

City of York Local Plan Examination

Hearing Statement on behalf of Defence Infrastructure Organisation

Matter 4 - Strategic Sites (Imphal Barracks)

4 July 2022

Report title: York Local Plan Examination – Phase 3 Hearing Statement – Matters 4.21 and 4.22

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For and on behalf of Avison Young (UK) Limited

1. Matter 4: Strategic Sites

Question 4.21: Is the allocation and associated Policy SS20 relating to ST36 soundly based?

- 1.1 The allocation of Imphal Barracks for housing development is soundly based but the wording of Policy SS20 and the allocation site boundary are not sound. Both need to be modified in order to make them sound.
- 1.2 We address the issues arising from the working of Policy SS20 in this Section and return to the matter of the allocation site boundary under Question 4.22 below.

Issues with the Wording of Policy SS20

- 1.3 DIO has the following concerns about the wording of Policy SS20:
- a) The Policy states that Imphal Barracks is to be disposed of by 2031. This is inaccurate. The Barracks will be vacated by 2030 (see: Disposal Database: House of Commons Report (updated November 2021)¹). We note that Policy H1 (Table 5.1) indicates that ST36 will come forward in the post Plan period (Years 16-21) which we take to mean (2033/34 to 2037/38)². However, DIOs Phase 2 Matter 5 Statement indicated the intention for housing completions in 2032/33 and will be programming its disposal related work (including developer procurement and securing the necessary permissions) so as to enable this to happen. Policy H1 should be amended to reflect this;
 - b) Policy Criterion (i) – refers to issues that exist on the highway network now and may not exist when applications for planning permission are made in respect of this site. The criterion requires simplification and cross referencing to other Local Plan Policies and the NPPF;
 - c) Policy Criterion (iii) – is in conflict with both the 2012 and 2021 versions of the NPPF and so requires alteration to make it sound;
 - d) Policy Criterion (iv) – is not based on any evidence which indicates that this is a necessary policy requirement and again is in conflict with the NPPF. All heritage assets within the site (and those off-site and might be affected by the development), will be assessed for their significance and any impact that the development might have on that, in the normal way, at the planning application stage. If that analysis indicates that there are heritage assets that must be retained, they will be

¹ <https://www.gov.uk/government/publications/disposal-database-house-of-commons-report>

² EX/CYC/58 indicates plan period has been amended to 2017-2032/33

dealt with in the scheme that is submitted for approval. Without full details of the significance of the heritage assets on site, CYC cannot demonstrate that it is necessary for the development to provide for the retention of the parade ground or other unspecified open areas. Criterion (iv) should be deleted;

- e) Policy Criterion (v) – is based on speculation as to what might happen in respect of the Fulford Road Conservation Area and is a direct repeat of the provisions of the NPPF. It is not required for soundness and should be deleted;
- f) Policy Criterion (vi) - is effectively a repeat of Criterion (ii) or can be dealt with as part of Criterion (iii), and should be deleted;
- g) Policy Criterion (viii) - is concerned with archaeology and should require a desk-based analysis and geophysical survey in the first instance, followed by trenching if these indicate that trenching is necessary in order for the archaeological significance of the site to be properly assessed;
- h) Policy Criterion (xii) – is concerned with the provision of unspecified local facilities “*as required to meet the needs of future occupiers of the development*”. The provision of services and facilities required as a consequence of the proposed development is already covered by Local Plan Policies DP3 “Sustainable Communities”; HW2 “New Community Facilities”; HW3 “Built Sport Facilities” and GI6 “New Open Space Provision” and there is no need for repetition and overlap. Criterion (xii) should be deleted;
- i) Policy Criterion (xiii) – requires developers to “*retain and enhance recreation and open space for community use to mitigate any potential impacts on the adjacent Walmgate Stray*”. Impacts on Walmgate Stray will be covered by the work required under Criterion (x) and so (Xiii) may be deleted;

- 1.4 With the above in mind, and for the avoidance of doubt, DIO considers that Policy SS20 should be modified as follows:

*Following the Defence Infrastructure Organisation’s disposal of the site by 2030~~4~~ Imphal Barracks (ST36) will deliver 769 dwellings at this urban development site. Development is not anticipated to commence until **towards** the end of the plan period. In addition to complying with the policies within this Local Plan, the site must be delivered in accordance with the following key principles:*

