

City of York Local Plan 2017-2033

Phase 2 Hearing Statement prepared on behalf of Level Developments (Yorkshire) Limited (Reference ID:260 (CD014A))

Matter 7 Spatial Strategy – Approach to Setting Green Belt Boundaries

1. Introduction and Context

- 1.1 This Hearing Statement has been produced by Pegasus Group on behalf of our client, Level Developments (Yorkshire) Limited.
- 1.2 In accordance with the transitional arrangements set out in Annex 1 of the revised National Planning Policy Framework (February 2019), it is understood that the plan is being examined against the previous 2012 version of the Framework. All references within this hearing statement to the National Planning Policy Framework (NPPF) therefore relate to the 2012 version, unless otherwise stated.
- 1.3 Our client wishes to ensure that the City of York Local Plan (CYLP) is prepared in a robust manner that passes the tests of soundness contained in paragraph 182 of the NPPF, namely that the plan is:
- Positively Prepared;
 - Justified;
 - Effective; and
 - Consistent with national policy.
- 1.4 The CYLP also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.5 Our client submitted representations to the various stages of plan production including the Publication Draft, Proposed Modifications, Phase 1 Hearing Sessions and the Local Plan Modifications and Evidence Base Consultation. Despite the Council's attempts to overcome fundamental issues with the CYLP our representations continue to identify several elements where we believe the CYLP is unsound.

2. Response to the Inspector's Matter 7 Issues and Questions

2.1 We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions and provide the following responses to selected questions in so far as they relate to our previous representations. It is understood that the Matter 7 questions are set at the strategic, rather than site specific, level. The site-specific boundaries will be discussed in phase 3 of the examination.

2.2 Whilst our client has issues with the detailed boundaries the following responses have refrained from providing such comments except by way of example of a wider strategic point.

Q7.1 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? In response to this question 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.

2.3 This question is clearly aimed at the Council and is very much welcomed due to the confusing nature of Topic Paper 1: Approach to Defining York's Green Belt: Addendum (EX/CYC/59) (hereafter referred to as Topic Paper 1).

2.4 Both the current Topic Paper 1 and its predecessor are overly cumbersome and confusing. This is due to the constant cross-referencing with other documents and confusion of criterion against differing purposes.

2.5 Within our comments upon Topic Paper 1 during the consultation upon the 'Local Plan Modifications and Evidence Base' we note several inconsistencies between the assessment and Green Belt purpose and within criteria assessment (see paragraphs 6.3 to 6.5 and table 6.1 of our comments).

2.6 The confusing nature of the document and inconsistent approach suggests the retrofitting of a methodology to a known conclusion. This has inevitably led to bias in the conclusions.

b) 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?

- 2.7 The amended approach seeks to overcome the Inspectors criticisms set out within their letter dated 12th June 2020 (EX/INS/15). In our opinion it fails to address these fundamental concerns.
- 2.8 For example, within paragraphs 45 to 47 of their letter the Inspectors correctly note that the former Topic Paper 1 (EX/CYC/18) incorrectly uses the presence of historic assets and countryside function on the urban fringe (including analysis of landscape character and the type of open space) to set boundaries. The Inspectors further note that other than preserving the setting of an historic town it is unlikely that the presence of such features would have any influence upon the Green Belt purpose. Despite these clear concerns the current Topic Paper 1 continues to make this mistake. This is discussed in greater detail below and within our comments upon the 2021 Local Plan Modifications and Evidence Base consultation.

