciate and comprehend in detail. There is no easily accessible summary. This makes public engagement with the process extremely difficult and opens the risk of commercially motivated organisations with the time and resource to dedicate to the understanding of, and engagement with the process gaining advantage over the process. There are no elements which do not appear to be sound

Please justify why you do not consider the document to be sound:

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: This representation regards inner green belt section 8 boundaries 7-10 The protection of these areas under purposes 1,3 and 4 is strongly supported. The open areas provide a strong sense of community for the local area. These have always been heavily utilised, and the pandemic saw a huge uplift in this usage. This has provided valuable space and resource to the local community contributing strongly to individual health and well being. Maintaining these areas through green belt protection is hugely important. The local area already struggles with excessive traffic and any

allocation of any of these areas to development will only increase the traffic flow, with a significant detrimental effect to the local area and communities

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 07 July 2021 09:29
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 205880

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Composite Modifications Schedule April 2021 (EX/CYC/58)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: The amendments are mainly technical and provide clarification which is helpful

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: Consulting those who have previously contributed to the Local Plan is helpful and appreciated. St Mary's PCC wishes to remain on consultation lists

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is 'sound'

Do you consider the document to be 'sound'?: Yes, I consider the document to be sound

Please justify why you consider the document to be sound: So far as we can tell the changes are just grammatical and technical, so improving the document.

Please justify why you do not consider the document to be sound:

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or 'sound': While this consultation is of limited scope St Mary's Parochial Church Council wishes to remind City of York Council of ongoing concerns about infrastructure as set out in 2016 and 2019 responses. While recognising the need to balance progress and conservation the increased pressure on roads, schools and even more now on health care and GP services remain major concerns.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

[REDACTED]

From: [REDACTED]
Sent: 07 July 2021 09:44
To: localplan@york.gov.uk
Subject: Proposed Modifications and Evidence Base Consultation - Representation on behalf of North Lane Developments
Attachments: Local Plan Proposed Modifications Consultation Response Form 2021.docx; Older Persons Accommodation Overview Dec 2019.pdf; Proposed Modifications and Evidence Base Consultation.docx

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam

Please find attached representations to the Proposed Modifications and Evidence Base Consultation which have been prepared on behalf of North Lane Developments. Should you have any queries with regard to the attached representation, please do not hesitate to contact me.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** How we will use your Personal Information, **Part B** Personal Details and **Part C** Your Representation

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature

Date

²Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012.

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

3. Personal Details		4. Agent's Details (if applicable)	
Title			
First Name			
Last Name			
Organisation (where relevant)			
Representing (if applicable)			
Address – line 1			
Address – line 2			
Address – line 3			
Address – line 4			
Address – line 5			
Postcode			
E-mail Address			
Telephone Number			

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
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- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

Do I need to attend the Public Examination?

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

(Please use a separate Part C form for **each** issue to you want to raise)



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

EX/CYC/56 (Strategic Housing Land

Page Number:

Page 105 and Table 3 (page 109)

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

n/a

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below.

What makes a Local Plan "sound"?

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

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes

No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

See separate sheet

8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

In the context of a lack of allocations to meet the identified needs of older people and the new evidence in the SHLAA update which shows that there has been an undersupply of dwellings for older people in the 2 years that have been monitored, a policy is required that would support sites adjacent to settlement limits and in sustainable locations to meet the deficit.

This modification would ensure the plan is positively prepared and effective in meeting the identified needs of older people, given the new evidence highlights their needs are not currently being met and the plan does not identify sufficient sites to meet the identified need. Without sufficient allocated sites to specifically meet this need or a policy to ensure the identified deficiency can be addressed, the plan will not be effective in meeting the identified needs of older people in York.

9. If your representation is seeking a change at question 8.(1)

9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

n/a

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Report of the Corporate Director of Health, Housing and Adult Social Care

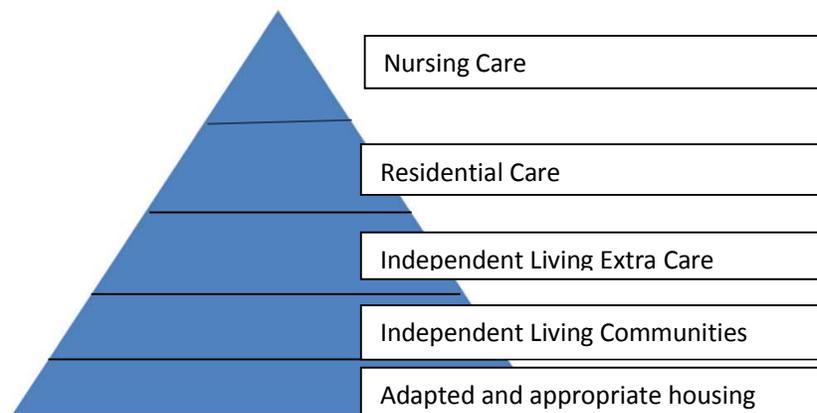
Older Persons' Accommodation Programme – An update on progress

Summary

1. This report gives an update on the progress of the Council's Older Persons' Accommodation programme and the various projects within it. It describes the work being undertaken and asks members to give their views on the various projects being undertaken.

Background

2. The provision for older people's accommodation can be represented as a pyramid with care needs traditionally increasing towards the top of the pyramid. The Older Persons' Accommodation Programme is working to provide and support the provision of high quality accommodation at all of these levels.



60+ Housing.

3. 81% of the city's residents aged 75+ own their own home, and have no involvement with Social housing services. This is significantly higher than the national average. The range of housing stock in the city does not fully reflect the needs of these older home owners, with bungalows being in very high demand. The recent Older Persons' Accommodation research

identified that 26% of respondents would like to remain in their existing homes with care and support if needed in their later years.

4. The Council's housing delivery programme is working to provide a mix of apartments and houses with generous space standards, level access and good environmental standards to meet the needs of all residents but which will specifically accommodate those with mobility impairments and those who may need to adapt their home as they age. The inclusion of Independent Living properties within this programme was raised at the recent resident engagement sessions.
5. The Council currently fund domiciliary care for approximately 650 residents. This is provided in general needs housing, independent living schemes and in extra care accommodation.
6. The Council's local plan housing policies promote a mix of housing types within developments, but there is not a policy direction on the type of accommodation for older people which is the most sought after. There is a role for the Older Persons' Accommodation Programme to ensure that our planning policies and strategic housing sites address the need for housing for residents of all ages. To do this, officers are engaging early with developers to promote the benefits of a housing mix that reflects the city's demographics, and to influence design to ensure that the accommodation is integrated with access to services and community facilities.
7. Advocacy groups for older people in the city report that they are regularly contacted by people wanting support to find appropriate accommodation, seeking assistance with right sizing, clearing out clutter, viewing properties, and moving house. Work is now underway to produce a city directory of the range of available accommodation in the city and to give guidance and advice on choosing the right accommodation.

Independent Living / Sheltered Housing

8. The city currently has 1176 independent living units, in 38 independent living developments with an average of 39 units per scheme. Many of the Council's Independent Living Communities are smaller than this. These are provided by a range of Housing providers, and for a mix of tenures and budgets.
9. The average number of applications for Council 1 bedroomed independent living properties is 18.4, reflecting the significant demand for properties. However the number of bids per property varies across the Council's developments from 30+ to 1 when vacancies were last advertised, which may be reflective of the location and quality of the facilities.
10. The Older People's accommodation stakeholder group, made up of representatives from older persons' advocacy groups and Independent Living providers, has requested that the next phase of the programme

should include a review of the independent living model in the city and an analysis of opportunities for improvements in each of the schemes.

11. The Older Persons' Accommodation Programme is currently working on site to Refurbish and extend the Lincoln Court Independent Living Community in Westfield Ward. Once complete the building will have 35 one bedroomed apartments, communal lounges, laundry facilities, a salon and a communal kitchen. Work is progressing well on site, with the development due for completion in late spring 2020. The tenants who have expressed an interest in moving back into the new development have now had the opportunity to choose their kitchen and bathroom fittings, as the "tenants Choice" works have been included in the contract.

Independent Living with Extra Care.

12. The aim to support people with high care needs to continue to live independently with any level of care needs, is continuing to drive the development of Extra Care accommodation. The first phase of the programme extended and improved the facilities at Glen Lodge and provided 24 hour care at Auden House, Glen Lodge and Marjorie Waite Court. Joseph Rowntree Housing Trust have recently opened the first phase of their extra care accommodation at New Lodge. The Council have made their first nominations of tenants for the properties for which we have acquired nomination rights.
13. Officers within The Older Persons' Accommodation Programme are currently managing a project to extend and improve Marjorie Waite Court in Clifton Ward to provide 33 additional units of accommodation with Extra Care. This development includes 29 apartments, which will be a mix of traditional and open plan dementia ready apartments, and four Bungalows. This work is now due for completion in spring 2021. The work to establish and supply power to the new plant room and to ensure that the ongoing living environment is safe and warm for the current tenants has delayed the switch over to the new plant room until the end of the year. Once this work is complete work can begin on the decommissioning of the old plant room and the extension building can be connected to the existing property.
14. The Council had previously agreed to work with a provider to develop extra care accommodation on the site of the former Oakhaven care home. However due to planning restrictions and financial viability this project has not progressed. A number of alternative options for the site are being modelled for financial viability and officers expect to present a report to the executive making recommendations for the site early in 2020.
15. There are a total of 286 extra care units in the city, with a further 175 planned. Provision of Independent Living properties with Extra Care is higher in the east and west of the city than in the north. The units at New Lodge and Marjorie Waite will create a more even distribution. There are currently no commercial extra care developments in the city, however

officers have been in discussion with a number of developers who are keen to develop open market extra care properties. The Older Persons' Accommodation research found that approximately 9% of our residents would be keen to move into an extra care property if their social and care needs require it.

Nursing & Residential Care

16. The city currently has 1300 nursing and residential care beds. The level of provision varies across the city, with provision highest in the north. Currently there are approximately 450 residents in care home places funded by the Council, this figure varies depending on the number of short breaks placements. With partners across the city there are plans in place to deliver a further 158 high quality care home beds. This work includes support the development of nursing & residential care facilities at Burnholme and the former Fordlands site.
17. On 14 July 2016 Executive concluded that the Haxby Hall Care Home cannot continue in its current condition in the medium term due to poor facilities, including lack of en-suite bathrooms and general poor environmental quality. In January 2018, following consultation with staff and residents, Executive agreed that a developer/operator should be procured, who would take over Haxby Hall residential home as a going concern, with a commitment to deliver improved care facilities on the site. Following a procurement exercise, work has been ongoing to find a way to ensure access to the rear of the care home site, to allow development of a new care home in two phases and ensure that the residents are able to remain in their home throughout the work. A report is due to be presented to the executive in January 2020 recommending a route to delivering this.
18. The planning approval for the Lowfield Green development includes outline approval for an 80 bed care home. It had originally been envisioned that a care home developer would be procured to build on the site, with the Council buying 25 dementia and Nursing care beds back at the Council's Actual Cost of Care rates. A procurement exercise to deliver this failed to attract any compliant bids. At a similar time Officers were completing research with our older residents about their accommodation preferences. This research highlights residents desire to live independently with care and support available where needed. Officers have since been working to establish how best to develop Older Persons' Accommodation on the site, which will support those with care needs and also complement the surrounding high quality mixed tenure accommodation. A report is expected to be presented to the executive in spring 2020.

Ongoing work for the Older Persons' Accommodation programme.

19. Officers are continuing to work with colleagues across the council and stakeholders across the city to encourage the development of modern age appropriate accommodation. This includes other Council major projects, planning, social landlords, commercial developers, York Older People's Assembly, Age UK York and many others.

Financial Implications

20. The Older Persons' Accommodation Programme is on track to achieve the £553k saving agreed in the original business case. We will refine the financial modelling as the outcomes of each of the projects are realised.

Risk Management

21.

	Risk	Mitigations
1	Options for accommodation for older people do not match the expectations and aspirations of the city's residents	The programme has carried out research to establish residents' preferences and will continue to engage residents and stakeholders in future projects, to better understand resident's expectations.
2	Those with high care needs and their carers/assessors do not recognise Extra Care accommodation as suitable because this model of accommodation is not yet well established in York.	Resident, carer, staff and advocates engagement will raise awareness of the options available and the opportunities that Extra Care accommodation provides.
3	Insufficient funding available to deliver all elements of the programme.	The programme's financial model is constantly reviewed. The provision for Older Persons' Accommodation will form an integral part of the Council's housing development function. Each capital element of the programme will have an individual business case.

Recommendations

22. Members are asked to note the content of this report and give their views on the progress of the programme, specifically on those items due to be presented to the executive early in 2020

Reason: *In order to inform the development of future projects within the Older Persons' Accommodation Programme.*

Contact Details

Author:	Chief Officer responsible for the report:		
[REDACTED]	[REDACTED]		
[REDACTED]	[REDACTED]		
[REDACTED]	Report Approved	<input checked="" type="checkbox"/>	Date 5/11/18
[REDACTED]			
Specialist Implications Officer(s)			
[REDACTED]	- [REDACTED]		
[REDACTED]	- [REDACTED]		
[REDACTED]	- [REDACTED]		
Wards Affected: All			

Evidence Base Document

EX/CYC/56 (Strategic Housing Land Availability Assessment Update April 2021)

The SHLAA Update sets out the following note regarding assisted living / over 55s accommodation:-

Note Re: Assisted Living/Over 55's Accommodation Please refer to Policies H3: balancing the Housing Market and H9: Older Persons Specialist Housing of the emerging Local Plan (Publication Draft February 2018 – Regulation 19 Consultation) that provides the annually assessed need for this type of accommodation which has been evidenced through the SHMA (2016), SHMA Addendum (2016) and SHMA Update (2017). The need for this type of accommodation has been calculated and forms part of our objectively assessed housing need (OAN) and we now monitor completions against this demand figure. The City of York Council SHMA and Addendum (2016) analysis identifies that over the 2012-2033 period there is an identified need for 84 specialist units of accommodation for older people (generally considered to be sheltered or extra-care housing) per annum. Such provision would normally be within a C3 use class and is part of the objective assessment of housing need

The Update Report identifies the following completions in Table 3 of the Report (Components of Housing Completion Sites)

Year	Type of Approval	Number of Sites with Completions	Gross Additional Homes Completed	Net Additional Homes Completed
1 st April 2018 – 30 th September 2018	Residential (Use Class 3) ⁵ Approval	48	214	196
	Sites Granted Certificates of Lawful Use/Development	0	0	0
	'Prior Approval' Sites (see paragraph 1.6 below for details)	4	28	27
	Development of Over 55s accommodation/Elderly Homes with limited care ⁶	1	28	28
	Privately Managed Off Campus Student Accommodation	2	40	40
1 st October 2018 – 31 st March 2019	Residential (Use Class 3) Approval	57	164	151
	Sites Granted Certificates of Lawful Use/Development	0	0	0
	'Prior Approval' Sites (see paragraph 1.6 below for details)	1	1	1
	Development of Over 55s accommodation/Elderly Homes with limited care	1	6	6
	Privately Managed Off Campus Student Accommodation	0	0	0
2018/19			481	449

The table shows that just 34 homes for older people with limited care have been completed over the period 1st April 2018 – 31st March 2019. Which is just 40% of the annual target and an under-provision of 50 homes.

Throughout the preparation of the Local Plan and associated consultations we have raised concerns regarding the soundness of the Plan in respect of its ability to deliver the aims set out in Policy H9 (Older Persons Specialist Housing). Whilst this policy supports the delivery of housing for older people in principle, it relies on sites being brought forward speculatively by developers. The plan only has one allocation for specialist housing (H6).

The plan clearly identifies that York has a population that is older than the national average, with the SHMA Update document clearly identifying a need for 84 specialist units per annum. The table of housing completions in the SHLAA Update Report shows that the needs of older people are not being met and we would expect that trend to continue given the Council has not identified specific sites in its plan to deliver the 84 specialist units per annum, with the onus being on the market to bring such developments forward and for developers to be able to acquire an allocated housing site.

We have been liaising with the Council's Health, Housing and Social Care Team who are responsible for supporting the Older Persons Accommodation Programme. Attached to this representation is a report which was presented to the Council's Health and Adult Social Care Policy and Scrutiny Committee (December 2019) which provides further clear evidence of the need for older persons accommodation and supports the need for the Plan to identify a policy that will deliver the required dwellings.

Soundness Issue Identified

The SHLAA Update provides clear evidence that the needs of older people are not being met and with only one site identified in the plan for this purpose, the Plan will not be effective in meeting the identified needs of older people and results in plan that is not positively prepared. On this basis, the Plan is unsound.

Proposed Change to Address Soundness Issue Identified

To address this issue, the Plan should identify sufficient sites to meet the need for 84 specialist units per annum over the Plan Period.

If no additional sites are allocated to meet the identified need, and in the context of the new evidence in the SHLAA update which shows that there has been an undersupply of dwellings for older people in the 2 years that have been monitored, a policy is required that would support sites adjacent to settlement limits and in sustainable locations to meet the deficit.

This modification would ensure the plan is positively prepared and effective in meeting the identified needs of older people, given the new evidence highlights their needs are not currently being met and the plan does not identify sufficient sites to meet the identified need. Without sufficient allocated sites to specifically meet this need or a policy to ensure the identified deficiency can be addressed, the plan will not be effective in meeting the identified needs of older people in York.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** How we will use your Personal Information, **Part B** Personal Details and **Part C** Your Representation

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012



We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice



2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.



Signature

[Redacted Signature]

Date

06/07/2021

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

3. Personal Details		4. Agent's Details (if applicable)
Title	Mr	
First Name	William	Gemma
Last Name	Mason	Edwardson
Organisation (where relevant)	C/o Edwardson Associates	Edwardson Associates
Representing (if applicable)		Mr William Mason
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [\[EX/CYC/58\]](#) and City of York Local Plan Publication Draft (February 2018) [\[CD001\]](#) **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [\[EX/CYC/29\]](#)
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [\[EX/CYC/32\]](#)
- Affordable Housing Note Final (February 2020) [\[EX/CYC/36\]](#)
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- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [\[EX/CYC/61\]](#)

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

Do I need to attend the Public Examination?

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

(Please use a separate Part C form for each issue to you want to raise)



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:	PM72 – Hoggs Pond
Document:	Composite Modifications Schedule, April 2021
Page Number:	Pages 21 and Associated Map (Page 46)

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

We accept that the Council has undertaken consultation on the Topic Paper in accordance with the relevant procedures.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below.

What makes a Local Plan "sound"?

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

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared <input checked="" type="checkbox"/>	Justified <input checked="" type="checkbox"/>
Effective <input checked="" type="checkbox"/>	Consistent with national policy <input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

We agree with the Council’s assessment set out in Topic Paper 1 : Approach to defining York’s Green Belt Addendum (2021) Annex 3: Inner Boundaries, Part 1: Sections 1 – 4, Pages A3: 5, 6, 7, 8, 9, 10 and 11. We agree that it is not necessary to include Hoggs Pond within the Green Belt boundary in order to serve Green Belt purposes, specifically (1) to preserve the setting and special character of York (Purpose 4), (2) to check unrestricted sprawl (Purpose 1), or (3) to safeguard the countryside from encroachment (Purpose 3). Furthermore, we agree that Moor Lane represents the definitive feature in the landscape where the suburban area terminates and meets the countryside. We agree that Hoggs Pond does not have a functional relationship with the wider countryside as it is enclosed, being surrounded by the urban area on three sides with the cluster of houses on the fourth side.

8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

No modifications required.

9. If your representation is seeking a change at question 8.(1)

9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

In order to be present for any discussion and assessment of the Green Belt boundary relative to Hoggs Pond and to have the option to partake in the debate if necessary.

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** How we will use your Personal Information, **Part B** Personal Details and **Part C** Your Representation

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012



We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

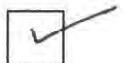
You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice



2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.



Signature

Date

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

3. Personal Details		4. Agent's Details (if applicable)
Title	Mr	
First Name	William	Gemma
Last Name	Mason	Edwardson
Organisation (where relevant)	C/o Edwardson Associates	Edwardson Associates
Representing (if applicable)		Mr William Mason
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

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What can I make comments on?

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- York Economic Outlook (December 2019) Oxford Economics [\[EX/CYC/29\]](#)
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [\[EX/CYC/32\]](#)
- Affordable Housing Note Final (February 2020) [\[EX/CYC/36\]](#)
- Audit Trail of Sites 35-100 Hectares (June 2020) [\[EX/CYC/37\]](#)
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- Statement of Community Involvement Update (November 2020) [\[EX/CYC/49\]](#)
- SHLAA Update (April 2021) [\[EX/CYC/56\]](#)
- CYC SuDs Guidance for Developers (August 2018) [\[EX/CYC/57\]](#)
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [\[EX/CYC/59\]](#)
 - Annex 1: Evidence Base (January 2021) [\[EX/CYC/59a\]](#)
 - Annex 2: Outer Boundary (February 2021) [\[EX/CYC/59b\]](#)
 - Annex 3: Inner Boundary (Part: 1 March 2021 [\[EX/CYC/59c\]](#), Part 2: April 2021 [\[EX/CYC/59d\]](#) and Part 3 April 2021) [\[EX/CYC/59e\]](#)
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [\[EX/CYC/59f\]](#)
 - Annex 5: Freestanding Sites (March 2021) [\[EX/CYC/59g\]](#)
 - Annex 6: Proposed Modifications Summary (April 2021) [\[EX/CYC/59h\]](#)
 - Annex 7: Housing Supply Update (April 2021) [\[EX/CYC/59i\]](#) and Trajectory Summary (April 2021) [\[EX/CYC/59j\]](#)
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [\[EX/CYC/60\]](#)
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [\[EX/CYC/61\]](#)

Do I have to use the response form?

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Can I submit representations on behalf of a group or neighbourhood?

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Part C -Your Representation

(Please use a separate Part C form for **each** issue to you want to raise)



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Topic Paper 1 (Green Belt), Annex 3 Inner Boundaries, Part 1 : Sections 1-4

Page Number:

A3:5 to A3:11

What does 'legally compliant' mean?

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6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

We accept that the Council has undertaken consultation on the Topic Paper in accordance with the relevant procedures.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below.