- i. *Demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England as necessary, **and in accordance with the relevant provisions of the NPPF**, to ensure sustainable transport provision at the site is achievable **and the development does not***

~~**give rise to sever residual effects on the highway network.** There are existing issues with traffic congestion in this area. The base traffic situation on the A19 is that it is at or exceeding capacity in the vicinity of Heslington Lane/Broadway. The potential transport implications of the site must be fully assessed both individually and cumulatively with site's ST5 and ST15.~~

- ii. Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.
- iii. **Any planning application for the site must be accompanied by a heritage assessment, prepared in accordance with Local Plan Policies D4, D5 and the relevant provisions of the NPPF. This must identify heritage assets within and adjacent to the site, the significance of which may be impacted by the development, and must assess the extent to which their significance would be effected. Any harm to significance likely to be caused by the development will be weighed in the planning balance in accordance with the provisions of the NPPF. The development of this area must be informed by an assessment of architectural and historic interest of the site and its buildings. Those buildings which are considered to be of historic interest should be retained and reused.**
- iv. ~~The parade ground and other open area which are important to the understanding of the site and its buildings should be retained as open spaces in any development.~~
- v. ~~If, following the City Council's review of the architectural and historic interest of this site, Imphal Barracks is included within the Fulford Road Conservation Area, development proposals would be required to preserve or enhance those elements which have been identified as making a positive contribution to its significance.~~
- vi. ~~Regardless of the outcome of the paragraph above, the significance of the site's historic environment should be addressed. This includes conserving and enhancing the special character and/or appearance of the adjacent Fulford Road Conservation Area.~~
- vii. Be of a high design standard, ensuring the development reflects the history of the site and its previous military use. This site does not exist as an army barracks in isolation and has linkages to other military sites across the city and is linked to the development of York as a garrison town and this history should be reflected in the design of any scheme.
- viii. Undertake an archaeological evaluation consisting of **a desk based** assessment and geophysical survey and, **if necessary, also** excavation of trenches to identify the presence and assess the significances of archaeological deposits.

- ix. *Retain all identified good quality trees, with appropriate distance to tree canopy, unless they pose an unreasonable restriction on development and their contribution to the public amenity and amenity of the development is very limited, and their loss is outweighed by the benefits and mitigation provided by the development.*
 - x. *Consider in detail the proximity and relationship of the site with Walmgate Stray, including undertaking further hydrological work to assess the potential impact of development on the Stray and to the value of the grassland, and to explore any water logged archaeological deposits. Recreational disturbance/pressure on the Stray and the Tillmire SSS (individual and cumulative effects) should be considered.*
 - xi. *Improve connectivity to the existing draining network. There is pressure on this site and the area in general at present in terms of drainage. It would be preferable to go back to base principles in designing a new drainage system for the site and avoid using the existing historical systems that are currently in place. The site would benefit from a comprehensive modern SuDS scheme.*
 - ~~xii. — Create new local facilities as required to meet the needs of future occupiers of the development.~~
 - ~~xiii. — Retain and enhance recreation and open space for community use to mitigate any potential impacts on the adjacent Walmgate Stray.~~
 - xiv. *Deliver sufficient education provision to meet the demand arising from the development. Further detailed assessments and associated viability work will be required.*
- 1.5 DIO notes that there is an erroneous reference to HRA in the supporting text to Policy SS20 which will need to be deleted.

Question 4.22: Are the Green Belt boundaries of the ST36 site reasonably derived?

- 1.6 No, the boundaries proposed by CYC are not reasonably derived and cannot as currently drawn be considered justified, effective or consistent with national policy.
- 1.7 The Council sets out its rationale for how it proposes to define the Green Belt boundary in the vicinity of Imphal Barracks in EX/CYC/59e from page A3:741 to A3:749. The Inspectors will note that the boundary now being proposed is different to the one detailed in the Submission version of the Local Plan (see PM90 in EX/CYC/59h). Whilst DIO welcomes the Council's acknowledgement that its first attempt was unsound, the amended boundary, unfortunately, is still not NPPF compliant. Our reasons for this have clearly been set out in DIO's response to the York Additional Consultation (July

2021) and the relevant extract is provided in **Appendix 1** for completion. However, the key points are summarised below also.