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

- 2.9 The NPPF, paragraph 84, is clear that in drawing up Green Belt boundaries regard must be had to sustainable patterns of development, including channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within Green Belt or location. In this regard Topic Paper 1 seeks to achieve this within section 7.
- 2.10 In terms of housing section 7 of Topic Paper 1 identifies that this has included consideration of a windfall allowance, optimisation of densities, former allocations, extant permissions and the 2012 Call for Sites exercise. All these sources are valid considerations.
- 2.11 The SHLAA (SD049) identifies capacity for 5,798 dwellings within the urban area up to 2033. The plan also seeks to provide a further 5-years (2038) of housing beyond the plan period. It is understood that a further 700 dwellings could be delivered on SHLAA sites in the urban area over this period, making a total capacity to 2038 of 6,498 dwellings. Once the Council's assessment of future windfalls, delivery from extant permissions and a non-implementation allowance are included the total supply is 12,110 dwellings (see table 3, Topic Paper 1).
- 2.12 If the Council's assessment of the housing requirement is extended a further 5-years this suggests a shortfall of 4,992 dwellings to be delivered outside of the existing urban area. We consider a greater figure is required due to our concerns

with the housing requirement and housing supply, as discussed in our Matter 2 and Matter 5 statements. In aid of brevity these points are not repeated here. It is, however, clear that whilst efforts have been made to contain housing development within the existing urban area the capacity is insufficient to meet the need for new housing over the plan period.

- 2.13 In terms of accommodating housing development beyond the outer Green Belt boundary, it is understood that through discussions with neighbouring authorities none can assist. York is therefore required to meet its unmet housing need within the Green Belt (paragraph 7.56, Topic Paper 1). We do not dispute this conclusion.
- 2.14 Our key concern is the proposed strategic approach to accommodating need within the Green Belt. Whilst the historic character of York is fully understood the decision to accommodate some of York's development needs as new freestanding settlements will inevitably impact upon the sustainability and openness of the Green Belt. We continue to contend that there are opportunities in sustainable locations adjacent other settlements which provide reasonable alternatives and where the strategic impact upon the Green Belt would be minimised. Our client's site at Strensall provides such an example, within our response to the 'Local Plan Modifications and Evidence Base' consultation we challenge the Council's conclusions. This is not considered to be an isolated incident.

d) 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?

- 2.10 I refer the Inspectors to our response provided above.

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

- 2.11 This issue is covered in part within section 9 of the Green Belt Topic Paper. This identifies several considerations including in part b 'Appraisal of impact of development on Green Belt purposes'. Paragraph 9.17 of the Topic Paper identifies that; *"Potential sites and their reasonable alternative sites were identified through the site selection process. Other sites were rejected which impact on environmental sensitivity and lack of sustainable development."*
- 2.12 Whilst from a site selection process the above appears reasonable the fact that a site would either have an impact upon environmental sensitivity or lack of sustainable development are not reasons to include land within the Green Belt. This

was a key issue picked up by the Inspectors (paragraph 40, EX/INS/15) and appears to continue within the 'new' methodology. This should not, alone, be a reason for the location of a site boundary.

- 2.13 In addition, as picked up within our response to Q7.1b above the historic environment discussion (part c, section 9) appears to continue to conflate historic features with preserving the setting of the historic town. Whilst in some cases the two may be the same thing, it is not the case that all historic assets will preserve the setting of the city. This issue is discussed within our comments upon the 'Local Plan Modifications and Evidence Base' consultation (see paragraphs 6.3 to 6.5 and table 6.1 of our comments).
- 2.14 The site boundary analysis has also been undertaken at an illogical scale with large inhomogeneous areas considered. For example, the whole settlement of Strensall is considered by reference to just 5 boundaries. Our client's site (site ref: 119) is considered as a single 'horseshoe shaped', boundary (Strensall boundary 4). Yet it is split into two elements by a railway line, and hence each area could be logically developed without compromising the other¹ (see extracts maps in appendices to this hearing statement). The northern element is closely related to the existing settlement and has clearly defined boundaries on all 4 sides. Whilst we consider all elements of the site can be developed without impacting upon the openness and character of the Green Belt, these variations suggest that the boundary should have been split into smaller sections. The inclusion of both parcels in a single boundary leads to an inappropriate assessment. The appraisal also seems to conflate various Green Belt purposes. For example, purpose 4 discussed issues of coalescence rather than impact upon heritage.
- 2.15 Inconsistency of approach between setting boundaries is also abundant. Once again using Strensall as the example boundary 1 follows the defensible boundary provided by the River Foss, rather than the back gardens of residential properties along West End and other residential streets to the north of the settlement. In contrast the railway line to the south is ignored as a defensible boundary and rear gardens of properties along Southfields Road and the Village are used instead. The reasons for such disparities are unclear and unjustified.
- 2.15 It should be noted that the development of our client's northern parcel fits wholly within the railway line. However, it remains our contention that the whole site (both parcels) would not have any impact upon the historic setting of the city and could provide services and facilities as well as a clear and defensible Green Belt boundary.