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared <input checked="" type="checkbox"/>	Justified <input checked="" type="checkbox"/>
Effective <input checked="" type="checkbox"/>	Consistent with national policy <input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

Hogg's Pond

We agree with the Council's assessment set out in Topic Paper 1 : Approach to defining York's Green Belt Addendum (2021) Annex 3: Inner Boundaries, Part 1: Sections 1 – 4, Pages A3: 5, 6, 7, 8, 9, 10 and 11. We agree that it is not necessary to include Hogg's Pond within the Green Belt boundary in order to serve Green Belt purposes, specifically (1) to preserve the setting and special character of York (Purpose 4), (2) to check unrestricted sprawl (Purpose 1), or (3) to safeguard the countryside from encroachment (Purpose 3). Furthermore, we agree that Moor Lane represents the definitive feature in the landscape where the suburban area terminates and meets the countryside. We agree that Hoggs Pond does not have a functional relationship with the wider countryside as it is enclosed, being surrounded by the urban area on three sides with the cluster of houses on the fourth side.

8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

No modifications required.

9. If your representation is seeking a change at question 8.(1)

9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

In order to be present for any discussion and assessment of the Green Belt boundary relative to Hoggs Pond and to have the option to partake in the debate if necessary.

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who

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have indicated that they wish to participate at the hearing session of the examination.



City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** How we will use your Personal Information, **Part B** Personal Details and **Part C** Your Representation

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012



We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.

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Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

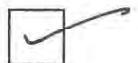
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1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice



2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.



Signature

Date

06/07/2021

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

3. Personal Details		4. Agent's Details (if applicable)
Title	Mr	
First Name	William	Gemma
Last Name	Mason	Edwardson
Organisation (where relevant)	C/o Edwardson Associates	Edwardson Associates
Representing (if applicable)		Mr William Mason
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

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Please return the completed form **by Wednesday 7 July 2021, up until midnight**

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- Audit Trail of Sites 35-100 Hectares (June 2020) [\[EX/CYC/37\]](#)
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 - Annex 1: Evidence Base (January 2021) [\[EX/CYC/59a\]](#)
 - Annex 2: Outer Boundary (February 2021) [\[EX/CYC/59b\]](#)
 - Annex 3: Inner Boundary (Part: 1 March 2021 [\[EX/CYC/59c\]](#), Part 2: April 2021 [\[EX/CYC/59d\]](#) and Part 3 April 2021) [\[EX/CYC/59e\]](#)
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [\[EX/CYC/59f\]](#)
 - Annex 5: Freestanding Sites (March 2021) [\[EX/CYC/59g\]](#)
 - Annex 6: Proposed Modifications Summary (April 2021) [\[EX/CYC/59h\]](#)
 - Annex 7: Housing Supply Update (April 2021) [\[EX/CYC/59i\]](#) and Trajectory Summary (April 2021) [\[EX/CYC/59j\]](#)
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [\[EX/CYC/60\]](#)
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [\[EX/CYC/61\]](#)

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

Do I need to attend the Public Examination?

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

(Please use a separate Part C form for **each** issue to you want to raise)



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

Document:

Topic Paper 1 (Green Belt), Annex 6 – Proposed Green Belt Modifications

Page Number:

A6:13 – Hogg’s Pond (PM72)

What does ‘legally compliant’ mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

We accept that the Council has undertaken consultation on the Topic Paper in accordance with the relevant procedures.

What does ‘Sound’ mean?

Soundness may be considered in this context within its ordinary meaning of ‘fit for purpose’ and ‘showing good judgement’. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework’s four ‘tests of soundness’ listed below.

What makes a Local Plan “sound”?

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

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared <input checked="" type="checkbox"/>	Justified <input checked="" type="checkbox"/>
Effective <input checked="" type="checkbox"/>	Consistent with national policy <input checked="" type="checkbox"/>

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

We agree with the proposed modification – that the green belt boundary runs along the southern carriageway edge of Moor Lane Woodthorpe.

We agree with the Council's assessment set out in Topic Paper 1 : Approach to defining York's Green Belt Addendum (2021) Annex 3: Inner Boundaries, Part 1: Sections 1 – 4, Pages A3: 5, 6, 7, 8, 9, 10 and 11. We agree that it is not necessary to include Hogg's Pond within the Green Belt boundary in order to serve Green Belt purposes, specifically (1) to preserve the setting and special character of York (Purpose 4), (2) to check unrestricted sprawl (Purpose 1), or (3) to safeguard the countryside from encroachment (Purpose 3). Furthermore, we agree that Moor Lane represents the definitive feature in the landscape where the suburban area terminates and meets the countryside. We agree that Hogs Pond does not have a functional relationship with the wider countryside as it is enclosed, being surrounded by the urban area on three sides with the cluster of houses on the fourth side.

8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

No modifications required.

9. If your representation is seeking a change at question 8.(1)

9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

In order to be present for any discussion and assessment of the Green Belt boundary relative to Hoggs Pond and to have the option to partake in the debate if necessary.

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Representations must be received by Wednesday 7 July 2021, up until midnight.
Representations received after this time will not be considered duly made.

From: [REDACTED]
Sent: 07 July 2021 15:20
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, INDIVIDUAL - reference: 206015

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent my own views

Your personal information

Title: Miss

Name: Maureen Lydon

Email address: [REDACTED]

Telephone: [REDACTED]

Address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Topic Paper 1 Green Belt Addendum January 2021 Annex 4 Other Developed Areas (EX/CYC/59f)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: No, I do not consider the document to be legally compliant

Please justify why you consider the document to be legally compliant:

Please justify why you do not consider the document to be legally compliant: I found the document to be very misleading. In the original part the areas shown for redevelopment were different to those in the Ex/CYC/59F Topic paper. The original map of Strensall shows the only change to be a re-drawing of a boundary line. The latter showed possible redevelopment behind my property but could very easily have been missed given the length of the document.

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: No, I do not consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate:

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate: For the same reasons I listed above. It was not clear to lay person reading the document.

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Strensall is supposed to be a village and yet there has been extensive development in the 20 years I have lived here. Many large developments have been allowed and to allow more would be overkill and will change the nature of the village yet again! Housing land will become available soon when the MOD leave Strensall and that is brownfield and can offer more housing in this area. The school is already oversubscribed, the traffic is very heavy and the wildlife habitat behind the house I live in is important and should be maintained.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: I do not think it is necessary to build more houses in Boundary 4 which was deemed to be green belt land. This should remain green belt as there are brownfield sites available which should be used first. Extensive development has already been allowed in Strensall and to allow more would be detrimental to the nature of the village and contribute to more traffic, more risk of flooding and damage to wildlife habitat.

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: No, I do not wish to participate at hearings sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

From: [REDACTED]
Sent: 07 July 2021 15:26
To: localplan@york.gov.uk
Subject: New Local Plan Consultation submission, ORGANISATION - reference: 206016
Attachments: 50642_07_York_Local_Plan_2021_Housing_Evidence_Review_060721.PDF

Local Plan consultation May 2021

I confirm that I have read and understood the Local Plan Consultation Privacy Notice, and consent to my information being used as set out in the privacy notice.

Can we contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents?: yes

About your comments

Whose views on the consultation documents do your comments represent?: My comments represent an organisation or group

Organisation or group details

Title: [REDACTED]

Name: [REDACTED]

Email address: [REDACTED]

Telephone: [REDACTED]

Organisation name: [REDACTED]

Organisation address: [REDACTED]

Key Evidence and Supporting Documentation

Which documents do your comments relate to?: Housing Needs Update September 2020 (EX/CYC/43a)

Your comments: Legal Compliance of the document

Do you consider the document to be legally compliant?: Yes, I consider the document to be legally compliant

Please justify why you consider the document to be legally compliant: Please see enclosed comments from [REDACTED]

Please justify why you do not consider the document to be legally compliant:

Your comments: Duty to cooperate

Do you consider the document to comply with the Duty to Cooperate?: Yes, I consider the document to comply with the Duty to Cooperate

Please justify why you consider the document to be in compliance with the Duty to Cooperate: No comment is provided on compliance with the duty to cooperate. Please see enclosed representations by [REDACTED]

Please justify why you do not consider the document to be in compliance with the Duty to Cooperate:

Your comments: Whether the document is ‘sound’

Do you consider the document to be ‘sound’?: No, I do not consider the document to be sound

Please justify why you consider the document to be sound:

Please justify why you do not consider the document to be sound: Please see enclosed representations by [REDACTED] and the discussion of the soundness of the evidence base and Proposed Modifications.

Your comments: Necessary changes

I suggest the following changes to make the Local Plan legally compliant or ‘sound’: Please see enclosed representations and the recommendations at paragraph 9.3

If you are seeking to change the Local Plan, do you want to participate at the hearings sessions of the Public Examination?: Yes, I wish to participate at hearing sessions

If you do wish to participate at hearing sessions, please state why:

Supporting documentation

Please provide any documents which support the comments made as part of this submission:

City of York Local Plan

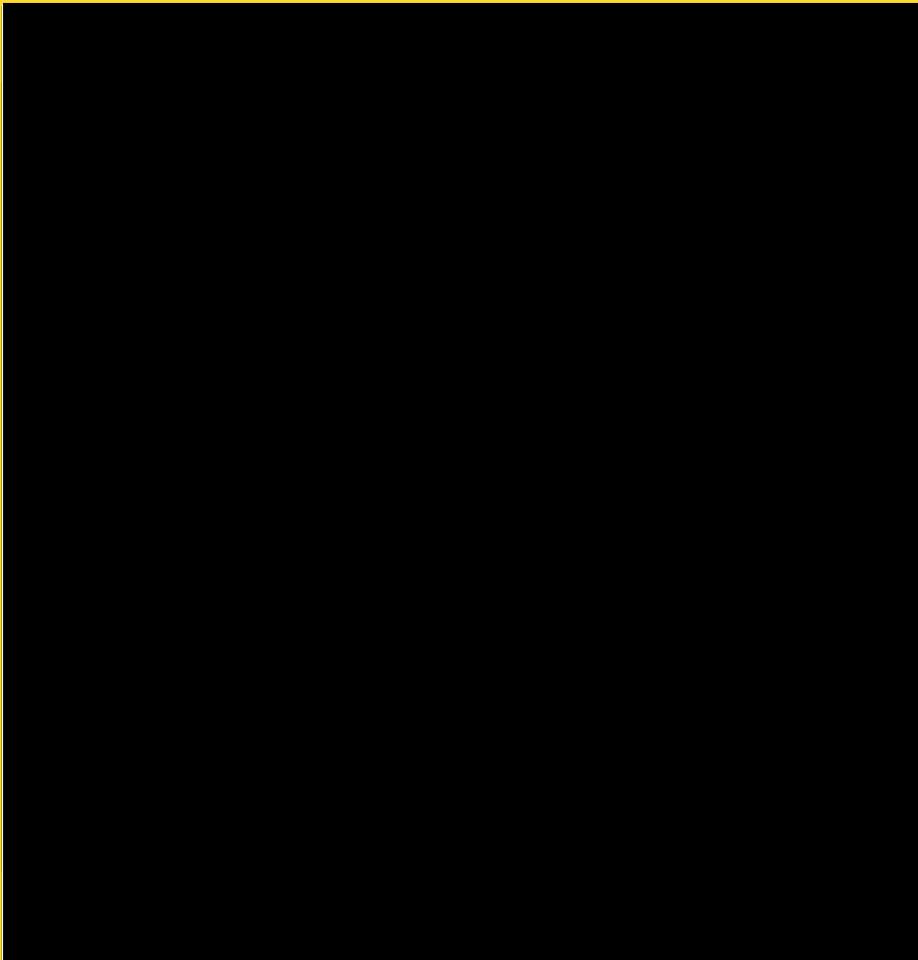
Proposed Modifications Version

Representations on Housing Matters



July 2021





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1.0 Introduction

1.1 This statement is prepared on behalf of three different and separate participants who have jointly instructed ██████████ to represent them on matters of housing need and supply. The participants are ██████████. Each has their own distinct interests in the City and have submitted separate responses on other matters, but present the following shared position on housing need.

1.2 The assessment of York’s housing need in this statement forms part of the above participant’s response to the City of York Council’s [CYC] latest consultation on the Key Evidence and Supporting Documentation that was published since the York Local Plan Hearing Sessions.

1.3 In particular, this representation analyses CYC’s updated evidence on housing needs that establishes the scale of need and demand for market/affordable housing in the City. In this regard, we comment on the following recently-published consultation documents:

- EX/CYC/32: CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return 2019
- EX/CYC/36: Affordable Housing Note Final February 2020
- EX/CYC/38: Joint Position Statement between CYC and Selby District Council Housing Market Area April 2020
- EX/CYC/43a: Housing Needs Update September 2020
- EX/CYC/56: SHLAA Update April 2021
- EX/CYC/58: Composite Modifications Schedule April 2021

City of York Council’s Local Plan Proposed Modifications (April 2021)

1.4 A review of the Objectively Assessed Housing Need [OAHN] was undertaken on behalf of CYC by ██████████ in September 2020 (*The Housing Needs Update report*), which supersedes the previous SHMA Update (2017) and a further Housing Needs Update in January 2019. This new report advised that in light of the latest set of 2018-based Sub-National Household Projections [SNHP] in March 2020, York’s housing need would fall to just 302 dwellings per annum [dpa] between 2012 and 2032. However, due to concerns over the methodology employed in both the population and household projections, ██████████ recommended that greater weight be given to the use of longer-term trends and economic-led housing needs, resulting in a requirement for 779 dpa. The consultants concluded that as there was no material change since the last assessment in January 2019, there was no need for the Council to move away from its OAN of 790 dpa.

1.5 On the basis of this evidence, the Council considered that under the transitional arrangements of the 2012 NPPF and the requirements of the National Planning Practice Guidance [the Practice Guidance] in relation to the assessment of housing need, it was justified in making minor modifications to its submitted Plan as a result of the updated OAN. It included an annualised shortfall of 32 dpa (unmet need between 2012/13 and 2016/17), bringing the housing requirement to 822 dpa.

1.6 These modifications include an update to Policy SS1, to clarify that the Council’s housing requirement, inclusive of shortfall should be amended to a ‘*minimum average annual net provision of 822 dwellings over the plan period to 2032/33*’.

1.7 Furthermore, paragraph 3.3 of the accompanying explanation to Policy SS1 is now (again) revised to state that:

*“Technical work has been carried out by ██████████ in the Strategic Housing Market Assessment Update (2017). This work has updated the demographic baseline for York based on the July 2016 household projections. ~~to 867 790 per annum.~~ Following consideration of the outcomes of this work, the Council aims to **address an objectively assessed housing need of 790 homes per annum. This produces a housing requirement amounting to** ~~meet an objectively assessed housing need of 867 790 new dwellings per annum for the plan period to 2032/33~~ **a minimum average annual net provision of 822 dwellings over the plan period to 2032/33, including an allowance for any a shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.**”*

1.8 Our review concludes that on the basis of the approach taken to reaching the 790 dpa housing requirement identified within the City of York Housing Needs Update (September 2020) (“the 2020 HNU”), this housing requirement fails to meet the full OAHN, which is significantly higher than the Council has estimated.

1.9 Furthermore, we consider that the Plan would fail to make appropriate provision for sufficient housing to sustainably deliver, in a timely manner, housing in line with the City’s full OAHN, with further site allocations required within this Plan in order to ensure an overall strategy that is deliverable and sufficiently flexible to respond to change.

Report Structure

1.10 The report is structured into the following sections:

- **Section 2.0** –sets out the housing policy context at a national and local level;
- **Section 3.0** – reviews the robustness of the Council’s evidence on housing need within the City, and whether the Council is meeting its OAHN;
- **Section 4.0** – reviews market signals;
- **Section 5.0** – analyses affordable housing needs;
- **Section 6.0** – considers the integration of student housing needs;
- **Section 7.0** – reviews the Council’s approach to factoring in backlog;
- **Section 8.0** - critiques the assumptions which underpin the Council’s currently claimed housing land supply and reviews the 5YHLS; and,
- **Section 9.0** - provides a summary and conclusion on the City of York’s housing need and supply.

2.0 **Housing Need**

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This is in the context that the Council’s Local Plan was submitted during the transitional arrangements for the 2019 National Planning Policy Framework [NPPF]. That said, the standard method for calculating housing need set out in the NPPF (and set out in more detail in the revised 2019 Practice Guidance and again in December 2020), provides relevant context for the direction of change the Government has moved towards, and the unwavering emphasis of seeking to substantially boost the supply of housing to attain an overall national target of 300,000 dwellings per year.
- 2.2 This will provide the benchmark against which the 2020 HNU will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

National Planning Policy Framework

- 2.3 The 2012 NPPF outlines that local planning authorities [LPAs] should positively seek opportunities to meet the development needs of their area (paragraph 14). It adds that, in order to “*boost significantly*” the supply of housing, they should “*use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...*” (paragraph 47)
- 2.4 The NPPF (paragraph 159) specifies the evidence required to objectively define housing needs within an area, setting out that LPAs should:
- “Prepare a Strategic Housing Market Assessment to assess their full housing needs... identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
- *Meets household and population projections, taking account of migration and demographic change;*
 - *Addresses the needs for all types of housing, including affordable housing...; and*
 - *Caters for housing demand and the scale of housing supply necessary to meet this demand.”*

2019 NPPF

- 2.5 The Revised Framework was published in February 2018. It has an unequivocal emphasis on housing, with the introduction to the 2018 consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year.
- 2.6 The 2019 NPPF states that to support the Government’s objective of “*significantly boosting the supply of homes*”, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§59].

- 2.7 In particular:
- “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”. [§60]*
- 2.8 The revision also makes clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§61].
- 2.9 Paragraphs 67 - 76 also set out how Councils should identify and maintain a five-year supply of housing against their housing requirement.
- 2.10 In terms of the weight that can be attached to this key policy document, it is accepted that paragraph 214 to Annex 1 of the NPPF states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans were submitted on or before the 24th January 2019.
- 2.11 However, the 2019 NPPF remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.
- 2.12 Furthermore, the *Planning White Paper: Planning for the Future*, published on 6th August 2020, proposes some very significant changes to the planning system and has a clear focus on accelerating housing delivery. It acknowledges that *“Assessments of housing need, viability and environmental impacts are too complex and opaque: Land supply decisions are based on projections of household and business ‘need’ typically over 15- or 20-year periods. These figures are highly contested and do not provide a clear basis for the scale of development to be planned for.”* [page 11]
- 2.13 As a result, the White Paper acknowledges that the current system simply does not lead to enough homes being built, especially in those places where the need for new homes is the highest. *“Adopted Local Plans, where they are in place, provide for 187,000 homes per year across England – not just significantly below our ambition for 300,000 new homes annually, but also lower than the number of homes delivered last year (over 241,000).7 The result of long-term and persisting undersupply is that housing is becoming increasingly expensive”*. [page 12]
- 2.14 The White Paper therefore aims to address housing affordability pressures, support economic growth and the renewal of our towns and cities, and foster a more competitive housing market. To ensure more land is available for the homes and development people and communities need, and to support renewal of town and city centres, the White Paper proposes the following:
- *“A new nationally-determined, binding housing requirement that local planning authorities would have to deliver through their Local Plans. This would be focused*

on areas where affordability pressure is highest to stop land supply being a barrier to enough homes being built. We propose that this would factor in land constraints, including the Green Belt, and would be consistent with our aspirations of creating a housing market that is capable of delivering 300,000 homes annually, and one million homes over this Parliament.” [page 19]

Planning Practice Guidance

- 2.15 The Planning Practice Guidance [PPG] contains a section providing guidance on housing and economic development needs assessments. It identifies that whilst there is no one methodological approach, an OAHN should fulfil the following criteria:
- be proportionate and not consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur (ID: 2a-003);
 - be based on facts and unbiased evidence. Constraints should not be applied to the overall assessment of need (ID: 2a-004);
 - utilise household projections published by the Department for Communities and Local Government as the starting point estimate of overall housing need (ID: 2a-015);
 - consider sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates (ID: 2a-017); and
 - take account of employment trends (ID: 2a-018), appropriate market signals including market indicators of the balance between the demand for and supply of dwellings (ID: 2a-019) and affordable housing needs (ID: 2a-029).

2019/2020 Planning Practice Guidance

- 2.16 Following on from the revisions to the Framework, on 13th September 2018 MHCLG published its revised PPG on Housing and economic land availability assessment covering changes to the 5YHLS approach, whilst on 20th March 2019 MHCLG updated its Housing and economic needs assessment to factor in the calculation of Local Housing Need via the standard methodology. This was again updated in December 2020 that scrapped earlier proposals and reverted back to the method it introduced in 2018, but with a modification to top up the number in the 20 largest cities and urban areas by 35%, reflecting Government objectives to, inter alia, drive housing into existing urban areas and encourage brownfield development.
- 2.17 The PPG states that:
- “The 2014-based household projections are used within the standard method to provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes.”¹*
- 2.18 If an authority uses a different method for calculating housing need the PPG sets out how this should be tested at examination:
- “Where a strategic policy-making authority can show that an alternative approach identifies a need higher than using the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point.”*

¹ 2a-002-20190220

“Where an alternative approach results in a lower housing need figure than that identified using the standard method, the strategic policy-making authority will need to demonstrate, using robust evidence, that the figure is based on realistic assumptions of demographic growth and that there are exceptional local circumstances that justify deviating from the standard method. This will be tested at examination.”²

- 2.19 Although the Government's stated ambition remains to deliver 300,000 new homes per annum across England by the mid-2020s, as of April 2021 the figure only equates to 288,716 and relies on the delivery of 85,542 homes in Greater London alone, which will not happen given that the current London Plan requirement is 52,287 dpa, whilst average delivery rates over the past 3 years have totalled just 36,686. This means that for the nationwide target to be met, other districts across England will need to go above and beyond their SM2 target.
- 2.20 Applying this revised approach to the standard methodology would result in a LHN figure of **1,013 dpa** for the City of York. This represents the minimum number of homes needed per year as set out in paragraph 60 of the revised Framework (February 2019).
- 2.21 This is calculated using the 2014-based household projections for 2019-2029, which equates to household growth of 809 per annum (8,089 over the 10-year period), plus a market signals uplift of 25.25%. This latter figure has been generated as follows, based on the most recent (April 2021) affordability ratio data for the City of York:
- Median local workplace-based affordability ratio (2019) = 8.04
 - deduct 4 = 4.04
 - divide by 4 = 1.01
 - multiply by 0.25 = 0.2525 (25.25%).
- 2.22 No cap is applied as York has no existing Local Plan figure to apply it to.

Relevant Caselaw

- 2.23 There have been several key legal judgments which provide clarity on interpreting the NPPF and PPG in terms of how to address the issue of affordable housing need in the context of arriving at a concluded figure for OAHN:
- 1 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”;
 - 2 ‘Kings Lynn and West Norfolk Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2464’ referred to as “Kings Lynn”;
 - 3 ‘Barker Mill Estates Trustees v Test Valley BC & Secretary of State for Communities and Local Government [2016] EWHC 3028 (Admin)’ referred to as “Barker Mill”;
and
 - 4 ‘Jelson Ltd. v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2018] EWCA Civ 24’ referred to as “Hinckley and Bosworth”.
- 2.24 Our previous 2019 representations explored the implications of these 4 judgements on York’s housing need in depth and we do not repeat them again here.