1.8 In the Submission version of the Local Plan, the allocation and the Green Belt boundary were shown as per Figure 1.1 below:

Fig. 1.1 Extract from York Local Plan Submission Policies Map



1.9 In DIO's July and November 2019 submissions, it asserted that the part of Imphal Barracks shown lying within the Green Belt, is not 'open' land, performs no Green Belt function and does not need to be kept permanently open. Moreover, it was noted that the boundary line chosen by the Council did not follow any recognisable physical features that are likely to be permanent. Conversely, DIO's proposed Green Belt boundary is very clearly defined by strong physical features is recognisable, strong and has stood the test of time i.e. it is permanent. Indeed, it has done a critical job of keeping members of the public out of a military base and is shown in Figure 1.2 below:

Fig. 1.2 DIO's proposed alternative Green Belt boundary



- 1.10 The Council has chosen either to ignore or disagree with DIOs assessment of the subject land and is now proposing the boundary shown in Figure 1.3.

Fig.1.3 City of York Council Revised Boundary



- 1.11 The land in dispute is the land which lies between the Council's proposed boundary and the Imphal Barracks site boundary to the east. This land contains a large building, hard standings, a large area used for open storage, a full size 3G football pitch with fencing and floodlighting, tennis courts with fencing and floodlighting, an assault course with large physical obstacles and grass rugby and football pitches. Therefore, the majority of the land is not 'open' and those parts of it that are open (i.e. the grass pitches) are located between built up parts of the Barracks to the west and north, and existing housing to the south and the land forms an integral part of the closed defence site.
- 1.12 There is no evidence to suggest that the land makes any form of tangible contribution to the special setting or character of York as a historic city, or that further development of the land would impact adversely on the setting or special character of the city. Indeed, the site and the city itself are hardly perceptible in any views from the north, south or the east. CYCs references to the land forming part of a Green Wedge are erroneous, without justification and irrelevant.
- 1.13 The subject land forms an integral part of the Barracks and lies within the urban area. The development of the land would assist in urban regeneration, by "*encouraging the recycling of derelict and other urban land.*" The development of the land would not constitute sprawl and any development of the land would in any event be restricted by the site's existing boundaries.

- 1.14 The land is not open countryside and does not have the character of open countryside. Moreover, it does not lie adjacent to land that has the character of open countryside. The development of the site could not possibly constitute encroachment into the countryside.
- 1.15 The boundary line proposed by the Council does not follow physical features that are clear, readily recognisable and likely to be permanent and the development of the site as part of allocation ST36 would be entirely consistent with the Local Plan strategy. DIO's proposed boundary would restrict the development of the land and prevent development from spilling over into the Stray and is more than adequate to serve as a barrier limiting the eastward expansion of the Barracks site.
- 1.16 There are no sound Green Belt policy reasons for including the subject land within the Green Belt and the route of the boundary proposed by the Council is not policy compliant. DIO remains firmly of the view that the Green Belt boundary should follow the boundary of the Imphal Barracks site as shown in Fig. 1.2 above.
- 1.17 Modifications need to be made to the Green Belt boundaries specified in the submitted Plan. The Green Belt boundary in the vicinity of Imphal Barracks should be defined as shown by Figure 1.2.

Appendix I

Imphal Barracks Green Belt extract of DIOs response to the York Additional Consultation (July 2021)

DIO Response to York Additional Consultation

July 2021

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Appendix I Housing Need Technical Note (RPS)

Appendix II Shadow HRA (Capita)

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Reviewed By: Craig Alsbury

Status: Final

Date: 7 July 2021

For and on behalf of Avison Young (UK) Limited

1. Introduction

- 1.1 Avison Young is instructed by Defence Infrastructure Organisation (“DIO”) to consider and comment on the City of York Council’s (“CYCs”) Additional Consultation on evidence supporting the emerging York Local Plan. The Additional Consultation commenced on 25 May and the closing date for representations is 7 July 2021.
- 1.2 Avison Young has been assisted in the preparation of these representations by: Tim Buley QC, who is instructed to support DIO through the EiP process and who represented DIO at the December 2019 Examination Hearing Sessions; Capita on HRA and related matters; and RPS on matters of housing need.

DIOs Objectives

- 1.3 As CYC and the Inspectors are aware, DIO is part of the Ministry of Defence (“MoD”). It is the estate expert for MoD and plays a vital role in supporting our armed forces by building, maintaining and servicing the infrastructure they need. The Secretary of State for Defence announced his intention to vacate and dispose of three MoD sites in York (Queen Elizabeth Barracks (“QEB”), Towthorpe Lines and Imphal Barracks) in November 2016 and, since then, DIO has been promoting all three for allocation in the emerging Local Plan¹. DIO remains fully committed to facilitating the redevelopment of these sites. Its ambitions are fully aligned with Government objectives to make the best possible use of surplus, brownfield, public sector land and working sites through the planning system to develop sites in a sustainable manner and significantly boost the supply of new housing.