¹ This is why our client submitted separate site submission for each element.

Q7.2 As a matter of principle, do the proposed Green Belt boundaries include any land which it is unnecessary to keep permanently open?

- 2.14 Yes, it is considered that our client's site falls into this category. As discussed against Q7.1e above the whole site is bounded by built development on three sides with the northern parcel also being bounded on its fourth side by a railway line. Our assessment indicates that neither parcel fulfils any of the purposes of including land within the Green Belt.

Q7.3 Overall, is the approach to setting Green Belt boundaries clear, justified and effective and is it consistent with national policy?

- 2.15 No, I refer the Inspectors to the points made in response to the questions above.

Appendix: Map Extracts

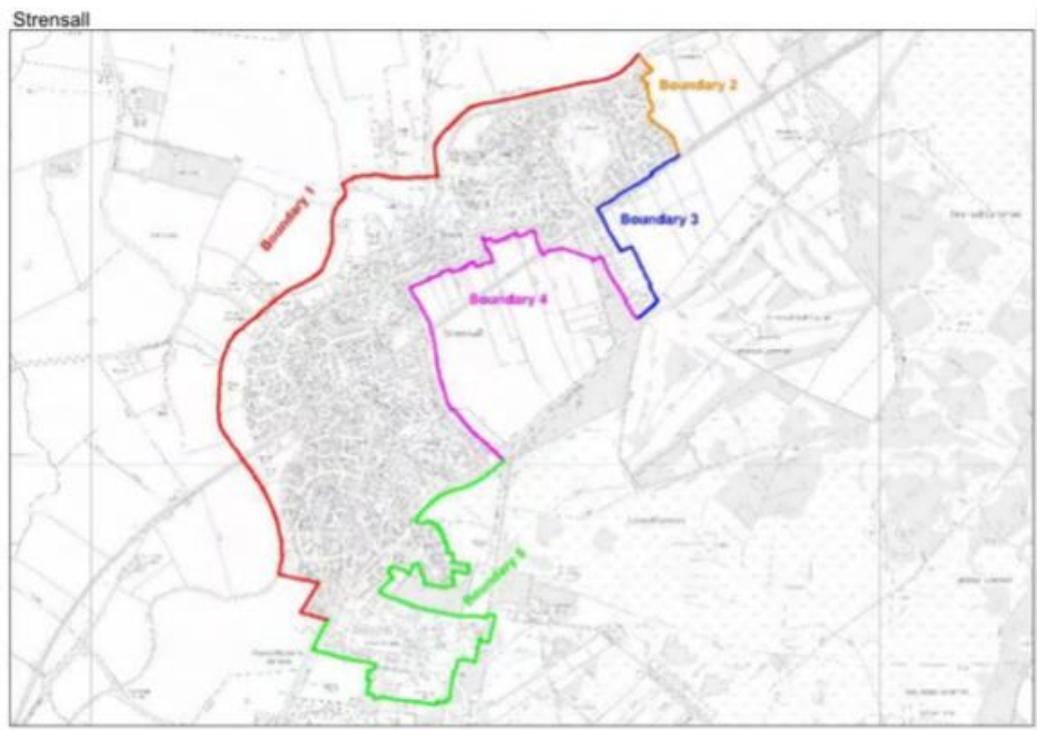
Figure 1: Southern Parcel Land South of Strensall



Figure 2: Southern Parcel Land South of Strensall



Figure 3: Strensall Boundary Assessment



(Extract from Topic Paper1 Green Belt Addendum, EX/CYC/59f)