² 2a-015-20190220[CD/021]

Housing Need Local Policy Context

- 2.25 Before setting out a critique of CYC’s housing OAHN evidence base, it is important to recognise once more that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current Local Plan has been, it is not unfair to say, glacial. This is demonstrated by the fact that the Council is still relying on the outdated OAHN approach to calculate its housing requirement, rather than the Government’s standard methodology for calculating Local Housing Need for planning purposes, which was first consulted on in 2017, then adopted in 2018, three years ago.
- 2.26 This Standard Method is intended to shift time, resources and debate at examination away from the ‘numbers’ question and towards the ‘how’ and ‘where’ of building new homes. The fact that we are seemingly endlessly debating technical housing need issues at York’s EiP many years after the Plan’s original submission to PINS is a clear vindication of the Government’s move towards a standardized approach.
- 2.27 The development plan for York comprises two policies³ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan and a fluctuating housing need figure. The Council published the following ‘further work’ on the Local Plan relating to housing needs after a Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on ‘*Housing Requirements in York*’ which was based on two background documents produced by Arup⁴. The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of **926 dpa**⁵;
 - 2 In September 2015 the LPWG considered an update on the ‘*Objective Assessment of Housing Need*’ [OAHN] report produced by Arup⁶ and a report on ‘*Economic Growth*’⁷. The Arup report concluded that the housing ‘requirement’ should be in the **range of 817 dwellings per annum [dpa] to 854 dpa** between 2012 and 2031. The LPWG’s recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;
 - 3 In Autumn 2015 the Council commissioned [REDACTED] jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]⁸. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of **841 dpa**.

³ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

⁴ Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

⁵ Local Plan Working Group 17 December 2014 - Minutes

⁶ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

⁷ York Economic Forecasts – Oxford Economics (May 2015)

[REDACTED] (June 2016): City of York Council Strategic Housing Market Assessment

- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 [REDACTED] produced an Addendum⁹ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898 dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706 dpa – 898 dpa, and therefore the Council considered that it did not need to move away from the previous **841 dpa** figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. [REDACTED] was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The [REDACTED] SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783 dpa (in the 2016 SHMA) to 867 dpa. In their Update, [REDACTED] then applied a 10% uplift to the 867 dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of **953 dpa**. However, a cover sheet to [REDACTED] entitled ‘Introduction and Context to objective Assessment of Housing Need’ was inserted at the front of this document by the Council. This states that 867 dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953 dpa figure on the basis that [REDACTED] stating:

“...Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

As a result of this approach, the February 2018 City of York Publication Draft stated in Policy SS1: Delivering Sustainable Growth for York, the intention to:

*“Deliver a minimum annual provision of **867 new dwellings** over the plan period to 2032/33 and post plan period to 2037/38.”*

The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is “*an objectively assessed housing need*” [§3.3].

- 6 The Council then revised the OAHN down even further in light of GL Hearn’s January 2019 HNA, which modelled the (then) latest 2016-based SNHP. The HNU concluded that the 2016-based SNPP provide a more robust assessment of population growth for York than their predecessor, which is “*ratified by more recent population estimates*” [5.2]. Uplifting the 2016-based SNPP to meet an economic growth of 650 jobs per annum and adjusting household formation rates equates to a need for **790 dpa**, which [REDACTED] considers to be the OAHN on the grounds that this “*would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs*”. [§5.11]
- 7 The Council is now inviting comments on the 2020 HNU, again produced by [REDACTED] and which models the implications of the latest 2018-based SNPP and equivalent SNHP. The HNU concludes that the housing need in the City has not

[REDACTED] (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

changed materially since the last assessment in January 2019. *“The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. There is, therefore, no need for the Council to move away from their current position based on this new data.”* [para 5.8]

2.28 [REDACTED] has submitted representations on behalf of housebuilders to the various stages of the York Local Plan formulation as and when the OAHN has been updated over the past 5 years. Our most recent representation, made on behalf of a consortium of housebuilders in 2019, concluded that the OAHN should be increased to a figure in the region of 1,300 dpa plus the housing backlog from 2012-2017.

2.29 The remainder of this section provides an overview of the findings of the latest 2020 HNU.

Overview of the City of York’s HNU

2.30 The stated purpose of [REDACTED] Housing Needs Update [HNU] is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2018-based SNPP, equivalent 2018-based SNHP, and the 2019 Mid-Year Estimates. The analysis models housing need over the period from 2017-33 to be consistent with the Local Plan period. To align with previous studies carried out for the City, [REDACTED] has also have provided figures for the 2012 to 2037 period.

2.31 The HNU does not review the latest evidence on market signals within the City. Nor does it revisit the affordable housing need for the City, the mix of housing required, or the needs for specific groups. It is therefore limited in its scope.

2.32 The report [Table 1] finds that over the 2017-33 period, the 2018-based SNPP projects an increase in York’s population of around 7,432 people (+3.6%). This is very significantly lower than the 2014-based SNPP (24,229), which represents a difference of nearly 16,800 residents. The latest projections are also 6,120 lower than the equivalent 2016-based SNPP figures.

2.33 [REDACTED] consider that this is consistent with what is projected nationally as a result of lower fertility rates, reduced international migration and a more negative approach to life expectancy improvements.

2.34 [REDACTED] rightly reviews the implications of a number of variants produced by ONS to the 2018-based SNPP on the grounds that the principal projection only draws on internal migration trends over 2 years from 2016 to 2018 *“which can distort the outputs of a projection if those years are particularly high or low.”* [paragraph 2.4]

2.35 The analysis therefore reports a range of demographic scenarios, including the 10-year Migrant Variant (which draws trends over the 2008 to 2018 period) and an Alternative Migration Variant (which draws on migration trends over 5 years not 2). Over the Local Plan period, the principal variant would see a 3.6% growth in the population, whereas the 10-year migration variant and alternative internal migration variant see growth of 5.9% and 4.6% respectively.

2.36 [REDACTED] then examines the household formation rates that underpin the latest round of 2018-based household projections. They highlight the fact that concerns have been raised regarding their robustness:

“There are significant concerns around the HRRs, which it is argued lock-in recessionary trends during the 2001 to 2011 period from which they were drawn.” [paragraph 2.14]

2.37 By focussing on shorter term trends ONS has effectively ‘locked in’ deteriorations in affordability and subsequently household formation rates particularly within younger age groups during that time.

2.38 The analysis finds that by applying part return-to-trend headship rates, the level of housing need increases to between 501 dpa to 669 dpa (incorporating a 3% allowance for vacancy/second homes) depending on the variant modelled – significantly higher than the 302-471 dpa derived in the HNU for the main demographic-based projections.

Table 2.1 Projected Household Growth 2017-33 - Range of demographic based scenarios

	2018-based SNHP HRR		Part Return to Trend HRR	
	Change in households	dpa	Change in households	dpa
Principal	4,687	302	7,784	501
10-Year Migration	7,314	471	10,399	669
Alternative Internal	5,955	383	9,285	598

Source: ██████████ (September 2020): *City of York Housing Need Update*, Tables 4 and 5

2.39 ██████████ notes that the 669 dpa does not equate to a meaningful difference from the 679 dpa based on the PRT HRRs in the previous 2019 HNU, and therefore the variant migration scenario is seen as the more suitable to use for York.

2.40 However, moving on, the report goes on to suggest that this is largely academic as demographic housing need is lower than the economic-led housing need.

2.41 ██████████ models a series of economic growth forecasts, settling on 650 jobs per annum as this is considered to align with the ELR Update and the Oxford Economics model published in December 2019. Using the OBR economic activity rates and keeping unemployment rates, double jobbing and commuting ratios constant, this equates to a need for 766 dpa based on the part return to trend HRRs (2017-33), rising to **788 dpa** if York were to take a greater share of its workforce’s accommodation (a 1:1 commuting ratio).

2.42 The HNU concludes that “*there is a clear need to increase housing delivery in York to support the City’s economic potential. The scenarios we have run show this need to be in a fairly narrow range of 766 to 788 dpa. This is broadly comparable to the 790 dpa identified in the Housing Needs Update of January 2019.*” [paragraph 3.11]

2.43 The HNU then provides an overview of the standard method for assessing housing need. ██████████ notes that at the time of writing it equates to 1,206 dpa, falling to just 763 dpa if the Government’s August 2020 Consultation changes were implemented. They conclude that whilst these should have no bearing on the housing need for York at the Local Plan examination, “*it should provide some comfort that the latest version of the standard method arrives at a very similar number*”. [paragraph 4.20]

2.44 This last point re: 763 dpa is now irrelevant given that the Government has abandoned the August 2020 Consultation changes. The SM2 remains at 1,013 dpa.

2.45 The HNU concludes that whilst the 2018-based SNHP demonstrates clear downward pressure on demographic trends for York, there are significant concerns about the methodology (particularly concerning the use of just 2 years of internal migration trends and household formation rates which lock in recessionary trends). As such ██████████

advocates the use of the variant population projection and bespoke household formation rates. The resultant 670 dpa is still lower than the economic growth projection of 779 dpa over the Plan period:

*“We have not updated market signals for the City however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited. For example, for the Plan period, the economic-led need of 779 dpa is 157% higher than the demographic starting point of 302 dpa. To conclude, the housing need in the City has not changed materially since the last assessment in January 2019. The previous report identified a need for 790 dpa and the economic-led need within this report is as high as 788 dpa. **There is, therefore, no need for the Council to move away from their current position based on this new data.**”*

[paragraphs 5.7-5.8]

3.0

Critique of the SHMA Update

Introduction

- 3.1 The Companies represented by [REDACTED] have serious concerns and wish to raise objections to the way in which the Council has chosen to identify an OAHN of 790 dpa (reducing this down from the already unsatisfactory 867 dpa) and the subsequent identification of this need (plus 32 dpa backlog) as the housing requirement in the Policy SS1 of the Modified LPP.
- 3.2 This section provides a critique of GL Hearn’s 2020 City of York Housing Needs Update [HNU].

Starting Point and Demographic-led Needs

Population Change

- 3.3 The Practice Guidance¹⁰ sets out that in assessing demographic-led housing needs, the latest CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS’ latest Mid-Year Estimates [MYEs]¹¹.
- 3.4 This previous guidance has of course been amended in the revised Practice Guidance, published in December 2020, which now formalises the standard methodology to calculate Local Housing Need. This is founded on the previous 2014-based SNHP rather than the more recent 2018-based equivalents as they “provide stability for planning authorities and communities, ensure that historic under-delivery and declining affordability are reflected, and to be consistent with the Government’s objective of significantly boosting the supply of homes”¹².
- 3.5 [REDACTED] accepted in paragraph 2.18 of its 2019 HNU that the 2016-based projections do not have the ability to meet the Government’s housing target of 300,000 homes per annum. It is not mentioned in the 2020 Update, but given that the 2018-based household projections are even lower for York, then this 2019 comment is even more relevant today.
- 3.6 On 6 August 2020, the Government published its proposed ‘Changes to the current planning system’. The consultation paper set out four policy proposals to improve the effectiveness of the current system, which included changing the standard method for assessing local housing need, to plan for the delivery of 300,000 new homes a year and plan for more homes in the right places. The Government provided a detailed response to this consultation on 1st April 2021¹³:

“In Changes to the current planning system, the government set out the importance of building the homes our communities need and putting in place measures to support our housing market to deliver 300,000 homes a year by mid-2020s. We set out that our proposed changes to the standard method were based on overarching principles as

¹⁰ Practice Guidance - ID 2a-015-20140306

¹¹ Practice Guidance - ID 2a-017-20140306

¹² Practice Guidance - ID: 2a-005-20190220

¹³ <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

stated in paragraph 17 of the consultation. These were ensuring that the new standard method delivers a number nationally that is consistent with the commitment to plan for the delivery of 300,000 new homes a year, a focus on achieving a more appropriate distribution of homes, and on targeting more homes into areas where there are affordability challenges. We remain committed to these principles.”

- 3.7 In the Government’s response, it clarified that the 2018-based projections are not a justification for lower housing need:

“We will continue to use the 2014-based household projections. The government has carefully considered whether to use the 2018-based household projections and has concluded that, due to the substantial change in the distribution of housing need that would arise as a result, in the interests of stability for local planning and for local communities, it will continue to expect only the use of the 2014-based projections.”

- 3.8 It goes on to state that “*We will continue to specify that the most recent affordability ratios should be used ensuring relevant market signals continue to play a role.*”

- 3.9 **We acknowledge that the City of York Local Plan was submitted to the Secretary of State for Examination before 26th January 2019 and therefore should be examined under the transitional arrangements (i.e. the 2012 NPPF and 2014 Practice Guidance). For this reason, the LHN calculated by the standard method would not apply. We do stress however that it is totally unacceptable that the City of York has dragged out its Local Plan process for such an extended period of time that it is still able to rely on the OAHN approach despite the standard method having been enshrined in planning policy 3 years ago (in July 2018).**

- 3.10 Furthermore, we accept that in accordance with the 2014 version of the Practice Guidance, ██████████ is correct to at least model the 2018-based SNPP/SNHP; that does not necessarily mean it is right to use the much lower projections to directly inform the OAHN without making reasonable adjustments, particularly in light of the Government’s clearly stated objective to build more homes consistent with the 300,000 target by the mid-2020s, not to use potentially flawed projections to provide even fewer homes:

“Population changes are only one aspect of the driver for housing supply. Rising incomes, changing social preferences and factors such as real interest rates and credit availability contribute to demand for housing. In summary, the Government’s judgment is that these factors combine to indicate that there is no need to change its aspirations for increasing housing supply. This is consistent with the argument in the housing White Paper that the ambition of delivering more homes should be about both keeping pace with population growth and looking to address worsening affordability through tackling the previous undersupply of homes.”¹⁴

- 3.11 We therefore agree with ██████████ that the 2018-based SNHP/SNPP should be sensitivity tested, based on alternative assumptions around underlying demographic projections, based on established sources of robust evidence:

“The household projections produced by the Department for Communities and Local Government are statistically robust and are based on nationally consistent assumptions. However, plan makers may consider sensitivity testing, specific to

¹⁴ MHCLG (October 2018): *Technical consultation on updates to national planning policy and guidance*, paragraph 12

their local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. Account should also be taken of the most recent demographic evidence including the latest Office for National Statistics population estimates.

Any local changes would need to be clearly explained and justified on the basis of established sources of robust evidence. Issues will vary across areas but include:

- *migration levels that may be affected by changes in employment growth or a one off event such as a large employer moving in or out of an area or a large housing development such as an urban extension in the last 5 years*
- *demographic structure that may be affected by local circumstances or policies e.g. expansion in education or facilities for older people.”¹⁵*

3.12 This is explored in more detail below.

The use of longer-term trends

3.13 The PPG is clear that household projections are the starting point for overall housing need and that these are nationally consistent and statistically robust¹⁶. It goes on to state that plan-makers may consider sensitivity testing based on local circumstances, but that this must be based on established sources of robust evidence¹⁷. Some of circumstances it cites includes migration levels which are affected by changes in employment, such as a large employer moving to the area or urban extension, or where demographic structures are affected by policies related to specific groups, e.g. expansion in education facilities or facilities for older people.

3.14 The use of short-term trends means recent changes in growth are picked up more quickly, although if recent trends are not representative of the longer term ‘norm’ they may over or under estimate future need (hence ID 2a-017). Whilst longer term periods can allow unusual trends to be ironed out, they may fail to pick up recent changes and therefore may also over or under-estimate future need. Despite these advantages and disadvantages, it is set out within Government guidance that the official projections – i.e. short-term trends – should provide the starting point for housing needs assessment.

3.15 The question therefore is whether, in York, there are any “*specific local circumstances*” (e.g. movement of major employers, higher education expansion, etc, as cited in ID 2a-017) in recent years which mean that it is not appropriate to use the official 2018-based SNPP and that a longer-term trend is more appropriate.

3.16 We can ascertain whether there have been any unusual or one-off circumstances in the City of York specifically which warrant the use of long-term trends over short term trends by looking at historic completions and migration data (an exercise only partially undertaken in the HNU).

Housing completions

3.17 Figure 1 show completions in the City of York back to 2001/02, along with the 10-year averages. It shows that in the 7 years up to the recession (2007/08), average completions were 809 per annum. Since then completions have been rapidly falling, with the average declining to just 652 dpa for the 10 years to 2017/18.

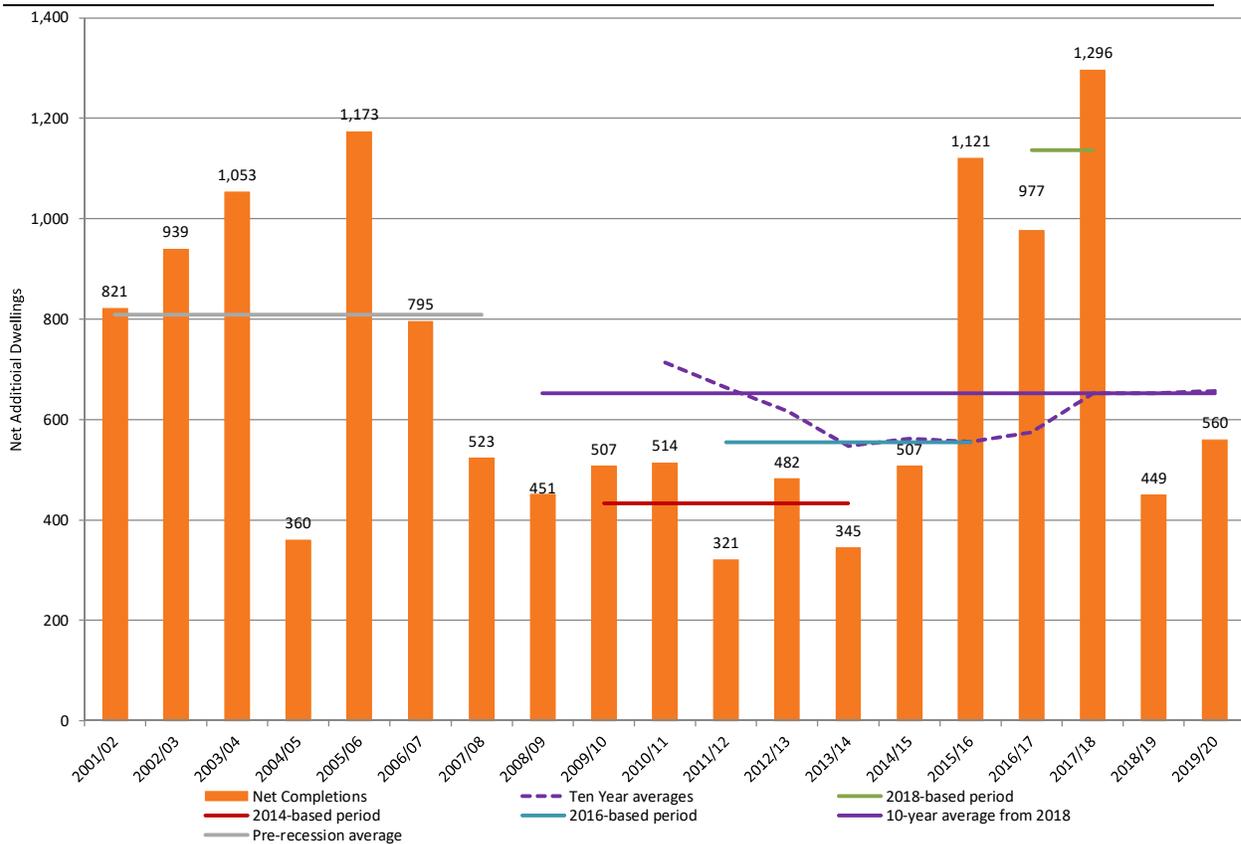
¹⁵ Practice Guidance - ID: 2a-017-20140306

¹⁶ Practice Guidance - ID: 2a-015-20190220

¹⁷ Practice Guidance - ID: 2a-017-20190220

- 3.18 In the base period for the 2016-based projections, completions were lower, at 555 dpa. The 2014-based projections are even lower, at 434 dpa. However, the most recent 2018-based projections draw upon a 2-year period where average completions were higher than any of the comparator time periods, of 1,137 dpa, picking up the steady increase in housebuilding in York that rose to 1,296 dwellings in 2017/18. This suggests that housebuilding is recovering to levels that were consistently seen in the boom years prior to the recession, the drop in the past two years notwithstanding.
- 3.19 Whilst the link between housing completions and population growth is complex, it is surprising that the 2018-based SNPP is based on a time period when the level of housebuilding is at a very high level, when strong levels of net inward migration might have reasonably been expected. We note that for 2016/17, the LT122 MHCLG figure for dwelling completions was just 378, not 977 as reported by CoY and there are very significant discrepancies between the Council’s figures and those that were reported to MHCLG (and which originally informed the Housing Delivery Test’s figures). The Council now suggests that it has delivered 5,177 dwellings over the plan period to date (2012/13-2019/20), whereas their returns to MHCLG suggested that this was only 3,255, a huge discrepancy of 1,922 dwellings.