Background and Way Forward

- 1.4 York has not had a Local Plan since the 1950s. CYC has attempted on several occasions to produce one but has never been able to prepare a Plan that has satisfied the relevant legal and policy tests.
- 1.5 Work on this latest Plan began in around 2012, nearly 10 years ago. A full draft Plan was submitted for Examination in May 2018 but CYC needed to do a substantial amount of additional work post-submission and it was not until December 2019 that the first set of Hearing Sessions were held. These explored: the relevant legal requirements; housing need; the housing requirement and the distribution of housing; and the approach taken to defining Green Belt boundaries. It quickly became clear that there were major issues with both the Plan and CYCs evidence base. As the December

¹ QEB and Towthorpe Lines are to be vacated by 2024 and Imphal Barracks by 2031

Hearing Sessions came to a close, CYC was asked by the Inspectors to produce 9 pieces of 'homework', including a new Habitat Regulations Assessment ("HRA") and a clarification note on the approach that CYC had taken to defining Green Belt boundaries. All of this additional work should have been completed by the end of March 2020 but it was not.

1.6 Some of the homework was completed and submitted to the Inspectors in June 2020, including a note that attempted to clarify CYCs approach to defining Green Belt boundaries. The HRA did not appear at that point.

1.7 Shortly after receiving the June documents, the Inspectors wrote to CYC setting out a number of concerns that they had about Green Belt matters. Essentially, they confirmed what DIO and other interested parties had said at the December Hearing Sessions - that is the approach that CYC had taken appeared to be inconsistent with national planning policy and therefore unsound. The Inspectors went on to describe three 'potentially realistic options' that were available to the Council. These were:

- a) *to convincingly explain to us how we have misunderstood the methodology and that it adequately justifies the proposed Green Belt boundaries;*
- b) *to demonstrate that, notwithstanding the methodological flaws, the Green Belt boundaries proposed are justified and reasonable; or*
- c) *withdraw the Local Plan from examination.*

1.8 The Inspectors did not recommend a way forward but did say this:

In light of the difficulties associated with replacing such a fundamental element of the Local Plan's evidence base, if the Council finds itself seriously considering the need for fresh Green Belt boundary assessments, we would recommend withdrawing the Local Plan.

1.9 The additional Green Belt evidence, and the revised HRA, had still not been produced by November 2020 and, in December 2020, a year after the first set of Hearing Sessions were held, the Inspectors wrote again to the Council expressing concerns about the delay. In their letter they repeated the points they had made about the 3 options listed above and went on to say:

Whilst we acknowledge that it is not always possible and practicable, it is always highly desirable that the examination is brought to completion in relatively short order. If swift and meaningful progress cannot be made in the respects that we have set out above, it is very likely that the objective of getting an up-to-date Local Plan for York in place is not best served by prolonging this

examination. On that basis, it may be that withdrawal of the submitted Plan and proceeding to examination with a fresh Plan is the most appropriate way forward.

We recognise the difficulties associated with replacing such a fundamental element of the Local Plan's evidence base and the other matters we have raised concerning the production of updated evidence and the lengthy timescale of the examination moving forward as a consequence. In light of this, we consider that these matters point to a reduced likelihood of adopting a truly up to date development plan for York. As such, we ask the Council to now give serious consideration to the possible withdrawal of the submitted Plan. This would enable the Council to undertake the required work alongside any necessary updating of other aspects of the evidence base outside the examination process.

- 1.10 A completely new Green Belt assessment, consisting of 1,600 pages of material, was eventually presented to the Inspectors in two parts, in January and May 2021. Unfortunately, as we come on to explain later in these representations, CYCs Green Belt assessment is still fundamentally flawed.
- 1.11 The HRA, another critical part of the evidence base, has also had to be re-written (and bolstered with additional supplementary material). CYCs latest HRA is dated October 2020 but has not been consulted on until now. Moreover, at no point during the preparation of this document has CYC engaged with DIO as Mr Elvin promised it would during the December Hearing Sessions. CYC appears instead to have simply attempted to produce a document that it hopes will justify the deletion of housing allocations ST35 and H59. As we demonstrate later, the HRA is flawed and does not justify the deletion of ST35 and H59.

