

York Local Plan (YLP) – EiP Hearing Statement

Our ref 50730/03/MHE/AWi
Date 24 February 2022
To Carole Crookes (York Local Plan Programme Officer)
From Lichfields (on behalf of Bellway Homes)

Subject Matter 7: Approach to Setting Green Belt Boundaries

1.0 Introduction

- 1.1 This Statement is submitted by Bellway Homes in respect of the Matters, Issues and Questions set out under Matter 7 of the Inspectors’ Phase 2 hearing sessions in respect of the City of York Local Plan.
- 1.2 Bellway Homes have also submitted separate hearing statements in respect of Matters 2 and 5 as part of a consortium with Taylor Wimpey and Persimmon Homes. Statements are also submitted on Matters 1 and 4, specific to Bellway Homes. Each of the submitted statements are to be read alongside each other and relevant representations made during the Local Plan consultation stages.
- 1.3 As a matter of principle, it is Bellway Homes’ opinion that the City of York Local Plan now contains such significant compromises in its approach and the age of critical elements of its evidence base, that it should not be found sound. The Plan was submitted in May 2018 (almost four years ago), following which significant further work was required before the first hearing sessions opened in November 2019 (18 months later). The Inspectors rightly found significant failings with the submitted Plan in June 2020. Rather than revising and updating its approach, the Council has largely sought to retrofit its evidence to address the concerns raised by the Inspectors in respect of the approach to Green Belt. The Phase 2 hearing sessions will open another 21 months after the Inspectors identified their concerns. Even with a seemingly ambitious target of plan adoption in 2022, the Local Plan would already be over 5 years into the stated plan period upon adoption, with the evidence being much older.
- 1.4 Since the Plan was submitted for examination, there have been three significant updates to National Planning Policy contained within the NPPF, each having consequences on how this Local Plan is likely to be viewed if it is found sound and adopted. Quite simply, even if the emerging Plan is considered to meet the relevant tests against the 2012 NPPF, its evidence base is likely to be so far out of date on adoption, it will render the Plan out-of-date immediately.
- 1.5 Set out below are Bellway’s responses to the Matter 7 questions.

2.0 Approach to Setting Green Belt Boundaries

The questions concerning Green Belt are aimed at the strategic level. Later questions during the Phase 3 hearings will address issues in relation to specific parts of the boundaries proposed, including those around development sites. In responding to the following questions, consideration should be in the context of the Council’s submitted evidence to date, including its Topic Paper 1 relating to the Green Belt [CDO21], its subsequent Addenda to Topic Paper 1 [EX/CYC/18; EX/CYC/18a-f; EX/CYC/50 and EX/CYC/50a-d and EX/CYC/59 and EX/CYC/59a-g]; and the modifications proposed by the Council, to the submitted Plan resulting from these documents set out in the Examination Document Library.

7.1 This Local Plan will formally define the boundaries of the York Green Belt for the first time. The Council’s approach to defining the Green Belt boundaries now proposed is set out in ‘Topic Paper TP1 – Approach to Defining York’s Green Belt: Addendum’ (January 2021) [EX/CYC/59]. In the light for the evidence, in setting the proposed Green Belt boundaries:

a) how, in simple summary, have the proposed boundaries been arrived at?

2.1 As set out above, the Inspectors raised serious concerns, in particular, with the way the Council used ‘shapers’ within the original Green Belt Topic Paper to justify its approach to proposed Green Belt boundaries. It is clear from the updated Topic Paper (EX/CYC/59) that the Council has sought to retrofit its evidence base to the proposed Green Belt boundaries, rather than undertake a genuine and wholesale review of the approach to Green Belt boundaries. This approach fails to address the serious concerns raised and does not result in a sound approach to delineation of the proposed Green Belt boundaries.

b) what influence have heritage assets and other environmental designations, such as conservation areas and SSSIs had on the setting of Green Belt boundaries?

In response to the above questions, we ask the Council to produce a very brief and straightforward summary that sets out in simplified terms the method(s) used to identify the boundaries proposed.

2.2 The Council has continued to give particular consideration around the need to “preserve the setting and special character of historic towns”. It should be noted that this is a ‘purpose of Green Belts’ set out at paragraph 80 of the NPPF. It is not specifically a measure for defining boundaries for the first time, as set out paragraph 85 of the NPPF.

2.3 The Inspectors previously raised concerns regarding the Council’s assessment of heritage assets and other environmental factors in establishing Green Belt boundaries – namely that some factors which were not relevant appeared to have been considered (such as flood risk and ecology – see paragraph 34 of EX/INS/15). Whilst these considerations have largely been removed from the assessment, and clarification provided at EX/CYC/59 Table 5 that shapers did not inform the setting of Green Belt boundaries, a comprehensive review of the proposed boundaries does not appear to have been undertaken as a result. It is clear that the factors which are now omitted from the assessment were originally considered – the Council’s assessment itself sets out in EX/CYC/18 (paragraph 5.41) that the ‘shapers’ **were carried forward by identifying land that fulfils a strategic function in meeting the purposes of Green Belt**. We do not accept the notion set out in EX/CYC/59 Table 5 that references to shapers and

other irrelevant factors was an error, and whilst we are pleased to see they are now omitted, a thorough review of the Green Belt boundaries (including assessment of more appropriate development sites) needs to be undertaken based on a suitable methodology. The change in stance from the Council in this regard is not satisfactory and, as outlined above, suggests an attempt to retrofit the proposals without genuine review based on a robust, up to date and NPPF compliant methodology.

2.4 The Council also still refer to the nature conservation merits of landscape setting in their assessment (albeit noting that the nature conservation designations are a consideration in the historic context only where they tell us something about the origin of the use of the land – paragraph 8.30). Whilst we appreciate the contextual explanation for this consideration, our concerns remain that matters which are not relevant to defining the Green Belt boundary have been incorrectly considered.