Figure 1 Historic completions in the City of York - 2001/02 to 2019/20



Source: EX_CYC_HFR vs. AMR 2021 / MHCLG Table 122: Net Additional Dwellings by Local Authority District

- 3.20 It would be helpful for the Council to outline why these figures are so out of line (for example in 2016/17 it informed MHCLG that it had delivered 378 net additional dwellings, whereas it is now suggesting that 977 were actually delivered – a difference of

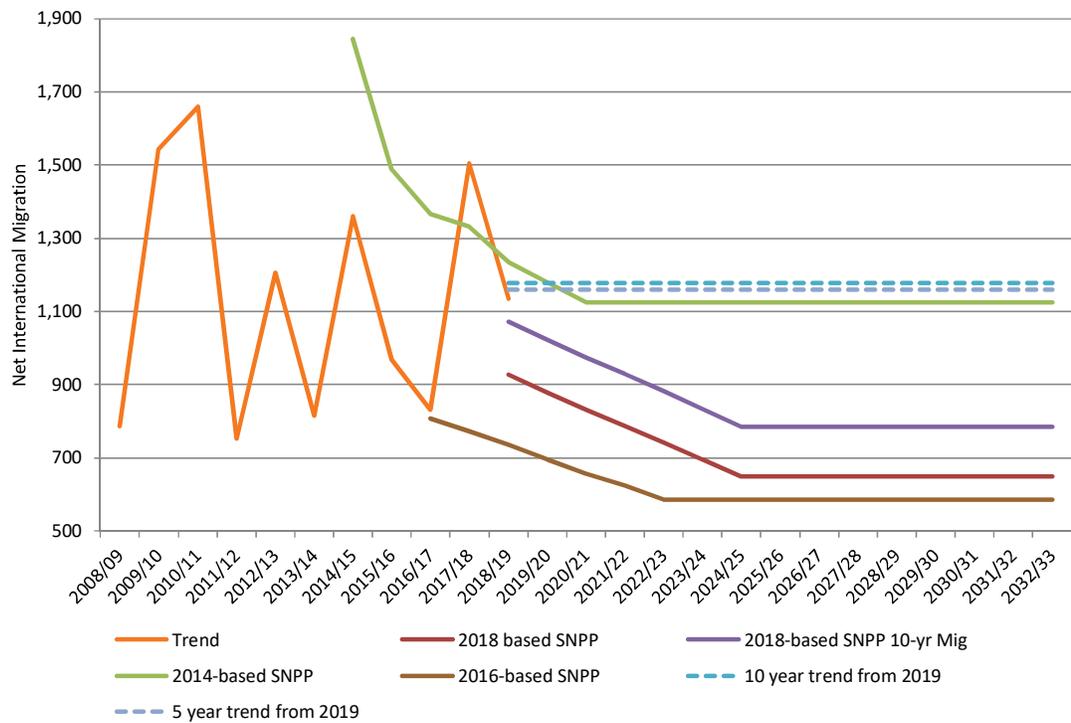
599 units), particularly as this has informed the 32 dpa under supply uplift (which would rise to 153 da if the LT122 MHCLG figures were used).

International Migration

3.21 Another way to consider whether the City of York has seen any ‘unusual’ or one-off events which mean longer term trends are more appropriate is to look at migration. Figure 2 shows historic levels of net international migration to the City of York. It is similar to GL Hearn’s Figure 4 in the 2019 HNU (they chose not to replicate this in their 2020 Update), but it includes more up-to-date data relating to the 2019 Mid-Year Population Estimates and the latest 2018-based SNPP.

3.22 Overall the international migration figures suggest net migration rose after the recession, at a time when housebuilding was falling. However, since that time, net migration has fluctuated between c.750 and 1,660 annually.

Figure 2 Historic Net International migration to the City of York, 2008/09 to 2018/19 and Future Projections



Source: ONS

3.23 The 2018-based SNPP net international migration figures look anomalous compared to past trends. From 2022/23 onwards, the principal projection is adjusted down to just 649 annually, a figure that is far lower than any net international migration figure for the past 18 years with the exception of 2005/06. In contrast, the 10-year trend equates to 1,177 annually (almost double the 2018-based SNPP), whilst the 5-year trend is almost as high, at 1,160. As can be seen in the Figure, the 2014-based SNPP net international migration figure sits just below these trends, at 1,125.

3.24 Importantly, [redacted] argues that greater weight should be attached to the 10-year Migrant Variant as these “are arguably more robust from a methodological point of view than the principal projection as they use longer term trends”, and indeed they have used this to inform their preferred OAHN scenario. However, we can see from the Figure that

the scenario is clearly not based on 10 year international migration trends, as with a net rate of just 786 this sits well below the actual 10 year trends (*note: the 10 year trend for net international migration to 2018, rather than 2019 is also much higher, at 1,143 per annum*).

3.25 The 2019 HNU argued (in paragraph 2.11) that there is a close alignment between the 2016-based SNPP and the recorded MYE for 2016/17, which is correct; however, for 2018/19 the 2016-based SNPP recorded a net international migration figure of just 736, when 1,134 were actually recorded in the 2019 MYE. It is worth noting that [REDACTED] stays silent on this point in the 2020 HNU – presumably because it is quite clear that the 2019 net international migration figure for the principal 2018-based SNPP, at 878, is considerably lower than the 1,134 actually observed for that year.

3.26 In terms of what may be causing this discrepancy, it is worth noting that the emerging Local Plan recognises that York has a large proportion of higher education students which is set to continue following the expansion of the University of York and as other establishments continue to provide modern education facilities to accommodate growing student numbers [paragraph 1.48]. In particular, York St John University has experienced rapid student growth in recent years:

“The University currently has 6,500 students (FTEs) and employs 750 staff. The increase in student numbers of the last 10 years is circa 93% and it is anticipated that the total will increase to 8,000 by 2018.” [1.60]

3.27 It is possible that a significant proportion of these students have come from abroad, helping to boost the projections, and that this is forecast to continue for the foreseeable future once the economy recovers from the Pandemic/Brexit fallout.

Economic Growth

3.28 The 2020 HNU modelled only one economic growth scenario, the REM projections for December 2019, which relates to net job growth of 650 per annum 2019-2033. The modelling undertaken by [REDACTED] translates this job growth into a housing need of 766 dpa, rising to 779 dpa when a 1:1 Commuting Ratio is applied. This is considered by GL Hearn to be the Council’s new OAHN, although as this is broadly comparable to the 790 dpa identified in the 2019 HNU it was considered that there was no need for the Council to move away from their current position based on this new data.

3.29 There are some clear omissions with GL Hearn’s approach:

1 There is a **clear discrepancy regarding the modelling period**. The job growth figure used in the ELR relates to 2014-2031 (+11,050 jobs, §3.4 of the HNU), whereas [REDACTED] has projected this forward over a completely different time period, 2019-33/37 (Table 8 of the HNU).

2 It is **unclear how [REDACTED] has modelled job growth in the years 2017-2019**. Reference to NOMIS’s Job Density information suggests that the City’s workforce grew by 2,000 over that 1-year period at a rate of 1,000 annually. GL Hearn’s modelling does not appear to have factored this strong growth into its [REDACTED] nt.

[REDACTED] states that they *“have not examined the economic need associated with historic employment growth as the accommodation has already been provided to support that growth. We have therefore focussed on the economic-led need required to support 650 jobs per annum for the period 2019-33 and 2019-*

37 with the interim period to 2019 taken from published in MYE” [sic, paragraph [REDACTED] justification for not examining the economic need associated with historic employment growth is therefore because “*the accommodation has already been provided to support that growth*”. However, that is not the case, hence the fact that the Council is factoring in a backlog of 32 dpa into its housing requirement to reflect historic under-supply.

- 4 The HNU has **not analysed past economic growth trends**. York has been very successful in boosting economic growth, with job growth of 16,000 between 2000 and 2017¹⁸, equivalent to a Compound Average Growth Rate [CAGR] of 0.83%. This is significantly higher than the 0.53% equivalent to 650 jobs per annum 2017-37. In our previous representations, [REDACTED] modelled this past trend job growth figure in our Technical Appendix and generated a need for up to **1,062 dpa** – close to the standard method LHN figure of 1,1,013 dpa.

3.30 The Council’s housing and employment land evidence is therefore inconsistent and misaligned due in part to confusion over the timescales.

Housing Market Areas

3.31 The Council’s Housing Market Area [HMA] evidence is founded on the June 2016 City of York SHMA produced by [REDACTED]. The report concludes that:

“While we propose a HMA which links to Selby and York we are not considering housing need across the HMA”. [§2.106]

3.32 We support the principle of the City of York meeting its own housing needs (in full) within its own boundaries. However, if the Council is suggesting that it forms part of a joint HMA with Selby, then a joint SHMA should have been prepared¹⁹.

3.33 The *Joint Position Statement between the City of York and Selby District Council in relation to the Housing Market Area, April 2020* [EX_CYC_38] seeks to head this criticism off by stating that “*any links between York and Selby only extend to part of the Selby area and that this is considered to support the approach taken by the Councils through the Duty to Co-operate to meet their own objectively assessed housing needs within their own administrative areas*”, and that “*it is not practical to seek to align the preparation of the two Plans and to consider housing needs jointly across the HMA.*” [page 1]

3.34 However, for all intents and purposes, Selby and York share the same Housing Market Area. This is why the two Councils have prepared joint SHMAs in the past. They are also part of the same Travel to Work Area [TTWA], as set out in the ONS’s 2015 TTWA analysis (incorporating 2011 Census data). Whilst we do not object to the Councils meeting their own needs in full within their own areas, despite both Councils appointing [REDACTED] to undertake SHMAs in recent years then at the very least, we would at least expect that [REDACTED] would have used consistent data sources and methodologies. This has not happened.

3.35 As a result, we now have a situation whereby [REDACTED] produced the City of York – Housing Needs Update in 2020. They also produced a SHMA Update on behalf of Selby District Council in February 2019. Presumably the company had virtually identical datasets available to them, yet chose to apply completely different approaches (*please*

¹⁸ NOMIS Jobs Density data

¹⁹MHCLG (March 2012): National Planning Policy Framework, §159

refer to our previous representations for an assessment of the differences between the 2019 York HNA and the 2019 Selby SHMA Update).

- 3-36 The Joint Position Statement now clarifies that whilst the City of York continues to use the NPPF 2012 OAHN approach to identify its housing needs, Selby will be using the standard method to identify its housing requirement. **Conveniently, this results in a ‘drive to the bottom’ for both parties, with York pursuing an OAHN figure of 790 dpa rather than an SM2 figure of 1,013 dpa, whilst Selby uses the SM2 figure of 342 dpa rather than its previous OAHN of 410 dpa!**
- 3-37 There are therefore numerous disparities in the approaches taken to determine the scale of housing need for York and Selby. It is Lichfields’ view that CoYC should seek to meet its housing needs in full within its own boundaries. Nevertheless, if CoYC does consider that Selby forms part of a wider HMA with York then it should have a consistent evidence base, which it does not. The fact that Selby’s Core Strategy is out of date and the Standard Method is in play highlights the inconsistency even more.

Implications of revising the Plan Requirement

- 3-38 We also raise the issue which could arise should the Council choose to revise down its requirement as a result of the new projections, namely that in light of the Standard Method producing a figure of around 1,013 dpa, this would reduce the longevity of the plan and trigger an early review (as per the PPG, ID 61-043). Therefore, reducing the plan requirement now in light of the 2018-based household projections would create an even greater gap between the current plan requirement and the requirement under the Standard Method, **further undermining the longevity of the plan** and credibility of the plan-led system which is a Core Principle of the NPPF (2012).

Changes to housing evidence during Local Plan examination processes – examples from elsewhere

- 3-39 On 9th July 2020 the Inspectors of the York Local Plan Examination wrote to the Council stating that the ONS recently published their 2018-based household projections (2018-2028) on 29th June 2020. *“On the face of it, from our understanding of these latest ONS projections, there is a reduction in the household projections for York, particularly between the 2014-based and 2018-based projections. As such, it appears that the latest available information leads to a different starting point for the calculation of the OAHN for York. In order for us to determine whether or not the Plan’s housing requirements are soundly based, we will need to consider whether or not the publication of the 2018-based household projections represents a meaningful change in the housing situation from that which existed when the OAHN was assessed and determined for the submitted Plan, subsequently updated through the Housing Needs Update and at the time of the relevant hearing sessions in December 2019.”*
- 3-40 The Council was therefore invited to address this question, with evidence-based reasons, on whether or not they consider that the publication of the 2018-based household projections represents a ‘meaningful change’ in the housing situation from that which existed at the time of the Plan’s submission, the subsequent re-assessment of the OAHN in the Housing Needs Update (January 2019) and the relevant hearings in December 2019. *“Furthermore, if it is considered that there has been a ‘meaningful change’, could the Council set out what the implications are for the housing requirement figures in the*

submitted City of York Local Plan and those subsequently submitted as a result of the Housing Needs Update (January 2019)."

- 3.41 The ongoing publication of new data (with population and household projections being published on a two-yearly cycle, until recently on alternate years) has often led to delay where publication has caught up with plan preparation or plan examinations. This has been the case despite the PPG highlighting that a balance needs to be struck between ensuring plans are based on up-to-date evidence whilst, at the same time, ensuring assessments are not rendered out-of-date every time new projections are published. In this context, the PPG discusses how “*a meaningful change in the housing situation should be considered...*” (PPG 2014 ID 2a-016) but this needs to be balanced with the NPPF’s core planning principle that planning should be “*genuinely plan-led*” (NPPF 17) which can, by definition, only be achieved by having a plan in place.
- 3.42 The York Local Plan examination will soon enter its fourth year having been submitted in 2017 and this is the Council’s first new plan ever (i.e. it has yet to adopt a plan which post-dates the introduction of an NPPF). There is clearly a balance to be struck between further delays to the adoption of the plan on the basis of debates around OAHN and getting the plan in place. Arguably, continued delays to the adoption of the plan would seek to undermine the NPPF’s core planning principle that the system should be genuinely plan-led.
- 3.43 In this context, there are numerous examples where the publication of new projections (i.e. where more recent projections indicate a lower starting point/lower demographic change than previous assessments) through the examination process has not led to a revision in the OAN, including Wycombe²⁰, Broxbourne²¹, Braintree²².
- 3.44 From these examples there are two commonalities when Inspectors have considered the impact of new, lower projections published during the examination process on OAHN:
- 1 Even where there are apparently substantial reductions in the household projections (to a degree of 40% in two of these examples) there is a recognition that such projections are just the starting point and only one of many elements which influence the OAN, and thus a reduction in the starting point does not automatically justify a reduction on the overall OAHN (for example, a market signals uplift cannot simply be reapplied to this new starting point to derive an updated OAHN, as is being suggested in Welwyn Hatfield). There are other factors, such as affordable housing need, which should be part of the assessment leading to a concluded OAHN; and
 - 2 In all three examples the Inspectors seek to balance the need for up-to-date evidence with the need for the planning system to be genuinely ‘plan-led’ by enabling timely adoption of the plan by minimising delay. In the case of Wycombe and Broxbourne the updated evidence represented just one set of projections (from 2014-based in each of their submitted plans to 2016-based projections being published during the examination) and in both cases the Inspectors discussed the need to minimise delays and ensure timely adoption of the respective plans. In the case of the North Essex Plan (which saw three sets of projections put in front the examination; 2014-based, 2016-based and 2018-based, as is the case in Welwyn Hatfield) the Inspector placed an even greater emphasis on the need for timely plan adoption, noting that the examination had already been ongoing for over three years.

²⁰ See Wycombe Local Plan Inspector’s Report July 2019 [here](#)

²¹ See Broxbourne Local Plan Inspector’s Report April 2020 [here](#)

²² See the North Essex Authorities’ Shared Strategic Section 1 Plan Inspector’s Report December 2020 [here](#)

- 3.45 The above examples further demonstrate that using the 2018-based SNPP as a justification to reduce the housing target would not be in accordance with the NPPF or PPG, and there has been clear precedent for rejecting this approach by other Inspectors.

Summary

- 3.46 We welcome [REDACTED] use of the 10-year migration trend and the modelling of the alternative internal migration scenario. The ONS's 2018-based SNPP now assumes lower fertility rates, lesser improvements in life expectancy (i.e. higher death rates) and lower net international migration across the country (with past trends migration confined to just 2 years of data), and York is no exception. The latter input does, however, appear excessive given past trends.
- 3.47 However, given the issues raised above regarding the extremely low levels of international migration underpinning even this variant scenario compared to past trends we do question why [REDACTED] chose not to model the High International variant produced by ONS alongside the other variants. This suggests that over the 2018-2033 period, net international migration could contribute 16,645 new residents to the local area (net), compared to 12,794 based on the 10-year migration trend and just 10,705 based on the principal 2018-based SNPP. The longer-term net international migration figure of 1,144 residents under this scenario is also much more readily comparable with the 10-year trend (to 2019) of 1,177.
- 3.48 It is considered that at the very least there should be a sensitivity testing for long term migration trends in the HNU for York based on '*specific local circumstances*' (as per PPG ID 2a-017). In this respect, the HNU does not fulfil the requirements set out in ID 2a-017 regarding sensitivity testing of the official projections.
- 3.49 We are also concerned that there are flaws with the approach followed by [REDACTED] regarding the alignment with economic growth, not least the discrepancies over the time period and the missing data for 2017-2019 (a period of very strong economic growth).
- 3.50 Furthermore, as we have repeatedly raised in our previous representations, the Council accepts that both York and Selby share a Housing Market Area. It therefore makes no sense for the two districts to follow completely different approaches to identifying their housing needs, choosing to follow conflicting methods that result in the lowest possible housing target for each area.

4.0 Market Signals

4.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]

4.2 The Practice Guidance²³ requires that the housing need figure as derived by the household projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance²⁴ highlights the need to look at longer term trends and the potentially volatility in some indicators.

4.3 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”²⁵.

4.4 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.5 As set out in detail above, ██████████ has rather unusually, decided not to update market signals for the City; *“however given the extent of the economic need and the uplift this entails from the demographic starting point a further uplift would not be merited”*.

4.6 This is not necessarily the case – ██████████ has concluded that the demographic starting point should be adjusted due to issues with the principal 2018-based SNPP, and that they see *“the variant migrations scenarios as being the more suitable to use for York”*. [paragraph 2.22] The adjustment, from 465 dpa to 669 dpa (2017-2033) is not to address affordability issues; it is to address *“issues with the projections using internal migration trends over just 2 years and household formation rates which lock in recessionary trends”* [paragraph 5.2].

4.7 As is clearly stated in the original PPG on the subject, the purpose of the market signals adjustment is to *“increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability.”²⁶*

4.8 **It would therefore be illogical to apply this to the principal SNPP projection, given that ██████████ accepts that this is not a robust trajectory of future population growth. Only by applying the market signals uplift to the realistic**

²³ Practice Guidance - ID 2a-019-20140306

²⁴ Practice Guidance - ID 2a-020-20140306

²⁵ ibid

²⁶ Paragraph: 020 Reference ID: 2a-020-20140306

demographic starting point (at the very least, the 10-year migration figure of 669 dpa) can we hope to boost supply to the extent that it starts to improve affordability in the City.

4.9 The most recent market signals analysis undertaken by [REDACTED] was in its 2019 Housing Needs Update (Section 4.0). In that report, the HNU noted that:

- Lower quartile house prices in York exceed that of England by £30,000 despite having a similar overall median house price;
- The gap of median house price growth between York and North Yorkshire has widened from 10 years ago. Since 2008 the rate of change for York has been 1.25, similar to the national growth of 1.3;
- Median rental values in York are £745, £70 higher than the rest of England and £220 higher than Yorkshire and the Humber region [4.13]. LQ rental price growth has increased by 14% over the past 5 years, compared to 11% nationally;
- York has a median affordability ratio of 8.62 and a 5-year rate of change equal to 1.88, compared to 5.90 for Yorkshire and the Humber (0.55 change) and 7.91 (1.14 change) for England [Table 12];

4.10 As a consequence of these poor (and worsening) housing market signals, [REDACTED] concluded that:

“The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated” [4.19].

4.11 **On the basis of these signals, [REDACTED] applied an uplift of 15%.** This is higher than the 10% previously recommended in the September 2017 SHMA Update. *“Such an uplift applied to the demographic starting point (484 dpa) would arrive at an OAN of 557 dpa...This is some way short of both the adjusted demographic growth and the economic growth. Therefore, the OAN should remain as 790 dpa in order to achieve both improvements to household formation and meet economic growth. This equates to an increase of 63% from the start point.” [4.34-4.35]*

4.12 In our previous representations²⁷, [REDACTED] concluded that based on a detailed review of similar market signals, **an uplift of 20% was suitable.** Nothing that [REDACTED] has presented causes us to change our opinion, and indeed they have failed to provide any updated response despite the fact that house prices nationwide are increasing at record levels.

Past Under Delivery of Housing

4.13 To take a clear example, which is not even examined in GL Hearn’s 2019 assessment of market signals, the PPG is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. Table 4.1 sets the Council’s various housing targets/presumed OAHN against the actual net housing completions. With the exception of 3 years between 2015/16 and 2017/18, housing delivery in York has missed the target each year since 2006/07. Overall delivery targets for these 16 years was missed by c.15% which equals to 1,899 units below the target level. Over the plan period from 2012/13, [REDACTED] noted in its previous May 2017 SHMA Addendum [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the

[REDACTED] (March 2018): *Housing Issues Technical Report* / [REDACTED] (2019): *Housing Need Evidence Review*

report which uses a demographic projection-based analysis to establish the level of housing need moving forward.

Table 4.1 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2019/20

Year	Net Housing Completions	Council's OAHN	
		'Need'*	+/-
2004/05	360	640	-280
2005/06	1,173	640	533
2006/07	795	640	155
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	790	-308
2013/14	345	790	-445
2014/15	507	790	-283
2015/16	1,121	790	331
2016/17	977	790	187
2017/18	1,296	790	506
2018/19	449	790	-341
2019/20	560	790	-230
Total	10,381	12,280	-1,899

Source: EX_CYC_HFR vs. AMR 2021

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

4.14 The 2017 SHMA Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

4.15 **It is clear from the Council's own evidence that the City has consistently under-delivered housing for 11 of the past 16 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures.**

House Prices

The PPG²⁸ identifies that longer-term changes in house prices may indicate an imbalance between the demand for and supply of housing. We have reviewed the ONS's latest House Price Statistics for Small Areas (HPSSAs) release (2021), which reports the count and median price of all dwellings sold and registered in a given year. They are calculated using open data from the Land Registry, a source of comprehensive record level administrative data on property transactions. The latest median house prices in York, alongside North Yorkshire, Yorkshire and the Humber and England & Wales as of 2020 are presented in Table 4.2.