Legal Context

- 1.12 When the Local Plan was submitted for examination, CYC must have been satisfied that it was sound. Indeed, this will be the starting point adopted by the Inspectors based on the statutory provisions governing this process. S.20(2) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides that an authority must not submit a draft plan for examination "*unless (a) they have complied with any relevant requirements contained in regulations under this Part, and (b) they think the document is ready for independent examination*".
- 1.13 The Submitted Plan includes the QEB allocations. CYC now invites main modifications to delete these allocations. S.20(7C) of the 2004 Act only allows such main modifications to be made if they are adjudged by the Inspectors as being *necessary* to make the Submitted Plan sound and/or legally compliant. That is to say the Inspectors must take the view that: (i) the Submitted Plan with these allocations included would be unsound or legally non-compliant; and (ii) the main modifications

deleting these allocations would make the Submitted Plan sound and/or legally compliant: see e.g. para 1.3 of Procedure Guide for Local Plan Examinations: The Planning Inspectorate June 2019 (5th Edition). The position is made clear by a paragraph no longer contained in this guidance but which was in the previous version (June 2016 (4th Edition v.1)) and which said *"In order for the Inspector to take forward any change (in effect a proposed main modification) initiated by the LPA (or any other party in the examination), the requirements of section 20(7B) and (7C) of the PCPA must be met. For example, a LPA's change of preferred approach to a policy (including a site allocation) could not be accommodated unless the policy/site as submitted is, in the Inspector's view, unsound or not legally compliant and the proposed change initiated by the LPA (or any other party) would make the plan sound/compliant."* This remains a correct account of the law.

Soundness

1.14 For the Local Plan to be found sound, it must be:

- **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; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.15 For the avoidance of doubt, and notwithstanding the general comments made above about key pieces of CYCs evidence, DIO submits that (as far as its interests are concerned) the Submitted Plan can be made sound with modifications to:

- a) Policies SS19 and H1 which clarify the approach that is required in respect of SAC related mitigation; and
- b) the Green Belt boundaries around Strensall (in the vicinity of Queen Elizabeth Barracks ("QEB") and Imphal Barracks.

- 1.16 It is important to note at the outset that there is no evidence to justify PM70 and proposed Policy G12A is not required to make the Plan sound. This Modification should be rejected.

Structure of Representations and Appendices

1.17 DIOs response to the consultation is structured as follows:

- Section 1 - Housing Need and Housing Land Supply;
- Section 2 – Habitat Regulations Assessment and the QEB Allocations;
- Section 3 – PM70 (Proposed Policy GI2A);
- Section 4 – Green Belt Matters; and
- Section 5 – Amendments required to make the Plan sound

1.18 Appended to this document are the following:

- a Technical Note prepared by RPS on housing need; and
- a Shadow HRA produced by Capita (incorporating a document prepared by Planit.ie which illustrates how on-site and on-Common mitigation measures could be deployed in association with the development of Sites ST35 and H59).

1.19 These representations should be read in conjunction with those submitted by DIO at the Regulation 19 stage, and during 2019 in response to (i) CYCs then Proposed Modifications; (ii) the MIQs issued by the Inspectors ahead of the December 2019 Hearing Sessions; and (iii) discussions had during the Hearing Sessions about the provision, by DIO, of Alternative Green Space.

5. Green Belt Matters

General Matters

5.1 On 12 June 2020, now more than 12 months ago, the Inspectors wrote to the Council¹⁵ setting out:

- a) their conclusions on whether it is necessary for the Council to demonstrate that there are exceptional circumstances justifying all or parts of its proposed Green Belt boundaries;
- b) concerns they had about the evidence underpinning the approach the Council has taken to defining its proposed Green Belt boundaries; and
- c) a potential way forward

5.2 Insofar as (b) was concerned, the issues identified by the Inspectors mirrored those highlighted by DIO in its Representations in respect of the Council's Proposed Modifications (June 2019) and its Matter 3 Hearing Statement (November 2019).