2.5 Notwithstanding the above, we wish to highlight the importance of differentiating between attributes which broadly relate to the history of the city and those which directly relate the setting and special character of the historic town (as per the requirement of NPPF paragraph 80). There still appears to be some overlap within the Council's assessment in this regard.

c) how does the approach now taken in the aforementioned new evidence differ from the method previously used by the Council and what is the reason for the differences?

2.6 The latest submission from the Council seeks to clarify a number of key points including (inter-alia):

- 'Shapers' did not inform the proposed boundaries; and
- Irrelevant factors previously mentioned in the Green Belt assessment (including air quality and flood risk) did not inform the proposed boundaries.

2.7 These amendments/clarifications are made to the evidence base as a direct result of concerns raised by the Inspectors and clear evidence that the methodology as presented (and consequently, outputs developed) was flawed. As outlined in our responses above, we remain concerned that the changes outlined do not reflect a robust and genuine review of the methodology, and that elements of the previous 'shapers' remain embedded within the methodology, albeit with less explicit reference. Notwithstanding the additional information provided, we do not consider this to be a suitable, acceptable, or sound approach and we would request a full review of the proposed Green Belt boundaries in light of the fundamental issues highlighted with the previous methodology.

d) how has the need to promote sustainable patterns of development been taken into account?

2.8 The Council states it has sought to channel development towards urban areas, towns and villages within the Green Belt and locations beyond the outer Green belt boundary (paragraph 2.21 EX/CYC/59). This should not however prohibit delivery of development of appropriate development on other sustainable sites nor should it be a dictating factor in determining the Green Belt boundaries. We also raise concerns and doubt over the spatial strategy adopted by the Council in our Matter 4 hearing statement.

2.9 Notwithstanding the above, we fundamentally disagree with the Council's previous notion that land which does not have access to two or more services within 800m should be regarded as land that should be kept permanently as Green Belt (to avoid unrestricted urban sprawl). This

approach stymies genuinely sustainable and well-planned development which can deliver a range of uses.

- 2.10 We acknowledge that clarification is provided in EX/CYC/59 Table 5 that linking the Access to Services Map should not have been used in the context of the Green Belt Assessment. As a result of this, we would have expected a thorough, detailed review of the Green Belt boundary proposals including a robust breakdown on how the revised methodology has been implemented and subsequent amendments applied. As outlined in our earlier responses, we are not satisfied that this has taken place and are of the view that the Council has sought to retrofit their previous findings to a slightly revised methodology. As such, the approach to defining Green Belt boundaries is not the most appropriate strategy and is not consistent with the NPPF.

e) how have the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary been considered?

- 2.11 Whilst the updated Topic Paper (EX/CYC/59) seeks to distance itself from the criticisms of the original Topic Paper and the use of ‘shapers’, it is not inherently clear from the evidence how the consequences for sustainable development have been considered. Section 7 of the updated Topic Paper claims to explain how sustainable development principles have influenced the distribution of development.

- 2.12 However, having reviewed the evidence, there is extensive discussion about how much land need to be provided to facilitate development needs over the plan period, but nothing that explains how it has then informed the approach to Green Belt boundaries, or the consequences of adopting the published strategy.

- 2.13 This demonstrates a lack of consideration of reasonable, and potentially more appropriate, alternatives.

f) how do the proposed Green Belt boundaries ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development?

- 2.14 As outlined above, we have ongoing concerns regarding the methodological approach undertaken in defining the Green Belt boundaries. Whilst we accept additional information has been provided which seeks to address some concerns raised by the Inspectorate and provide clarity on aligning the Green Belt assessment with the emerging spatial strategy, the approach undertaken is not satisfactory and should be subject to further, much more extensive review. Ensuring the identified requirements for sustainable development are consistent will not be possible until a thorough review of the Green Belt boundaries is undertaken, in line with a suitable and sound methodology.

- 2.15 In this context, it does not appear that there is much alignment between the Green Belt assessment and the spatial strategy (refer to Matter 4 hearing statement). It appears that the nature of the piecemeal evidence updates over several years has resulted in an often-disjointed evidence base which is difficult to follow, inconsistent and not fit for purpose.

7.2 As a matter of principle, do the proposed Green Belt boundaries include any land which it is unnecessary to keep permanently open?

- 2.16 Without a comprehensive review of the initial policy decisions based on correct interpretation of the NPPF requirements and updated evidence it is not possible to conclude exactly where land

may be included within the proposed Green Belt which it is not necessary to keep permanently open.

- 2.17 However, representations on behalf of Bellway (most recently our representations to the Main Modifications consultation in July 2021 – refer to our paragraphs 2.1 – 2.22 and 5.3 – 5.33) consider the role of land to the east of Earswick against the relevant Green Belt tests, concluding land to the east of Strensall Road, Earswick represents a suitable and sustainable location for future development and does not need to remain permanently open.

7.3 Overall, is the approach to setting Green Belt boundaries clear, justified and effective and is it consistent with national policy?

- 2.18 For the reasons set out above, and in our Main Modifications consultation response of July 2021, we do not consider the approach to setting Green Belt boundaries is clear, justified and effective and consistent with national policy.
- 2.19 As set out in our earlier submissions, we do not consider the Local Plan ensures the Green Belt boundaries will endure beyond the plan period it is likely these will need to be reviewed again in the relative short term. Whilst we consider the most appropriate strategy to address this is to plan appropriately for housing growth now and allocational sites for development now, the allocation of Safeguarded Land within the Green Belt for development beyond the plan period. Such an approach would at least minimise any risk of the retained Green Belt not enduring beyond the plan period.