²⁸ 2a-019-20140306

Table 4.2 Median Dwelling price, York and comparator areas (2020)

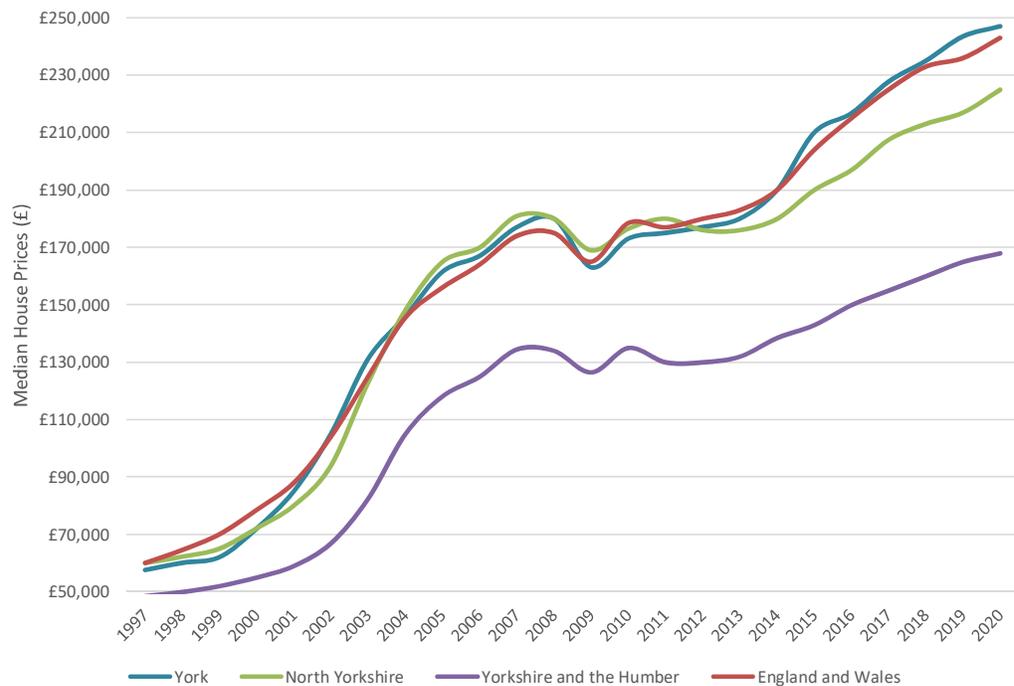
	Median Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£247,000	+£189,500 (+330%)	+£19,275 (+8.5%)
North Yorkshire	£225,000	+£165,000 (+275%)	+£17,500 (+8.4%)
Yorkshire and The Humber	£168,000	+£119,500 (+246%)	+£13,000 (+8.4%)
England & Wales	£243,000	+£183,050 (+305%)	+£18,000 (+8.0%)

Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.16 These median prices illustrate higher prices in York compared to national rates, with average house prices around £4,000 than England and Wales as a whole; £22,000 higher than in the surrounding sub-region, but a massive £79,000 higher than the Yorkshire region as a whole. Over the long term, the rate of growth has been considerably higher than all the comparator areas, at almost £190,000 since 1997 or 330%. Even over the past 3 years, the rate of growth has continued to accelerate, with an increase of £19,275, or 8.5%, since 2017 – higher in proportionate and absolute terms than the comparator areas.

4.17 The longitudinal analysis illustrated in Figure 4.1 is particularly revealing. This indicates that the City of York’s median house prices generally mirrored the rate of growth of North Yorkshire up until 2012, at which point the economic recovery following the 2008/09 recession saw York’s house prices accelerate at a much faster rate. It has in recent years almost exactly followed the England and Wales average rate and in fact has started to exceed it, which is very concerning given that is (to an extent) skewed by the extremely high house prices in London and the Greater South East.

Figure 4.1 Median House Prices



Source: ONS (2021): Median house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.18

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively more than tripled in 23 years, from £57,500 in 1999 to £247,000 in 2020, and have risen at a much faster rate than comparable national and sub-regional figures, which suggests that the local market is experiencing considerable levels of stress.

Lower Quartile House Prices

Arguably of even greater concern is the data regarding Lower Quartile house prices in the City of York. These are presented in Table 4.2 for the same comparator areas and indicate that LQ prices have increased from just £46,500 in 1997 to a concerning £196,000 by 2020 – an increase of almost £150,000, far in excess of the comparator areas and a level of growth 75% higher than the regional growth.

Table 4.3 Lower Quartile Dwelling price, York and comparator areas (2020)

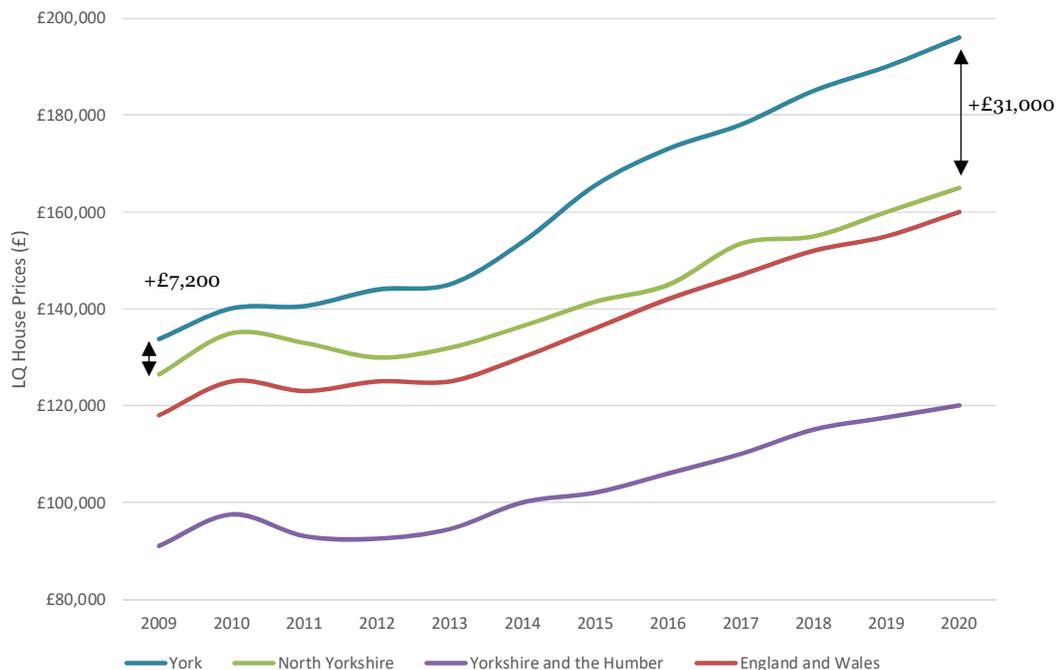
	LQ Dwelling Price 2020	Long Term House Price Growth 1997-2020	Short Term House Price Growth 2017-2020
York	£196,000	+£149,500 (+322%)	+£18,000 (+10.1%)
North Yorkshire	£165,000	+£119,000 (+259%)	+£11,500 (+7.5%)
Yorkshire and The Humber	£120,000	+£85,000 (+243%)	+£10,000 (+9.1%)
England & Wales	£160,000	+£117,500 (+276%)	+£13,000 (+8.8%)

Source: ONS (2021): Lower Quartile house price by country and region, England and Wales, year ending September 1997 to year ending September 2020 (£)

4.19

To put this into context, the current LQ price in York of £196,000 was equal to the City’s median house price only five years ago (in 2015). By way of comparison, North Yorkshire’s current LQ house price of £165,000 last equated to the median house price ten years before in 2005.

Figure 4.2 Lower Quartile House Prices



Source: ONS (2021): Median house price, year ending September 1997 to year ending September 2020 (£)

4.20 This suggests that the gap between LQ and median house prices is narrowing in York at a very fast rate, making housing increasingly unaffordable for those on low incomes, a trend vividly illustrated in Figure 4.2.

Affordability

4.21 The CLG’s former SHMA Practice Guidance defines affordability as a ‘*measure of whether housing may be afforded by certain groups of households*’²⁹. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].

4.22 The Practice Guidance concludes that assessing affordability involves comparing costs against a household’s ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings³⁰. Given that the median Affordability Ratio [AR] is used to inform the Government’s standard methodology for calculating Local Housing Need, we have also included this indicator in Table 4.4 below.

4.23 It indicates that the City of York has a very high Median AR of 8.04, which is significantly above the regional and national averages, although just below the comparable figure for North Yorkshire. The rate of change has also been worryingly high, at 4.33 points, or 117%, since 1997 – a rate of change equal to the national level. More recently, the rate of change has actually fallen slightly, although this is a trend that has been observed across the country. Furthermore, this is not due to house prices declining – as we have demonstrated above, they have continued to accelerate in York –rather that workplace wages have actually increased at a faster rate (the City’s median wages increased by 16.2% between 2017 and 2020 to £30,725, well above the rate of change observed both nationally and regionally at 9.2%).

Table 4.4 Workplace-based Affordability Ratios, York and comparator areas (2020)

	Median Affordability Ratio			Lower Quartile Affordability Ratio		
	2020	Rate of Change 1997-2020	Rate of Change 2017-2020	2020	Rate of Change 1997-2020	Rate of Change 2017-2020
York	8.04	+4.33 (+117%)	-0.57 (-6.6%)	9.09	+5.07 (+126%)	+0.03 (+0.3%)
North Yorkshire	8.11	+3.91 (+93%)	-0.10 (-1.2%)	7.94	+3.53 (+80%)	-0.16 (-2.0%)
Yorkshire and The Humber	5.84	+2.72 (+87%)	-0.05 (-0.8%)	5.65	+2.55 (+82%)	-0.08 (-1.4%)
England & Wales	7.69	+4.14 (+117%)	-0.08 (-1.0%)	7.01	+3.47 (+98%)	-0.14 (-2.0%)

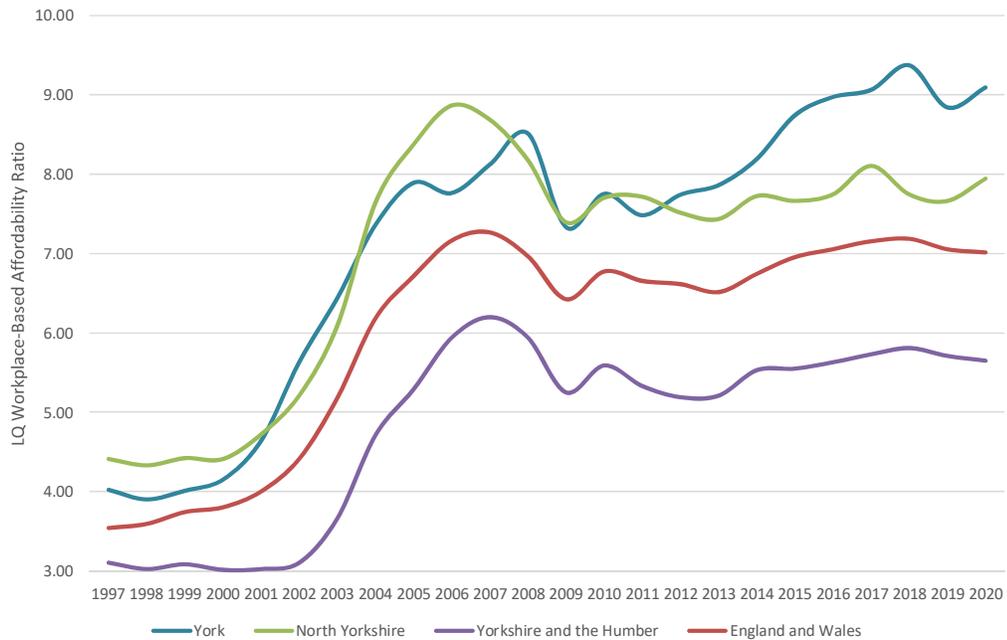
Source: ONS (2021): Ratio of median / Lower Quartile house price to median /Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020

4.24 The situation is even worse when we analyse the City of York’s Lower Quartile Affordability Ratio. Figure 4.3 illustrates that although the ratio fell substantially from a peak of 8.51 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than any of the comparator areas and is now 9.09 – significantly above the national level of 7.01 and particularly the regional rate of 5.65.

²⁹ Annex G

³⁰ 019 Reference ID: 2a-019-20140306

Figure 4.3 Ratio of Lower Quartile house price to Lower Quartile earnings



Source: ONS (20210: Ratio of Lower Quartile house price to Lower Quartile gross annual (where available) workplace-based earnings by country and region, England and Wales, 1997 to 2020)

4.25 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

4.26 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. As can be seen in Figure 4.4, Median rents in York are as high as £775 per month, well above the national level (£730) and over a third higher than the regional rate. The rate of growth of median rents over the past 7 years or so has also been very high in York, at 23% compared to 19% for North Yorkshire; 20% for Yorkshire and the Humber; and 21.5% nationally. As for LQ rents, these are even more concerning, with York’s at £675 per calendar month compared to £565 nationally.

Figure 4.4 Monthly Rents



Source: VOA Private Rental Market Statistics 2021

What scale of uplift should be applied?

- 4.27 The PPG sets out a clear two-stepped process to addressing market signals within the calculation of OAHN:
- 1 Firstly, it is necessary to determine **whether** a market signals uplift is necessary. This is set out in PPG ID2a-019 within the first sub-paragraph as follows:

“Appropriate comparisons of indicators should be made... A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”
 - 2 Secondly, when a market signals uplift is required, it is necessary to identify at **what scale** that should be set, with guidance given that it should be set at a level that could be expected to improve affordability. This is set out in PPG ID2a-019 within the second and third sub-paragraphs as follows:

“In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable... they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period.”
- 4.28 The principle of a market signals uplift in York (i.e. Stage 1) has not been disputed by the Council’s housing consultants in the past (even though they have chosen not to re-enter the debate in their latest 2020 HNU). However, the scale of the uplift is disputed, principally because there is no sound basis to conclude that the uplift can be reasonably expected to improve affordability, and the HNU provides no evidence that it will do so. In addition, as previously noted, because the 2019 HNU applied its market signals uplift to a flawed demographic-led assessment of need, any figure flowing from this is in itself also flawed.

- 4.29 The market indicators show that there are significant imbalances between the demand for and supply of housing in the City of York. This analysis indicates pressure on the housing market, which will not be addressed by providing only for the level of growth produced by the continuation of demographic trends. A response is clearly required through an adjustment to the demographic-based scenarios, in line with the recommendations set out in the Practice Guidance.
- 4.30 By way of setting the initial context, the 2019 HNU recommends a 15% uplift to the demographic starting point of 484 dpa, which results in an OAHN of 557 dpa. However, ██████ notes that this is some way short of the economic led need of 790 dpa, which is the housing requirement now identified in the Proposed Modifications to the City of York Local Plan. The 2020 HNU has not revisited the debate.
- 4.31 It is noted that although the Local Plan is being examined under the transitional arrangements for the NPPF, the standard method identifies that York would have an **affordability uplift equal to 25% to the 2014-based SNHP**. This is because the Ratio of median house price to median gross annual workplace-based earnings in York was 8.04 in 2020. This is significantly higher than the equivalent affordability ratio for England and Wales, at 7.69 for 2020.

Apportionment of national needs

- 4.32 The City of York is relatively worse in respect of affordability than the national equivalent. As set out above, as of 2020 the City of York has an LQ Affordability Ratio of 9.09, compared to the national rate of 7.15. All other things being equal, to improve affordability across the country, the City of York and its HMA peers would need to make a proportionately greater uplift than those where affordability issues are less acute. This exercise has been undertaken on the basis that Government has a frequently stated aim to bring housebuilding to a level of 300,000 per year by the mid-2020s. This national total equates to an uplift of 79,000 on the 2014-based household projections (which suggest a need for c. 221,000 homes per annum 2017-33, including a 3% vacancy allowance); an uplift of 131,000 dpa on the 2016-based SNHP and an uplift of 135,000 dpa on the 2018-based SNHP.
- 4.33 It is possible to consider how this required uplift should be shared between 320+ LPAs across the country in order to seek to hold the affordability ratio (at least at a national level) constant. Two alternative scenarios for market signals uplifts across the country have been modelled, as follows:
- 1 Each district with an affordability ratio above the national ratio makes a market signals uplift in proportion to its difference with the national figure;
 - 2 Every district (whether above or below the national ratio) makes a market signals uplift in proportion to its difference with the lowest affordability ratio, in Copeland at 2.4 (weighted 50%), and its projected household growth (weighted 50%).
- 4.34 The results for the City of York under these methods is shown in Table 4.5. The uplift has been based on a demographic baseline of 462 dpa, based on the 2016 projections plus a 3% vacancy rate, falling to just 302 dpa using the 2018-based SNHP. To meet a national figure of 300,000 per annum the scale of uplift would need to be 33% at least, although taking into account the City of York's relative size this could be as high as 48%.

Table 4.5 Outcomes for the City of York- Apportionment of National Needs

	National total of 300,000 2016-based SNHP			National total of 300,000 2018-based SNHP		
	Share of 131,000 uplift	Dwellings	Uplift (from 669 dpa)	Share of 135,500 uplift	Dwellings	Uplift (from 669 dpa)
Method 1	0.22%	293	44%	0.22%	303	45%
Method 2	0.24%	321	48%	0.16%	222	33%

Source: [REDACTED] based on ONS/MHCLG

4.35 The analysis clearly shows that an uplift well in excess of the 15% put forward in the 2019 HNU would be needed to reasonable expect an improvement in affordability in the City of York, and for the City to be contributing to the need nationally for new homes, taking into account affordability and its size. It is notable that using a 300,000 per annum total, the uplift for York identified in the Government’s standardised methodology – at 25% - falls below the very lower end of the range (33%-48%) identified through this exercise.

Summary

4.36 In light of the above analysis, there is a case to be made that at the very least, the market signals uplift for the City of York should be a minimum of 25%. Even taking GL Hearn’s adjusted baseline of 670 dpa based on the latest projections, this would equate to 838 dpa. Our modelling suggests that an uplift even greater than this may be needed to improve affordability and achieve the Government’s long held aspiration for 300,000 dpa; however in light of stock growth elsewhere and the outcomes of the Standard Methodology, a minimum of **25%** is considered appropriate.

4.37 This clearly underlines the failure of the HNU to adequately meet the PPG requirement to set its uplift at a level that is related to the problems of affordability or that could be expected to improve affordability; indeed, the HNU fails to approach this question at all.

4.38 **When applied to the Council’s adjusted demographic starting point of 669 dpa, this results in a need for 836 dpa.**

5.0 Affordable Housing Needs

5.1 In line with the 2012 Framework³¹, LPAs should:

“...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”

“...prepare a SHMA which...addresses the need for all types of housing, including affordable.”

5.2 The Practice Guidance³² sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:

“...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”

5.3 Two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36]. This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

5.4 The 2020 HNU does not review affordable housing need (indeed it is not even mentioned anywhere in the document). It is, however, discussed in the City of York Council’s *Affordable Housing Note* [EX_CYC_36] (February 2020). This report acknowledges that the most recent assessment of affordable housing need for the City remains the 2016 SHMA, which identified a net affordable housing need of **573 homes per annum or 12,033 dwellings over the 2012-2033 period**. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

5.5 [REDACTED] has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, [REDACTED] has focused on how this need has informed the OAHN conclusion. CoY Council summarises the approach as follows:

“The Housing Needs Update (2019) [EX/CYC/14a] considers this affordable housing need as part of the updated assessment of Objectively Assessed Housing need (OAN). [REDACTED] conclude that an uplift to the demographic need figure to improve delivery of affordable housing may be justified. Key judgements including Kings Lynn v Elm Park Holdings (2015) were examined. In paragraph 35 of the judgement Justice Dove says ‘the Framework makes clear that these needs (affordable housing needs) should be addressed in determining the full OAN, but neither the Framework or the PPG suggest that they have to be met in full when determining the full OAN’. The judgement is clear that an assessment of affordable housing need should be carried out but that the level of affordable housing need does not have to meet in full in the assessment of OAN. This is a

³¹ Framework - Paragraphs 47 and 159

³² Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

similar conclusion to the Inspector at the Cornwall Local Plan EIP who concluded that ‘National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase to the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites’.

It was concluded that it may be necessary, based on affordable need evidence, to consider an adjustment to enhance delivery of affordable homes but that this does not need to be done in a mechanical way whereby the affordable need on its own drives the OAN.” [paragraphs 41 to 42]

5.6 The Affordable Housing Note then goes on to state that *“the updated market signals show that affordability is a worsening issue in York and therefore in accordance with the PPG an uplift to the demographic projections is appropriate and considering the evidence, ██████ proposes a 15% uplift. When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa which is some way short of both the adjusted demographic growth (679) the economic led need (790). ██████ conclude that the OAN should remain at 790 to achieve both improvements to household formation and economic growth which represents a 63% uplift on the demographic starting point.” [paragraph 43]*

5.7 **In taking this approach, ██████ is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.**

5.8 In contrast, the 2019 HNU reiterates the 573 dpa need and accepts that *“a modest uplift to the demographic based need figure to improve delivery of affordable housing in the City may be justified.” [paragraph 4.20].*

5.9 However, the HNU then reviews a number of High Court judgements and other Inspector’s reports, notably that for the Cornwall Local Plan, and concludes that *“the expectation is that it may be necessary, based on the affordable needs evidence to consider an adjustment to enhance the delivery of affordable housing, but that this does not need to be done in a ‘mechanical way’ hereby the affordable need on its own drives the OAN”.* [paragraph 4.28]

5.10 The HNU does not proceed to test the scale of uplift that might be appropriate to help meet this very high level of affordable housing need, merely stating in the conclusions that the employment-led 790 dpa *“would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs”.*

5.11 A similar error is (silently) perpetuated in the 2020 HNU, where it is assumed that an economically-driven figure of 790 addresses the demographic need, worsening market signals and affordable housing requirements. That is clearly not the case.

5.12 The Affordable Housing Note suggests that as many as 3,539 affordable units could be delivered from all sources to 2032/33, at a rate of 221 dpa (Table 10). The Paper states that *“the Plan seeks to provide around 38.6% of the affordable housing need requirement. Whilst the Plan will not deliver the full affordable housing need it does seek to provide a significant uplift to the provision of affordable homes secured through the application of policy H10 and the provision of rural exceptions sites through the application of policy GB4.” [paragraph 44]*

5.13 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. As set out in Table 12 of the Affordable

Housing Note, less than 10% (461 homes) of all completions (4,695 homes) during this period were affordable.

5.14 So the Council is clear that as a best case scenario, only 39% of the affordable housing need will be delivered in the Plan period, and no upward adjustment has been considered as required by the PPG. Even at a delivery rate of 30% of overall housing, the City of York would need to deliver **1,910 dpa** to address its affordable housing needs in full.

5.15 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

“...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed.” [§35]

This is also consistent with the Practice Guidance³³ which sets out the assessment of *need* “does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur.”

5.16 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.

5.17 For example, it is interesting to note that in the Cornwall Local Plan example that [REDACTED] quotes from, the Inspector ultimately concluded that an uplift to the OAHN was justified, and this should be equal to an additional 1,500 dwellings over the course of the Plan period³⁴.

5.18 The HNU ultimately does not use the identified acute affordable housing needs in a way in which it has “an important influence in increasing the derived F[ull] OAN” as per the Kings Lynn judgment.

5.19 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited, if any, weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.

5.20 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).

³³ Practice Guidance - ID:2a-003-20140306

³⁴ Planning Inspectorate (23rd September 2016): Inspector’s Report on the Examination into the Cornwall Local Plan Strategic Policies, paragraph 52

5.21

Given the significant affordable housing need identified in City of York, [REDACTED] considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

6.0 Integration of Student Housing Needs

6.1 It is important to note that the household projections upon which York’s OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG’s household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the ‘Communal establishment population’).

6.2 As summarised by CLG in its *Methodology used to produce the 2018-based household projections for England: 2018-based Report* (June 2020), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments [CE], also termed the ‘institutional’ population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:

“The CE population is then subtracted from the total usual resident population in the MYEs and SNPPs, by quinary age group and sex, to leave the private household population, split by age and sex in the years required for the household projections.”
[page 5]

6.3 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which [REDACTED] specifically excludes a substantial proportion of specialised student accommodation needs.

6.4 In this regard, it is worth noting that in March 2017 [REDACTED] published an addendum to the West Surrey SHMA for Guildford Borough Council³⁵. In that document, [REDACTED] recommended an adjustment of an extra 23 dpa be added to the OAHN of 539 dpa based on an analysis of future student numbers and accommodation need in the Borough.

6.5 [REDACTED] Guildford analysis, there are three things necessary to consider when determining whether there is a need to adjust the objectively assessed housing need to take account of student growth:

- How the student population at University of Surrey is expected to change over the plan period;
- What growth in typical student age groups is expected within the population projections, on the basis that the CLG Household Projections model is not assuming growth in numbers in institutions;
- The number/ proportion of students which can be expected to require housing within Guildford, and of these what proportion might be expected to be accommodated in halls of residence rather than the wider housing stock.

6.6 This was accepted in the Inspector’s Report dated 27th March 2019, resulting in a new OAHN of 562 dpa. The Inspector concluded that:

“From the figure of 539 dpa resulting from the assessment of jobs-led economic growth, the Council have made a further adjustment of 23 dpa for the growth of the student population based on analysis carried out in the SHMA addendum. Taking the University of Surrey’s known aspirations for growth, it is estimated that the number of full-time Guildford-based students at the University will increase by 3,800 between 2015-34, resulting in additional migration to Guildford. Assuming

³⁵ [REDACTED] (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

that 45% would be accommodated in the wider housing market, and on the basis of an average 4 students per household, the SHMA Addendum calculates that this would equate to growth of 23 additional dwellings per annum. It has been argued that the 18 to 23 age group in the most recent population projections and mid-year estimates includes students; but this cannot be assumed to be the case, and by its nature Guildford is likely to be attractive to young people whether or not they are students. It is a sound step to add this allowance for students when considering the overall housing requirement, to ensure that there is not a significant incursion of students into the housing market which would diminish the supply available to others needing housing in the area.”

- 6.7 Given that York has a disproportionately high student population following the ongoing success of the University of York, York St John University, Askham Bryan College of Agriculture and Horticulture and the landmark campus development of York College, it is surprising that ██████ did not follow a similar exercise to the one they undertook for Guildford Borough Council.
- 6.8 Using data and assumptions gathered from the University of York, York St John’s University and the City of York Council’s own analysis (*Housing Requirements in York*, produced on its behalf by Arup in 2015) we can make a broad assessment of the housing needs of students in the City of York.
- 6.9 Table 6.1 presents the past six years of student headcount data for the University of York and York St John University. Over this period the total student headcount grew by 15% overall. However, whilst the University of York [UoY] grew its student population by 18%, York St John’s University [YSJ] grew at a much slower rate of 7%.
- 6.10 Both universities experienced an expansion in full-time students, although YSJ lost half of its part time students. The University of York gained 2,861 full-time students (+19%) but gained just 93 part-time students (+5%), whilst York St John’s University gained 974 full-time students (+18%) but lost half of its part-time students (-52%).

Table 6.1 Recent trends in University student headcounts in York 2014/15-2019/20

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	% Change
The University of York	16,835	17,150	17,899	18,824	19,469	19,789	+17.5%
Full-time	14,920	15,210	16,283	17,221	17,604	17,781	+19.2%
Part-time	1,915	1,940	1,616	1,603	1,865	2,008	+4.9%
York St John University	6,555	5,975	5,941	6,249	6,618	7,000	+6.8%
Full-time	5,495	5,180	5,355	5,728	6,165	6,469	+17.7%
Part-time	1,060	795	586	521	453	531	-49.9%
Total Students	23,390	23,125	23,840	25,073	26,087	26,789	+14.5%
Total Full Time	20,415	20,390	21,638	22,949	23,769	24,250	+18.8%
Total Part Time	2,975	2,735	2,202	2,124	2,318	2,539	-14.7%

Source: HESA HE student enrolments by HE provider 2014/15 to 2019/20

- 6.11 For the purposes of this analysis, only full-time students are considered to be part of the additional student population in York living in C2 housing, as part-time students are more likely to be residents already living in York or commuting into the City.

- 6.12 The City of York Council’s 2015 *Housing Requirements Study* assumed (in Appendix B)³⁶ that, following consultation with both Universities, 5% of all UoY students live at home or commute into York, whilst 20% of all YSJ students do the same. The 20% figure for YSJ has been reiterated in the University’s 2026 strategy, where it is stated that the University aspires to **grow to 10,000 students by 2026**, with 8,000 of those being “on campus”³⁷. This would be an increase of **3,000** students on the current figure of 7,000. A Refresh to the Strategy in 2021 following the Pandemic retains this target of “*diverse growth to at least 10,000 students*” by 2026³⁸.
- 6.13 By way of an alternative, a review of HESA data suggests that in 2019/20 (and prior to the Covid-19 Pandemic), 4.5% of UoY students lived at home with their parents/guardians, compared to 15% for YSJ, which is broadly in line with the figures mentioned above.
- 6.14 Applying these 5%/20% assumptions to the 2019/20 total full-time student figure of 24,250 generates a student baseline figure of **22,067** students requiring accommodation within the City (i.e. 95% of UoY’s 17,781 FT students, plus 80% of YSJU’s 6,649 FT students).

Expected Growth in Student Numbers

- 6.15 In a representation submitted to the draft York Local Plan examination in December 2019³⁹, the University of York’s planning agents (O’Neill Associates) set out potential growth scenarios for the university up to 2038. They are an update on those submitted in Appendix 4 of the Regulation 19 Representations April 2018:
- “The statistics cover a range of growth scenarios for student numbers, and growth in academic and non-academic staff follows this increase in students. The range of growth considered is from 0.5% to 4%. Because of the lengthy local plan period to 2033 and on to 2038, Government policy on Higher Education, students’ preferences and changing patterns of oversea recruitment will have an impact on this growth rate that cannot be accurately predicted. Suffice to say that the average growth rate in student numbers over the last 10 years has been around 4% per annum, to the higher end of the range considered.”* [paragraph 1.2]
- 6.16 The Paper concludes that it is unlikely that the Council’s employment forecasts for growth, and hence employment and financial impact on the local economy, reflect the recent growth rates in student numbers at the University of York.
- 6.17 The Paper revisits the assumptions made in the University’s 2018 Representations. It states that since March 2018 the University has grown steadily. Student numbers were at 17,200 [FTE] when writing the 2018 report and have grown to 18,100 [FTE] for the academic year 2018/19. This means that average growth in student numbers over the last ten years has been at about **4% per annum** [paragraph 14].
- 6.18 The University of York’s built estate is continuing to expand as further space is required. A further £250m of investment is being made in the Campus over the next three years. This includes in Science & Medical facilities, and a new Management School facility on Campus West; and two more Residential Colleges (1,480 beds in all), an Energy Centre, a new Nursery and the RPIF funded Robotics building on Campus East [paragraph 15].

³⁶ Arup (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

³⁷ York St John University (2019): *2026 Strategy: Make the Possible Happen*, page 26

³⁸ York St John University Strategy 2026 Refresh (2021)

³⁹ O’Neill’s Associates Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*

6.19 The Paper revisits the 6 growth scenarios in the previous 2018 representations and updates it to reflect the fact that 2018 student numbers were at 18,112 an increase of about 900 students from the 2017 figure used in the 2018 modelling:

Table 2 - Summary of 2019 Update to Modelling.

Scenario	Sc 1	Sc 2	Sc 3	Sc 4	Sc 5	Sc 6
Growth Rate to 2038	0.50%	1.00%	1.25%	1.50%	2.00%	4.00%
Student Nos (FTE) at 2038	20,012	22,100	23,220	24,394	26,913	39,686
Extra Students (FTE) vs 2017	2,799	4,887	6,007	7,181	9,700	22,473
% of 26ha of ST27 needed*	40%	85%	100%+	115%+	150%+	420%+

Source: O’Neill’s Associates Submission to York Local Plan (December 2019): *University of York Growth Rates, Phase 1 Hearings*, page 4

6.20 Of the six growth scenarios, the University confirms that “*Scenario 1 and 2’s low level of growth is highly unlikely*” [paragraph 18]. The University’s 2018 representations concluded that Scenario 3 or 4 was the minimum likely scenario for prudent long-term growth planning at this stage of the Local Plan; and that Scenario 5 and 6 were foreseeable given the University’s reputation and the fact that these are less than (Scenario 5) or equal (Scenario 6) to the actual growth over the last decade. The update notes that average growth in student numbers over the last ten years has been at about 4% per annum.

6.21 It therefore does not seem unreasonable to assume that the University’s growth rate is likely to range from between 1.25% and 4% per annum over the period to 2038.

6.22 Scenario 3, which assumed 1.25% student growth p.a. to 2038, and Scenario 4, which assumed 1.5% growth p.a. to 2038 were considered by O’Neill Associates to be “*the minimum prudent scenarios for planning purposes at this stage of the Local Plan*”. Scenario 5, which assumed 2% growth p.a., was also considered to be “*a realistic possibility given it is at a rate equal to half the growth the University has achieved over the last 10 years.*”

6.23 The growth scenarios modelled by O’Neill Associates were based on full-time-equivalent [FTE] students and was modelled forward from 2018/19 data. Given that growth in FTE students in recent years has been 4%, **we have assumed the higher Scenario 5 growth rate of 2% p.a. over the full Plan period to 2033 is justified for use in this analysis.** With a 2018/19 figure of 17,604 FT students in 2018/19, we have therefore applied a growth rate of 2% per annum to 2033. This equates to a growth of **6,719 students** on the 2016/17 FT student figure of 16,283.

6.24 As set out above, the YSJU 2026 Strategy document (2019) sets out that the University’s ambition is to grow to 10,000 students by 2026, a growth of 3,000 students from 7,000 in 2018/19 over a six-year period. Using the average proportion of full-time students at the University from the past six years of HESA data (totalling 90% of all students), this suggests it would be reasonable to work on the basis that 9,000 full-time students will be attending YSJ by 2026, an increase of **3,000 full-time students over the next 6 years**, or 500 students per year until 2025/26.

6.25 After 2025/26 we have no data regarding YSJU’s growth plans, so for the purposes of this analysis we have fixed the full-time student number at 9,000 for the remainder of the plan period to 2033 (i.e. zero growth post 2026).

6.26 Based on the above assumptions, the expected growth in full-time students over the 16-year Local Plan period 2016/17 – 2032/33 equates to **6,719** for the UoY and **3,645** for

York St John (these figures include three years’ growth already documented in Table 6.1 above, of 2,612 students between 2016/17 and 2019/20). This totals **10,364** additional FT students based at the two Universities over the 16-year plan period 2016/17 – 2032/33.

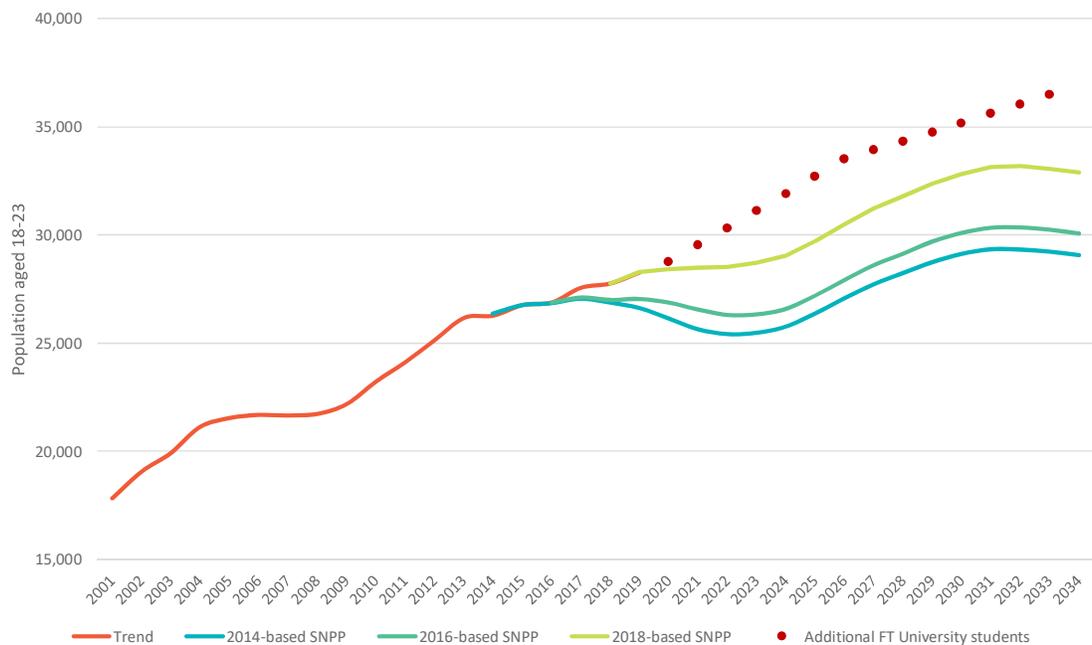
6.27 Applying the previous assumptions relating to students living at home or commuting to this generates an additional **9,299** full-time students living in York (i.e. 95% of UoY’s 6,719 FT students and 80% of YSJ’s 3,645 FT students).

Student Growth within the Demographic Projections

6.28 It is reasonable to assume that the 18-23 age cohort will represent the core student age group, particularly for under graduates. This was also the approach followed in its Guildford SHMA Update. Figure 5 illustrates that using either the 2014-based SNPP, the 2016-based SNPP, there is limited growth within this age cohort, particularly over the short to medium term, with growth principally occurring from 2025 onwards. There is stronger long-term growth projected in the 2018-based SNPP, but only after 2024 with growth flatlining before then.

6.29 Over the 16-year plan period 2016/17 to 2032/33, the projected growth of this age cohort is 5,507 residents (+20%) according to the 2018-based SNPP; by 3,118 residents (+12%) according to the 2016-based SNPP, or 2,149 (8%) using the 2014-based equivalents. In contrast, the number of full-time students attending the two Universities in York is expected to rise by 10,364 over the same time period, of whom 9,299 are expected to live in the City, an increase of **52.1% on the 2016/17 figure of 21,638 FT students** attending the two York Universities. This represents a rate of growth significantly higher than that of the age cohort in any of the projections.

Figure 5 Past and Projected Population Growth in York for residents aged 18-23



Source: ONS Mid-Year Population Estimates 2019/2014-based SNPP/2016-based SNPP

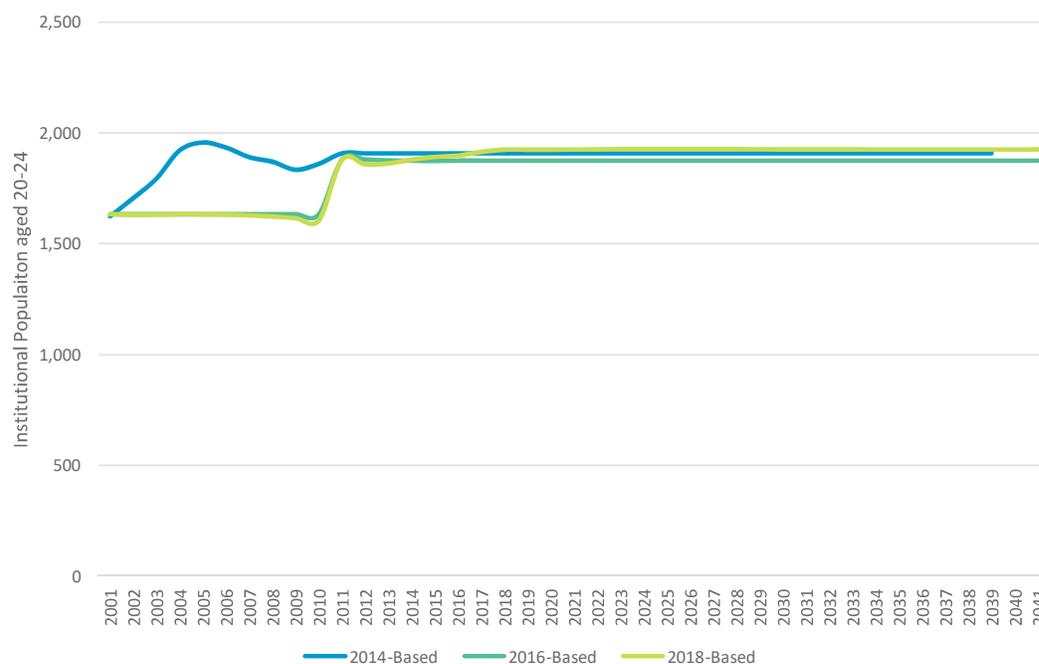
6.30 The Figure above includes growth in new student residents and also existing residents who are not in Higher Education. In an attempt to separate out the anticipated growth in

students alone in the projections, Figure 6 presents the growth of residents aged 20-24⁴⁰ living in communal establishments in the City of York up to 2039/41. Communal establishments include institutional accommodation such as residential care homes, army barracks, correctional facilities and (of particular relevancy for younger age groups) purpose-built student accommodation (i.e. halls of residence). It is therefore highly likely that most of the population aged 20-24 living in communal establishments can be considered to be students living in purpose-built C2 student accommodation.

6.31 The data indicates that post 2017, the number of residents aged 20-24 living in communal establishments is anticipated to stay constant, at 1,909 residents in the 2014-based SNHP, 1,874 in the 2016-based SNHP and around 1,925 in the 2018-based SNHP. There is therefore no change in the size of this cohort built into either set of projections over the plan period, and so growth in the numbers of students living in purpose-built accommodation clearly play no part in the ONS’s anticipated population growth for York residents shown in Figure 5.

6.32 From this, it could also be reasonably inferred that the ONS projections have not factored in the strong growth in student numbers at the 2 Universities into their projections, whether they are likely to be living in C2 student accommodation or renting in the private market. Furthermore, the projections suggest a lack of growth in the short-term, whilst growth effects later in the plan period are likely to be largely accounted for by a cohort effect rather than an increase in student migration.

Figure 6 Communal establishment population in York, aged 18-23, 2001-2035



Source: CLG 2014-based SNHP / ONS 2016-based SNHP / ONS 2018-based SNHP

6.33 Based on this analysis it is reasonable to assume that the rise in the student population would result in additional housing need over and above the need as determined by the 2018-based SNPP in isolation.

⁴⁰ The ONS / CLG data is grouped together in 5-year age cohorts including 20-24 and not 18-23 year olds; however, it is reasonable to assume that the trends exhibited for this slightly older age group represents a reasonable proxy for student growth

Additional Student Accommodation Needs

- 6.34 [REDACTED] 2017 Guildford analysis, 45% of new students were expected to be living in the private rental sector [PRS], based upon the University of West Surrey’s aspiration to house 50%-60% of its students within student accommodation.
- 6.35 Appendix B in The City of York Council’s 2015 *Housing Requirements Study*⁴¹ includes an analysis of the proportion of both universities’ students that are living in the PRS between 2010/11 and 2017/18. Over this period the average proportion of students living in the PRS was 56.6% of the total. This figure includes the assumptions relating to students living at home or commuting, and so must be applied to the total additional number of FT students, not just those living in York.
- 6.36 Applying this assumption to the combined university full-time student growth figure of 10,364 generates an estimated **5,866** additional full-time students likely to be living in the wider housing stock in York over the 16-year plan period, or **367** additional students per year.
- 6.37 On the basis of an average of 4 students per household (an assumption that was also used by [REDACTED] in 2017⁴²), this equates to around **1,466** dwellings over the 16-year plan period; an average of **92 dpa** over the plan period 2016/17 - 2032/33.

Table 6.2 Additional student population requiring PRS dwellings in York 2016/17-2032/33

Measure	Total
Additional FT students	10,364
Additional FT students living in York	9,299
Additional FT students living in PRS in York	5,866
Additional dwellings needed	1,466
Additional dwellings needed p.a.	92

Source: [REDACTED] analysis

Conclusion

- 6.38 Based on this analysis, it cannot be assumed that the growth in the 18-23 age cohort in the latest population projections includes growth in student numbers, and therefore that there is adequate provision for new student housing within the OAHN. Following this, **it is our recommendation that an additional 92 dpa be factored into the City of York’s OAHN.**

⁴¹ [REDACTED] (2015): Evidence on Housing Requirements in York: 2015 update, Appendix B

⁴² [REDACTED] (2017): West Surrey Strategic Housing market assessment: Guildford Addendum Report 2017

7.0 Factoring in the Backlog

- 7.1 The Explanation to Policy SS1 of the Proposed Modifications to the City of York Local Plan states that “*Following consideration of the outcomes of this work, the Council aims to meet an objectively assessed housing need of 790 new dwellings per annum for the plan period to 2032/33, including any shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38.*” [paragraph 3.3]
- 7.2 According to PM21a of that document, *the Update to Table 52: Housing Trajectory to 2033 to reflect the revised OAN of 790 dpa*, this shortfall to housing provision equates to 32 dwellings annually between 2017/18 to 2032/33, or 512 dwellings in total over the 16-year Plan period.
- 7.3 Based on the Council’s *Full Year Housing Monitoring Update for Monitoring Year 2018/19* Table 6, this appears to be based on a net dwelling gain of 3,432 dwellings between 2012/13 and 2016/17, against a requirement of 3,950 (790 x 5); therefore a 518 shortfall, or 32 annually.
- 7.4 The Companies have serious concerns regarding the accuracy of this calculation. It appears that the CoYC have included a very substantial amount of C2 student accommodation in these figures, thus reducing the amount of shortfall they include in the annual housing target.
- 7.5 The Housing Monitoring reports produced by the Council seek to legitimise this approach by referring to the PPG, which states that:
- “All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market...*
- To establish the amount of accommodation released in the housing market, authorities should base calculations on the average number of students living in student only households, using the published census data. This should be applied to both communal establishments and to multi bedroom self-contained student flats. Studio flats in mixed developments designed for students, graduates or young professionals should be counted as individual completions. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that full functions as an independent dwelling”⁴³*
- 7.6 Setting to one side the fact that the household projections which [REDACTED] has used to underpin its demographic modelling do not take full account of the needs of students, we are concerned that the Council’s approach is over-emphasising the contribution this source of accommodation is making to housing delivery.
- 7.7 For example, MHCLG publishes Table LT122 annually for every district in the country, which provides a robust and consistent indication of net additional dwellings. This is based on Housing Flows Reconciliation data that have been submitted by CoYC to MHCLG annually.

⁴³ ID-3-042-20180913

Table 7.1 Rate of net housing delivery in York, 2012/13-2019/20

Year	MHCLG Net Housing Completions (LT122)	Housing Delivery Test	Council's Local Plan Estimate	
			Net Dwelling Gain	+/-
2012/13	88	n/a	482	-394
2013/14	69	n/a	345	-276
2014/15	284	n/a	507	-223
2015/16	691	691	1,121	-430
2016/17	378	378	977	-599
2017/18	1,296	1,331	1,296	0
2018/19	449	451	449	0
2019/20	560	627	560	0
Total	3,815	-	5,737	-1,922

Sources: MHCLG LT122 (2021), Housing Delivery Test Results 2020 / EX_CYC_32_CYC_HFR v AMR Table 1

*Difference from HDT figure

7.8 To take an example for the year 2015/16, the Council has included an additional 579 units relating to two ‘*Off campus privately managed student accommodation sites*’. The CoYC’s Housing Monitoring Update for that year indicates that this includes 579 units on 2 developments, the Yorkshire Evening Press 76-86 Walmgate, for 361 units; and the Former Citroen Garage, 32 Lawrence Street.

7.9 Reference to the latter development (planning application reference 13/01916/FULM) indicates that not all of these units are self-contained under the MHCLG’s definition:

“The new managed student accommodation will create 58 student flats (5 and 6 person flats with communal kitchen/living/dining facilities) and 303 self-contained ‘studio’ flats along with a management suite (office, common rooms etc.), laundry and other ancillary facilities.”⁴⁴

7.10 Therefore, as a best case, this site should be contributing a maximum of 315 units (58/5 + 303), not 361 units – a difference of 46 units.

7.11 Similarly, the other student development included for 2015/16 on the former Citroen Garage (15/012440/FULM), also includes shared and self-contained flats:

“The rooms therefore take a variety of forms self-contained or with shared facilities according to circumstances, to respect the heritage constraints and make the most of the accommodation.”⁴⁵

7.12 There are also other inconsistencies with the MHCLG’s data; so, for example in the CoYC’s 2016/17 Housing Land Monitoring Report Update, Table 3 indicates that 977 housing completions were delivered net, compared to just 378 recorded by MHCLG – a **difference of 599 units**. Yet only a proportion of this difference can be explained by the C2 student accommodation, as only 152 units are attributed to this source in Table 3, compared to 571 units from residential use class C3 approvals, plus 252 from relaxed Permitted Development Rights. It is unclear why the MHCLG’s figures are so different to the Council’s, given that they are both supposed to have been provided by CoYC Officers. The only explanation given by the Council⁴⁶ is that “*Gaps were evident in the data as not all site completions were recorded due to time lags in receiving information from sites covered by private inspection or no receipt of any details at all.*”

⁴⁴ Design and Access Statement for Walmgate Student Castle Development, ref: 13/01916/FULM, paragraph 8.02

⁴⁵ Design and Access Statement for St Lawrence WMC, ref: 15/02440/FULM, paragraph 6.2.2

⁴⁶ EX_CYC_32_CYC_HFR v AMR

- 7.13 Essentially, if the MHCLG figures had been used, then instead of a 518 under supply to be made up over the remainder of the plan period from 2017 (32 dpa added onto the 790 dpa OAHN), the shortfall would be 2,440 dwellings, or 153 dpa over 16 years – a very significant uplift to the OHAN (to 943 dpa).

8.0 **Analysis of the Forward Supply of Housing**

Introduction

- 8.1 Since the Local Plan Proposed Modifications consultation in June 2019 the Council has released a Strategic Housing Land Availability Assessment [SHLAA] Housing Supply and Trajectory Update (April 2021). The 2021 SHLAA Update contains a housing trajectory which sets out the anticipated delivery rates of draft allocations. It also reviews the evidence provided in the 2018 SHLAA supporting the assumptions for strategic allocations in relation to build out rates and implementation taking into consideration the current timescale of the Local Plan examination.
- 8.2 This section critiques the assumptions which underpin the currently claimed housing land supply. It also reiterates points made on behalf of our clients on other components of the Council’s housing land supply, which have been carried forward since the previous version of the SHLAA. It is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community’s need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

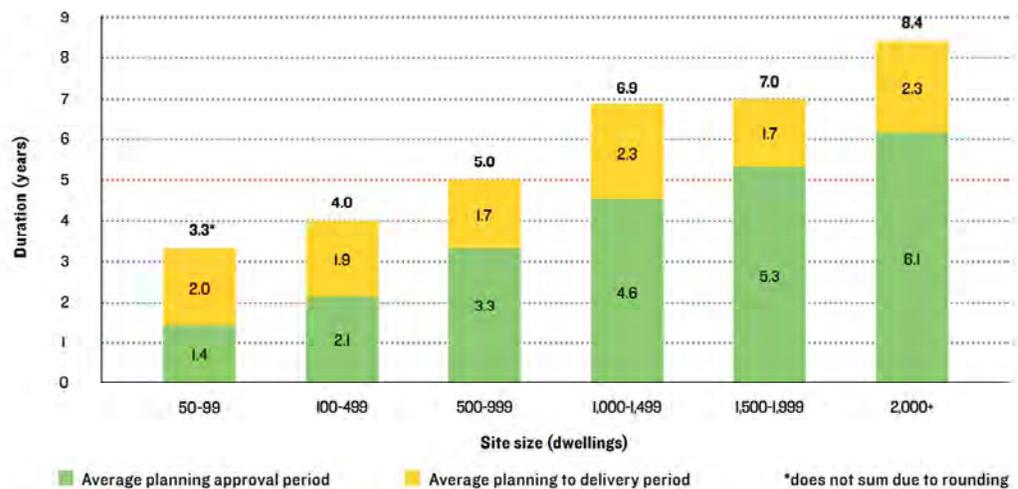
Lead-in Times

- 8.3 The timescales for a site coming forward are dependent on a number of factors such as a developer’s commitment to the site and the cost, complexity and timing of infrastructure. Whilst housebuilders aim to proceed with development on sites as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matters and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed designs for infrastructure, mobilise statutory utilities and commence development).
- 8.4 The standard lead-in times should only be applied to sites where developers are actively pursuing development on a site and preparing the necessary planning application. The standard lead-in time should not be applied universally and a degree of pragmatism and realism should be applied. Sites where developers have shown limited commitment, for example, should be identified as being delivered later in a trajectory.
- 8.5 In addition, another fundamental element in calculating appropriate lead-in times relates to the size and scale of a site. As a generality, smaller sites commence delivery before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure, which must be delivered in advance of the completion of housing units. In some cases, the lead-in time on brownfield sites can be greater given the time required for decommissioning services, demolition, dealing with ground contamination etc.
- 8.6 The 2018 SHLAA sets out the lead-in times which have been applied by the Council in respect of their housing trajectory. The lead-in times are based upon evidence contained within Annex 5 of the 2018 SHLAA (‘SHLAA Assumptions for Evidence Bases’). The Council states that smaller – medium sites are more likely to come forward within 12

months, larger and ‘exceptionally’ large sites are more likely to be 12-18 months at a minimum.

- 8.7 The Council undertook a Housing Implementation Survey in 2015 to help draw together information regarding lead-in times. Our review of these lead-in times suggest that the overall conclusions do not reflect the full extent of the process from submitting a planning application to first completions on site. The lead-in times appear to be ambitious and do not provide a robust set of assumption to base the housing trajectory on.
- 8.8 The 2021 SHLAA Update states that draft allocations without consent have been given estimated delivery assumptions based on the latest consultation responses and/or estimated lead-in times and build-out rates based on the Housing Implementation Study.
- 8.9 ██████████ has undertaken extensive research on lead-in times on a national level with the publication of ‘Start to Finish’ and its subsequent 2020 Update⁴⁷, which contains robust evidence on typical lead-in times and build-rates. These findings are quoted elsewhere within Lichfields’ research such as Stock and Flow⁴⁸ which the Council itself refers to in Annex 5 of the 2018 SHLAA. Whilst the Council has referenced this research it is unclear if the findings have been considered when formulating lead-in times. Whilst it is acknowledged by the Council that larger sites can have longer lead-in times it is unclear if any allowances have been made for large sites included within the housing trajectory.
- 8.10 It is considered that as a starting point the Council should consider the average lead-in times set out within ‘Start to Finish’ which are provided below:

Figure 8.1 Average Lead in Times



Source: ██████████ Analysis, Figure 4 of ‘Start to Finish’ (February 2020)

- 8.11 ██████████ has also provided commentary on lead-in times previously within previous Housing Issues Technical Papers (March 2018 and July 2019). This builds upon the findings of *Start to Finish* to provide more localised commentary. Like *Start to Finish*, an approach was taken to consider lead in times from the submission of the first planning application to the first completion on site. Table 8.1 provides a summary of these findings.

⁴⁷ ██████████ (February 2020): *Start to Finish: What factors affect the build-out rates of large scale housing sites? Second Edition*

⁴⁸ ██████████ ners (January 2017): *Stock and Flow: Planning Permissions and Housing Outputs*

Table 8.1 Lead in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 year	1.5 years	2 years
Outline Planning Permission	1.5 years	2 years	2.5 years
Application Pending Determination	2.5 years	3 years	3.5 years
No Planning Application	3 years	3.5 years	4 years

Source: [REDACTED]

8.12 Both *Start to Finish* and the assumptions set out within the *Housing Issues Technical Paper* demonstrate that the Council’s approach to lead-in times is not robust. There are examples within the trajectory which we consider demonstrate that the Council’s current assumptions are ambitious. This includes the proposed lead-in times for proposed allocations ST14 and ST15.

8.13 For example, ST14 (Land west of Wigginton Road) has a proposed capacity of 1,348 dwellings and currently there is no application being determined by the Council. The 2021 SHLAA Update (Figure 3) suggests first completions on the site in 2022/23. Assuming an outline application is submitted in 2021 and following *Start to Finish*, it would be expected that first completions would be in 2027 (6.9 years).

8.14 Similarly, ST15 (land west of Evington Lane) is a proposed new settlement with a capacity of 3,330 dwellings within the emerging plan. The 2021 SHLAA Update suggests first completions on the site in 2023/24 but indicates that no application has been submitted to date. There would be significant upfront infrastructure requirements before any housing completions took place. If an outline application is submitted in 2021, and following *Start to Finish*, it would be expected that first completions would be in 2029 (8.4 years).

8.15 It is considered that the position set out above should be adopted when considering lead-in times. The Council’s current approach does not provide a realistic or robust position when considering likely lead-in times. The Council should provide clear justification if there is a departure to these timescales.

Delivery Rates

8.16 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity.

8.17 Within the 2018 SHLAA the Council has taken the approach to apply a build out rate to site allocations of 35 dwellings per outlet, per annum. This is applied in multiples as the number of outlets are likely to increase. For larger schemes the Council envisage that there could be up to four outlets after the initial infrastructure phase has been completed. This standard build-out rate has been carried forward in the 2021 SHLAA Update Trajectory (Figure 3) on sites where alternative build-out rates from site promoters have not been used.

8.18 It is considered that the Council’s approach is a reasonable starting point. However, research undertaken by [REDACTED] demonstrates that build rate assumptions are more complex. Whilst it is acknowledged that larger sites can support more outlets, this isn’t always the case and will be influenced by the size, form and housing mix of the development. Overall market absorption rates mean the number of outlets is unlikely to be a fixed multiplier in terms of number of homes delivered.

8.19 [redacted] has provided commentary on delivery rates previously with the Housing Issues Technical Papers (March 2018 and July 2019). In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

8.20 Generally, in York, on sites with a capacity of between 250 units and 500 units, there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not proportionately to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.21 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery proportionately, but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

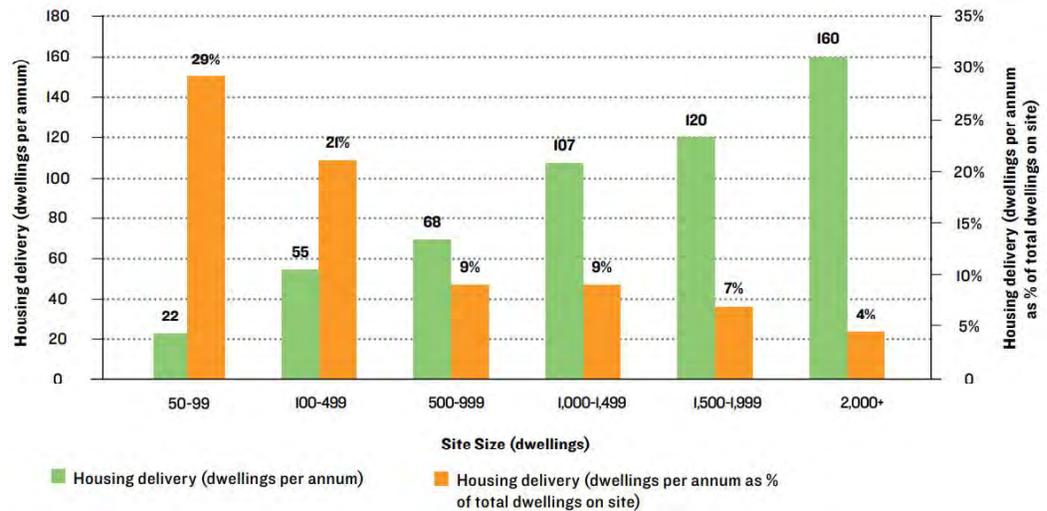
Table 8.2 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: [redacted]

8.22 Furthermore, *Start to Finish* analyses build rates based on national research. Whilst the findings shown in Figure 8.2 are average figures, it demonstrates that large sites do not necessarily deliver more homes on an exponential basis.

Figure 8.2 Housing Delivery Rates



Source: [redacted] analysis, Start to Finish

8.23 [redacted] considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who

deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

- 8.24 The 2021 SHLAA Update does not confirm what density assumptions have been used to calculate the capacity of allocated sites. However, we would reiterate our previous concerns with the assumptions identified in the 2018 SHLAA (page 22) which sets out the density assumptions for each residential archetype.
- 8.25 It is considered that the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.
- 8.26 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.
- 8.27 Assumptions on development densities in the absence of specific developer information should err on the side of caution and we consider that the details in the 2018 SHLAA are at variance with this principle.

Components of the Housing Supply

Allocations

- 8.28 The Framework (2012) stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and in that context. The Framework advises that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land (paragraph 47).
- 8.29 The definition of deliverability as set out within the NPPF states that to be considered deliverable:

“sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires,

unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans. ” [Footnote 11]

8.30 The Planning Practice Guidance (PPG) sets out further guidance in respect of what constitutes a deliverable site.

8.31 It states:

“Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust 5-year housing supply”.

8.32 When assessing a 5-year supply position, it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community’s need for housing.

8.33 The Council should adopt a more cautious approach when seeking to include strategic allocations within the five-year supply. It is considered that a number of the proposed allocations do not have a realistic prospect of delivering housing within the next five years when applying more robust assumptions in terms of lead-in and build rates.

Sites with Planning Permission

8.34 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.

Non-Implementation Rate

8.35 In the 2021 SHLAA Update, the Council apply a 10% non-implementation rate to extant planning permissions and site allocations identified for housing development. The evidence which underpins the Council’s justification is set out within Annex 5 to the 2018 SHLAA. The addition of the non-implementation is welcomed and is in line with approaches taken elsewhere when reviewing housing delivery.

- 8.36 Figure 3 of the 2021 SHLAA Update provides a detailed housing trajectory table which applies this 10% non-implementation rate. We consider that this table should also be included in the Local Plan as it sets out in detail how the Council’s housing supply has been derived.

Windfalls

- 8.37 The Council’s position on windfall allowance is based upon the Windfall Update Technical Paper (2020) which can be found at Annex 4 of the 2021 SHLAA Update. The Council claims that 182dpa will be delivered on windfall sites from Year 3 of the trajectory (2023/24) and provides justification for their windfall allowance within the Windfall Update Technical Paper.
- 8.38 The Framework⁴⁹ sets out the local planning authorities may make allowance for windfall sites in the 5-year supply if they have compelling evidence that they will provide a reliable source of supply. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.39 [REDACTED] accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate **outwith the first 5-year period**. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3. It does not account for any potential delays to the build-out of sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 6 (2025/26) onwards.
- 8.40 The Council considers that an annual windfall of 182 dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites. This is based on completion data from the last 10 years (2010/11 to 2019/20) and comprises the sum of the mean average figures for these two categories of windfall development (43 dpa and 139 dpa).
- 8.41 However, the figure of 182 dwellings has only been achieved four times over the past 10 years. In addition, there has been a steady decline of windfall completions for these two categories since a peak in 2016/17. This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever-increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.42 In relation to the delivery on sites of <0.2ha, [REDACTED] considers that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed over recent years by the change in definition of previously developed land (June 2010) to remove garden sites. The average of 43 dwellings has only been achieved four times over the past 10 years and is skewed by an unusually high figure in 2018/19 of 103 dwellings. If this anomaly is excluded the average figure is 36 dpa.
- 8.43 In relation to the delivery from conversions, the average completion figure since 2014 is largely dependent on the changes to permitted development rights introduced in 2013. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long-term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in

⁴⁹ NPPF (2012) §48

York will not be converted. This trend can already be seen in the figures in Table 2 of the Windfall Update Technical Paper where conversions have dropped significantly since a peak in 2016/17. As such the average conversion rate from 2010/11 to 2014/15 of 68 dpa should be used.

- 8.44 Based on the above assessment it is considered that the proposed windfall allowance should be **reduced from 182 dpa to 104 dpa** which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council’s trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 6 (2025/26) to ensure no double counting.
- 8.45 It is considered that the Council’s information does not adequately justify a windfall allowance of 182dpa and does not provide sufficient certainty that this figure will be achieved over the plan period.
- 8.46 Therefore, in this instance we consider that it is not appropriate that the City of York includes a windfall allowance within the first 5 years of the plan period.

Under Supply

- 8.47 The PPG⁵⁰ states that the level of deficit or shortfall should be added to the plan requirements for the next five- year period where possible (Sedgefield approach). If LPAs are minded to deal with the shortfall over a longer period (Liverpool method) the Practice Guidance advises that Local Authorities work with neighbouring authorities under the duty to cooperate.
- 8.48 The 2021 SHLAA Update states that the Council has adopted the ‘Liverpool’ method when dealing with past under delivery. Whilst the Council state there are ‘local circumstances’ which warrant a longer-term approach, it is not clear where the justification is which warrants the Liverpool method being adopted. It is considered that further information should be provided by the Council which justifies a departure from addressing the shortfall within the next five- year period.
- 8.49 In line with both the 2014 and latest 2019 iterations of the PPG, [REDACTED] considers that the Council should deal with backlog in full against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 8.50 Table 8 of the 2021 SHLAA Update provides historic housing completions for the period 2012/13 to 2019/20). The 2021 SHLAA Update states that the inherited shortfall from the period between 2012/13 – 2019/20 is 479 dwellings (37 dpa). However, in relation to this shortfall it states⁵¹:

“In considering shortfall, there is a negligible difference between the previous and latest outcomes of an additional 5 dwellings per annum. Over the remaining 13 years of the Plan, this constitutes an additional 65 dwellings.

As a result the Council consider that the proposed housing requirement of 822 dpa (790 dpa +32) should continue to be the housing requirement for York over the plan period (2017-2033). As the updated trajectory takes into consideration the completions 2017-2020, the 65 dwelling undersupply forms part of the remaining housing need to be delivered against which the supply is seeking to deliver. It is therefore considered that this will be addressed over the plan period”.

⁵⁰ Paragraph: 035 Reference 3-035-20140306

⁵¹ Strategic Housing Land Availability Assessment: Housing Supply and Trajectory Update April 2021 §§ 6.15-6.16

- 8.51 The Council has therefore applied an undersupply of 416 dwellings (32 dpa x 13 years).
- 8.52 Table 4.1 of this report shows past delivery against the Council’s possible policy benchmarks for the period 2004/05 – 2019/20. It demonstrates that the inherited shortfall could be significantly higher than current accounted for by the Council. This will have an impact on the Council’s five- year supply calculation, with the potential requirement for more sites to be identified to meet the undersupply and the housing requirement moving forward.

Application of the Buffer

- 8.53 As shown elsewhere in this report, the Council has a record of persistent under-delivery in recent years. The Council also confirms that there is a history of under-delivery within the 2021 SHLAA Update. In line with paragraph 47 of the NPPF (2012) the Council should apply a 20% buffer to provide a realistic prospect of achieving the planned supply. This is supported by the 2020 Housing Delivery Test results, which also indicate that a 20% buffer should be applied for the City of York.
- 8.54 In respect of applying the buffer, it should be applied to both the forward requirement and the under-supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.

Calculating Housing Land Supply

- 8.55 The 2018 SHLAA included a five-year housing land supply calculation (in Table 6 of the document). An updated calculation to reflect the latest requirement and supply position has not been provided in the 2021 SHLAA Update. However, we set out below our understanding of the Council’s housing land supply calculation for the five-year period using data available in the 2021 SHLAA Update, including Figure 3 of that document.
- 8.56 The calculation in Table 8.3 is for illustrative purposes only and is based on the Council’s own completion figures without any amendments. We have utilised the Council’s OAHN assumption of 790 dpa and assumptions on inherited shortfall (479 dwellings over 13 years) and applied the Liverpool method from the 2021 SHLAA Update as well as the Council’s projected completions.

Table 8.3 Five year housing land supply calculation - based on figures within 2021 SHLAA Update

Five year housing land supply calculation		Dwelling Number
A	Annual housing target across the Plan period	790
B	Cumulative target (2020/21-2024/25)	3,950
C	Inherited shortfall (2020/21 - 2024/25) (Liverpool method)	184
D	20% buffer	827
E	Five- year requirement (B+C+D)	4,961
F	Total estimated completions (2020/21 -2024/25) (with windfalls and 10% non-implementation)	5,671
G	Supply of deliverable housing capacity	5.72 years

8.57 Table 8.4 sets out the Council’s 5YHLS for the period 2020/21 – 2024/25 utilising the Council’s OAHN assumption of 790 dpa but utilises the ‘Sedgefield’ approach of addressing the full backlog of 479 dwellings in the first 5 years. The windfall allowance has also been excluded for the reasons set out within this report. Again, a 20% buffer has been applied (which the 2021 SHLAA Update accepts is appropriate) and again the calculation uses the Council’s projected completions from the 2021 SHLAA Update. As a comparison, we have included a secondary column based on Lichfields’ estimated OAHN from the analysis elsewhere in this report, plus the additional backlog that would arise.

Table 8.4 Five-year housing land supply calculation - [REDACTED] OAHN

5-year housing land supply calculation		Council’s OAHN	Lichfields’ OAHN
A	Annual housing target across the Plan period	790 dpa	1,010 dpa
B	Cumulative target (2020/21-2024/25)	3,950	5,050
C	Inherited shortfall (2020/21 - 2024/25) (Sedgefield method)	479	2,239
D	20% buffer	886	1,458
E	Five- year requirement (B+C+D)	5,315	8,747
F	Total estimated completions (2020/21 - 2024/25) (with 10% non-implementation included and windfalls excluded)	5,307	5,307
G	Supply of deliverable housing capacity	5.00 years	3.03 years

Source: [REDACTED] analysis

8.58 Table 8.4 clearly shows that the Council can only demonstrate a very marginal 5YHLS when the ‘Sedgefield’ approach is applied and windfalls are excluded from the calculation. In addition, we note that this calculation does not factor in our comments on other matters in this document which would significantly reduce the Council’s supply.

8.59 For the reasons identified, we consider that the Council’s OAHN is too low and should be increased. When the OAHN is increased to a reasonable level of 1,010 dpa (virtually identical to the Government’s standard methodology figure for the Borough, which is 1,013 dpa), the Council’s 5YHLS position falls to an abject 3.0 years.

8.60 We also have concerns with the Councils approach to calculating historic completions, which may be depressing the backlog figure. The calculations above also use the Council’s evidence base in terms of projected completions from the 2021 SHLAA Update. If our comments on lead-in times and delivery rates were applied to the delivery from these sites, the supply from them would be significantly lower.

8.61 Taking these factors into consideration, we consider that the Council’s housing supply is likely to be insufficient to demonstrate a 5YHLS. An uplift in supply is required in order to meet the housing requirement.

8.62 The only way to address this shortfall is the identification of further land which is capable of delivering dwellings over the next five years of the plan period. However, the Council could easily rectify this situation by proposing main modifications to identify additional allocated sites in the Local Plan.

8.63 Lichfields reserves the right to interrogate the Council’s supply in more detail prior to the Examination should this information be provided.

Conclusion

- 8.64 [REDACTED] has undertaken an analysis of the 2021 SHLAA Update and Proposed Modifications to the Local Plan which sets out the assumptions used to calculate the Council's housing land supply.
- 8.65 The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. [REDACTED] has concerns that the way in which the Council has calculated historic housing completions, shown within Table 8 of the 2021 SHLAA Update is flawed and is inflated through the inclusion of privately managed off-campus student accommodation that do not meet the varied housing needs of the City's residents. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.
- 8.66 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved.
- 8.67 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.
- 8.68 [REDACTED] reserves the right to update the above evidence as and when further information becomes available.

9.0 **Conclusions on the City of York’s Housing Need / Supply**

Introduction

9.1 In practice, applying the 2012 NPPF requires a number of key steps to be followed in order to arrive at a robustly evidenced housing target:

- The starting point for Local Plans is to meet the full objectively assessed development needs of an area, as far as consistent with the policies set out in the Framework as a whole [§6, §47 & §156].
- An objective assessment of housing need must be a level of housing delivery which meets the needs associated with population and household growth, addresses the need for all types of housing including affordable and caters for housing demand [§159].
- Every effort should be made to meet objectively assessed needs for housing and other development, and there should be positive response to wider opportunities for growth. Market signals, including affordability should be taken into account when setting a clear strategy for allocating suitable and sufficient land for development [§17].
- In choosing a housing requirement which would not meet objectively assessed development needs, it must be evidenced that the adverse impacts of meeting needs would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework as a whole; unless specific policies indicate development should be restricted [§14].
- Where an authority is unable to meet its objectively assessed development needs or it is not the most appropriate strategy to do so, e.g. due lack of physical capacity or harm arising through other policies, it must be demonstrated under the statutory duty-to-cooperate that the unmet need is to be met in another local authority area in order to fully meet development requirements across housing market areas [§179 & §182 bullet point 1].

9.2 It is against these requirements of the Framework which the City of York’s housing need must be identified.

Revised Housing Requirement

9.3 There are a number of significant deficiencies in the Councils approach to identifying an assessed need of 790 dpa in the HNU which means that it is not soundly based. The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York.

██████████ considers these to be as follows:

- 1 **Demographic Baseline:** The 2018-based household projections indicate a net household growth of just 302 dpa between 2017 and 2033 (including a suitable allowance for vacant/second homes). Quite rightly, ██████████ then models alternative migration variants, including the 10-year trend scenario, which it then takes forward as its preferred scenario. Whilst this is generally appropriate, we consider that ██████████ should also have concerned modelling the High International variant produced by ONS, which produces a level of net international migration more

in keeping with longer term trends. It is likely that this would have increased the demographic baseline figure. We do agree with [REDACTED], however, that it is appropriate in this instance to apply accelerated headship rates to the younger age cohorts, which takes the demographic starting point to 669 dpa.

- 2 **Market Signals Adjustment:** GL Hearn’s uplift is assumed to be 15% based on their earlier reports for CoYC, although this has not been revisited in their 2020 HNU. However, for the reasons set out in Section 4.0, [REDACTED] considers that a greater uplift of at least 25%, and probably higher, would be more appropriate in this instance given that the current SM2 uplift is 25%. This should be applied to the revised demographic starting point of 669 dpa and not the 302 dpa 2018-based SNPP, which would be entirely illogical given that [REDACTED] themselves admit that the principle 2018-based projection is less robust for York. Even setting to one side the issue of whether the High International Variant projection should be used, this would indicate a need for **836 dpa**.
- 3 **Employment growth alignment:** The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by the ELR Scenario 2 (which has informed the Local Plan) and past trends. As such, and notwithstanding our concerns regarding how [REDACTED] has modelled the employment growth needs for the City, on the face of it no upward adjustment is required to the demographic-based housing need figure of 803 dpa to ensure that the needs of the local economy can be met;
- 4 **Affordable Housing Need:** The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need well above 836 dpa. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range would need to be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level of delivery is unlikely to be unachievable for York. Given the significant affordable housing need identified in City of York [REDACTED] considers that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a figure of **920 dpa**.
- 5 **Student Housing Needs:** household projections explicitly exclude the housing needs of students living in communal establishments. Furthermore, Lichfields’ critique of the projections clearly indicates that they do not adequately reflect the Universities’ student growth targets. It is calculated that meeting these growth needs would equate to around 1,466 dwellings over the 16-year Plan period, at an average of 92 dpa on top of the 920 dpa set out above (i.e. 1,012 dpa).
- 6 Rounded, this equates to an **OAHN of 1,010 dpa** between 2017 and 2033 for the City of York.
- 7 **Shortfall of housing delivery 2012-2017:** The Council is also making provision for past under-delivery between 2012 and 2017. [REDACTED] has serious concerns about how the CoYC have calculated past housing delivery. Setting to one side the very unusual and substantial discrepancies between the Council’s housing completions figures and MHCLGs, if [REDACTED]’ higher OAHN of 1,010 dpa is applied, this would result in a figure of **1,618, or 101 dpa** over the 16 year plan period, to be factored on top. **This would result in a Local Plan requirement of 1,111 dpa, which is not dissimilar to the 1,013 dpa figure that they would have been using with the current standard methodology.**

9.4 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this figure (of 1,010 dpa plus the unmet need 2012-

2017) would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

9.5 This process is summarised in Table 9.1.

Table 9.1 Approach to OAHN for the City of York 2017-2033

	Dwellings per annum (2017-2033)
Demographic Starting Point (2018-based SNHP)	302 dpa
Adjustments to Demographic-led Needs	669 dpa
Uplift for Market Signals	836 dpa (+25%)
Employment Led Needs	766 dpa – 779 dpa
Affordable Housing Needs	1,910 dpa*
10% Uplift to demographic led needs for Affordable Housing? (rounded)	920 dpa
Uplift to address Student Housing Needs	92 dpa
Adjusted OAHN (Rounded)	1,010 dpa
Inherited Shortfall (2012-2017) annualised over the Plan period	32 dpa – 101 dpa
Annual Target (inclusive of shortfall)	1,042 dpa – 1,111 dpa

*Based on an affordable housing net annual need of 573 dpa at a delivery rate of 30%

Revised Housing Land Supply

9.6 [REDACTED] has undertaken an analysis of the City of York’s updated SHLAA (2021) which sets out the assumptions used to calculate the Council’s housing land supply. We consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions. The Council states that the inherited shortfall from the period between 2012 – 2020 is 479 dwellings, based on an OAHN of 790 dwellings. We also consider that some of the suggested delivery rates on proposed allocations are unrealistic and not based on robust assumptions.

9.7 The evidence provided by the Council is not sufficient to demonstrate that the housing requirement over the first 5 years of the Plan will be achieved. When a more realistic OAHN of 1,010 dpa is factored into the calculation, as well as reasonable adjustments relating to windfalls and the Sedgfield approach to backlog, it is clear that the Council cannot demonstrate a 5YHLS. This could fall to as low as 3 years even before a detailed interrogation of the deliverability of sites is undertaken.

9.8 It is understood that there are a number of sites which are proposed to be allocated but have yet to have an application submitted. In order help ensure a 5YHLS, the Council should demonstrate that there is a realistic prospect that housing will be delivered on site within five years.

9.9 [REDACTED] reserves the right to update the above evidence as and when further information becomes available

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From: [REDACTED]
Sent: 07 July 2021 16:07
To: [REDACTED]
Cc: [REDACTED]
Subject: York Hospital Local Plan response form
Attachments: Local Plan Proposed Modifications Consultation Response Form 2021 - YSTHFT July 2021.docx
Importance: High

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [REDACTED]

As requested, please find attached our Local Plan response form.

We've included a statement that highlights many of the areas we discussed last week.

Please let me know if you need any further clarification on the points raised. I'll arrange a follow up meeting with you, myself and Andrew towards the end of the Summer. We'll keep in touch.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

City of York Local Plan Proposed Modifications Consultation Response Form 25 May – 7 July 2021

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** How we will use your Personal Information, **Part B** Personal Details and **Part C** Your Representation

To help present your comments in the best way for the Inspectors to consider them, we ask that you use this form because it structures your response in the way in which the Inspectors will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part A carefully before completing the form. Please ensure you sign the form on page 2.

Please fill in a separate Part C for each issue/representation you wish to make. Failure to fully complete Part C of this form may result in your representation being returned. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - How we will use your Personal Information

When we use your personal data, CYC complies with data protection legislation and is the registered 'Controller'. Our data protection notification is registered with the Information Commissioner's Office (ICO) – reference **Z5809563**.

What information will be collected: The consultation only looks at the specific proposed modifications and specific evidence base documents and not other aspects of the plan. The representations should therefore focus only on matters pertaining to those main modifications and documents being consulted upon. We are collecting personal details, including your name and address, alongside your opinions and thoughts.

What will we do with the information: We are using the information you give us with your consent. You can withdraw your consent at any time by contacting the Forward Planning team at localplan@york.gov.uk or 01904 552255.

The information we collect will be provided to the Planning Inspectors, together with a summary of the main issues raised during the representations period and considered as part of the Local Plan examination¹. Response will be made available to view as part of the Examination process and must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. We will protect it and make sure nobody has access to it who shouldn't and we will not keep it for longer than is necessary.

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

We will not use the information for any other purpose than set out in this privacy notice and will not disclose to a third party i.e. other companies or individuals, unless we are required to do so by law for the prevention of crime and detection of fraud, or, in some circumstances, when we feel that you or others are at risk.



You can find out more about how the City of York Council uses your information at <https://www.york.gov.uk/privacy>

We will also ask you if you want to take part in future consultations on planning policy matters including Supplementary Planning Documents and Neighbourhood Plans.

Storage of information: We will keep the information you give us in CYC's secure network drive and make sure it can only be accessed by authorised staff.

How long will we keep the information: The response you submit relating to this Local Plan consultation can only cease to be made available 6 weeks after the date of the formal adoption of the Plan². When we no longer have a need to keep your information, we will securely and confidentially destroy it. Where required or appropriate, at the end of the retention period we will pass onto the City Archives any relevant information.

Further processing: If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining the purpose prior to commencing the processing and the processing conditions. Where and whenever necessary, we will seek your consent prior to the new processing.

Your rights: To find out about your rights under data protection law, you can go to the Information Commissioners Office (ICO): <https://ico.org.uk/for-the-public/>

You can also find information about your rights at <https://www.york.gov.uk/privacy>

If you have any questions about this privacy notice, want to exercise your rights, or if you have a complaint about how your information has been used, please contact us at information.governance@york.gov.uk on 01904 554145 or write to: Data Protection Officer, City of York Council, West Offices, Station Rise, York YO1 6GA.

1. Please tick the box to confirm you have read and understood the privacy notice and consent to your information being used as set out in the privacy notice

2. Please tick the box to confirm we can contact you in the future about similar planning policy matters, including neighbourhood planning and supplementary planning documents.

Signature 

Date

Part B - Personal Details

Please complete in full; in order for the Inspectors to consider your representations you must provide your name and postal address.

3. Personal Details		4. Agent's Details (if applicable)
Title		
First Name		
Last Name		
Organisation (where relevant)		
Representing (if applicable)		
Address – line 1		
Address – line 2		
Address – line 3		
Address – line 4		
Address – line 5		
Postcode		
E-mail Address		
Telephone Number		

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 7 July 2021, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

You can also complete the form online at:

www.york.gov.uk/form/LocalPlanConsultation.

What can I make comments on?

This consultation provides the opportunity for anyone to make a representation on the proposed modifications and supporting evidence base, further to the Local Plan which was submitted to the Planning Inspectorate in May 2018 and following the phase 1 hearing sessions in December 2019 as part of the Examination into the Plan. You can make comments on any of the proposed modifications and a number of evidence base documents as set out below. The purpose of this consultation is for you to say whether you think the proposed modifications and/or new evidence make the Local Plan 'Legally Compliant' and 'Sound'. These terms are explained as you go through this form.

- City of York Local Plan Composite Modifications Schedule (May 2021) [[EX/CYC/58](#)] and City of York Local Plan Publication Draft (February 2018) [[CD001](#)] **to be read alongside the comprehensive schedule of proposed modifications only**
- York Economic Outlook (December 2019) Oxford Economics [[EX/CYC/29](#)]
- CYC Annual Housing Monitoring and MHCLG Housing Flow Reconciliation Return (December 2019) [[EX/CYC/32](#)]
- Affordable Housing Note Final (February 2020) [[EX/CYC/36](#)]
- Audit Trail of Sites 35-100 Hectares (June 2020) [[EX/CYC/37](#)]
- Joint Position Statement between CYC and Selby DC Housing Market Area (April 2020) [[EX/CYC/38](#)]
- G L Hearn Housing Needs Update (September 2020) [[EX/CYC/43a](#)]
- Habitat Regulation Assessment (HRA) (October 2020) Waterman Infrastructure and Environment Limited [[EX/CYC/45](#)] and Appendices (October 2020) [[EX/CYC/45a](#)]
- Key Diagram Update (January 2021) [[EX/CYC/46](#)]
- Statement of Community Involvement Update (November 2020) [[EX/CYC/49](#)]
- SHLAA Update (April 2021) [[EX/CYC/56](#)]
- CYC SuDs Guidance for Developers (August 2018) [[EX/CYC/57](#)]
- Topic Paper TP1: Approach to defining York's Green Belt (Addendum) (January 2021) [[EX/CYC/59](#)]
 - Annex 1: Evidence Base (January 2021) [[EX/CYC/59a](#)]
 - Annex 2: Outer Boundary (February 2021) [[EX/CYC/59b](#)]
 - Annex 3: Inner Boundary (Part: 1 March 2021 [[EX/CYC/59c](#)], Part 2: April 2021 [[EX/CYC/59d](#)] and Part 3 April 2021) [[EX/CYC/59e](#)]
 - Annex 4: Other Urban Areas within the General Extent (April 2021) [[EX/CYC/59f](#)]
 - Annex 5: Freestanding Sites (March 2021) [[EX/CYC/59g](#)]
 - Annex 6: Proposed Modifications Summary (April 2021) [[EX/CYC/59h](#)]
 - Annex 7: Housing Supply Update (April 2021) [[EX/CYC/59i](#)] and Trajectory Summary (April 2021) [[EX/CYC/59j](#)]
- City of York Council Strategic Flood Risk Assessment (SFRA) Level 1 Report [[EX/CYC/60](#)]
- Sustainability Appraisal of the Composite Modifications Schedule (April 2021) [[EX/CYC/61](#)]

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspectors to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each topic or issue you wish to comment on**. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

You can use our online consultation form via www.york.gov.uk/form/LocalPlanConsultation or send back your response via email to localplan@york.gov.uk. **However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response. We also need your confirmation that you consent to our Privacy Policy (Part A of this form).**

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part B of this form the group you are representing.

Do I need to attend the Public Examination?

The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant. You can indicate if you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspectors will use their own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Consultation documents?

Copies of the consultation documents are available to view on the council's website at <https://www.york.gov.uk/LocalPlanConsultation>.

In line with the current pandemic, we are also making the documents available for inspection by appointment only at City of York Council Offices, if open in line with the Government's Coronavirus restrictions. To make an appointment to view the documents, please contact the Forward Planning team via localplan@york.gov.uk or on 01904 552255.

Documents are also available to view electronically via Libraries, if open in line with Government Coronavirus restrictions. See our [Statement of Representations Procedure](#) for further information.

Part C -Your Representation

(Please use a separate Part C form for **each** issue to you want to raise)



5. To which Proposed Modification or new evidence document does your response relate?

Proposed Modification Reference:

CD020

Document:

LP Submission Draft Statement to demonstrate compliance with duty to cooperate

Page Number:

Page 13

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan or sent by request.

6. Based on the Proposed Modification or new evidence document:

6.(1) Do you consider that the Local Plan is Legally compliant?

Yes

No

6.(2) Do you consider that the Local Plan complies with the Duty to Cooperate?

Yes

No

6.(3) Please justify your answer to question 6.(1) and 6.(2)

The Trust has only just started to engage with CYC as part of the Local Plan consultation process. The Vale of York Clinical Commissioning Group have been factored into plans to date, but acute services at York Hospital (including A and E and others) have not been considered in regards to the influx of new residents the Local Plan will cause. The current York Hospital facilities will not meet this demand in terms of service delivery, capacity, access or connecting infrastructure.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below.

What makes a Local Plan "sound"?

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

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

7. Based on the Proposed Modification or new evidence document:

7.(1) Do you consider that the Local Plan is Sound?

Yes No

7.(2) Please tell us which tests of soundness are applicable to 7.(1):

(tick all that apply)

Positively prepared **Justified**

Effective **Consistent with national policy**

7.(3) Please justify your answers to questions 7.(1) and 7.(2)

Please use extra sheets if necessary

8. (1) Please set out any change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at Question 7 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text and cover succinctly all the information, evidence and supporting information necessary to support/justify your comments and suggested modification, as **there will not normally be a subsequent opportunity to make further representations unless at the request of the Inspectors, based on the matters and issues they identify for examination.**

We are keen to collaborate with City of York Council (CYC) to ensure that an integrated approach is taken when developing the Local Plan and addressing wider housing issues in York. We would like to ensure that York and Scarborough Teaching Hospitals NHS Foundation Trust ('The Trust') is one of the key consultees at all stages of the Local Plan going forward.

Our understanding is that previously CYC have engaged with the Vale of York Clinical Commissioning Group regarding healthcare provision. However the Trust provides acute and emergency healthcare services to the York population and our York site is currently facing pressures to meet demand in terms of access, A and E attendances and other acute services York Hospital provides. These services currently would not be able to absorb the increased residential numbers associated with the Local plan projections. The Trust would need to factor in the increased housing and associated residents into our future plans so will need to maintain communications with CYC to ensure we have the most current information available.

The Trust is aware of the pressures that population growth will make on services. Access and Transport are key factors in this and that is where collaboration with the Local Plan (and Local Travel Plan) will be important. The Local Plan should strengthen the sustainability and economy of York, taking into account that accessible healthcare is an important aspect for residents and improved hospital access (whilst reducing car use) should be accounted for in future plans for York's transport networks and the wider Local Plan outcomes.

Accessibility to York Hospital is limited. York experiences high levels of car use throughout the year, both from a residential / working perspective and during peak tourist times. The nature of the transport infrastructure (single two lane roads around listed buildings and architecture) means that traffic build up around the hospital site can be a serious issue when it comes to patient visiting times,

which then has a knock-on effect throughout the city. Efforts are made by the Trust to manage the traffic flow on site and encourage visitor modal shift where possible. However, the car will often be the primary choice of transportation for those visiting the hospital either in an emergency or travelling long distances. The Trust currently works closely with CYC on efforts to mitigate the impacts this localised traffic has. The Local Plan could obviously have huge potential to significantly impact this in terms of increasing demand for hospital services so again, integration is vital.

Our own Trust travel plan is in the process of being renewed to take account of the recent NHS guidance and we will factor local issues in along with NHS targets. The first phase of the patient experience is the journey to the hospital and more integrated low-carbon, sustainable transport options need to be available to connect all parts of the city (similar in concept to the York Hospital Park & Ride bus). Given time, these types of services will improve connectivity, reduce emissions and congestion and enable York to cope with increased numbers. However the Local Plan also raises the potential need for a new York Hospital facility to meet the increased populations' acute healthcare needs; integrated and accessible transport infrastructure and services would have to be factored into such a development.

The Trust is aware of CYC's net zero carbon target for 2030 and that there is an anticipated 'post-covid' shift towards sustainability and active travel, increasing public transport patronage and infrastructure enhancement. These will present opportunities for a cohesive approach that should be more widely adopted throughout the Local Plan development process.

The Trust would be keen to be involved in any discussions around Section 106 monies that are available through the Local Plan development. Any funding (and community infrastructure levy) we could be entitled to could help us prepare and adapt our existing facilities to cope with the increased demand.

Overall, an integrated approach to future planning in York is vital. Major planned developments (such as the Elvington 'Garden Village' and York Central) must account for the impact they will have on Hospital service delivery. The York Local Plan (as it stands) will result in thousands of new homes in the region over the next 10-20 years, which will have a direct impact on the Hospital's capability to deliver effective healthcare, as currently our main premises work at full capacity.

The Trust will closely cooperate and collaborate with CYC to ensure these future developments result in positive outcomes for residents of York and all parties involved.

9. If your representation is seeking a change at question 8.(1)

9.(1). Do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

~~**Yes**, I wish to appear at the examination~~

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspectors by way of written representations.

9.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note: the Inspectors will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.