5.3 At paragraph 48 of the letter, the Inspectors stated that:

"...we consider that there are elements of the approach taken to delineating the Green Belt boundaries that are not adequately robust. Indeed, in our opinion, there are intrinsic flaws embedded in the methodology. Consequently, whilst as detailed in paragraph 29 above we are satisfied that the boundaries are, as a matter of broad principle at least, in general conformity with the RSS, we have serious concerns about the justification for the precise Green Belt boundaries proposed in the Local Plan, particularly in terms of their consistency with the NPPF."

5.4 As regards (c), the Inspectors listed 3 'potentially realistic' options. These were:

- a) *to convincingly explain to us how we have misunderstood the methodology and that it adequately justifies the proposed Green Belt boundaries;*
- b) *to demonstrate that, notwithstanding the methodological flaws, the Green Belt boundaries proposed are justified and reasonable; or*
- c) *withdraw the Local Plan from examination.*

5.5 Importantly, the Inspectors went on to state that:

¹⁵ EX/INS/15

“We have considered whether we are able to provide you with a recommendation about the best way to proceed. Unfortunately, the problem is that much rests on the elements of the Green Belt boundary work that we have thus far not examined through hearings. We therefore cannot say whether pursuing option b) is a realistic proposition and likely to result in a positive outcome. We should point out, though, that this option would inevitably lead to a prolonged examination with a large number of hearing sessions. It would be necessary for us to consider at hearings each and every section of Green Belt boundary proposed in order to examine the justification for it in considerable forensic detail. Given our view about the methodology, in depth scrutiny of this kind will be essential. Overall, option b) should only be pursued if the Council is confident that the local assessments overcome the shortcomings we have identified in the methodology.

We have also considered the possibility of the Council undertaking a fresh assessment of the Green Belt boundaries. However, the production of such fundamental evidence as this is plan preparation work, and there would be a serious risk that such new evidence would lead to different outcomes. Given this, and the length of time it would in all likelihood take for you to undertake this work and for us to examine it, including the public consultation that would be necessary, we would not support following such a path as part of the current examination. In light of the difficulties associated with replacing such a fundamental element of the Local Plan’s evidence base, if the Council finds itself seriously considering the need for fresh Green Belt boundary assessments, we would recommend withdrawing the Local Plan. That would enable the required work to be done alongside any necessary updating of other aspects of the evidence base outside the examination process. It strikes us that this would be a more efficient way to proceed and would allow the Local Plan to be re-submitted for examination relatively quickly. (paragraphs 54 and 55) (our emphasis)

- 5.6 On 22 June 2020, the Council wrote back, indicating that there was a strong prospect of it being able to pursue Option (b), potentially with an element of (a). This was in spite of the reservations expressed by Inspectors’ as regards (b).
- 5.7 It took 6 months, from receipt of EX/INS/15, for the Council to issue the first tranche of its additional Green Belt work and a further 4 months to issue the second and final tranche. What is now out for consultation, some 18 months after the first set of Examination Hearing Sessions drew to a close in December 2019, is a body of documents that comprise just short of 1,600 pages of new evidence.
- 5.8 The Council will no doubt say that we have seen elements of this evidence before, and that may be true. But it is also true to say that:
- a) it is impossible to work out precisely what is new and what is not;

- b) this body of work neither contains an explanation as to why the Inspectors misunderstood the Council's original methodology, nor a simple demonstration that, notwithstanding the methodological flaws, the Green Belt boundaries proposed are justified and reasonable. The Council has not done what the Inspectors asked or recommended in June last year and, instead, has taken the course of action that the Inspectors counselled against;
- c) whilst elements of the original evidence are rolled over into this new work, what is now presented is effectively a brand new Green Belt assessment;
- d) the Inspectors warned against a fresh assessment in the light of concerns they had about outcomes and delays. They were right to have those concerns. The new work has led to different outcomes (the Council is promoting 73 changes to the Green Belt boundaries that were detailed in the Submission version of the Local Plan) and, as noted above, we are now 18 months on from the date of the last Hearing Session; and
- e) notwithstanding all this additional work, as we demonstrate below, the Green Belt assessment is still not fit for purpose.

Topic Paper TP1 Addendum (January 2021) (EX/CYC/59)

- 5.9 We comment on the relevant elements of this document under the Section headings as they appear in the Addendum itself.

Local Plan Strategy and Development Needs

- 5.10 DIO has stated in previous submissions that it is essential that the Green Belt boundaries defined through this Plan-making process provide for the delivery of an appropriate amount of new development and for this to be accommodated in the most sustainable locations.
- 5.11 EX/CYC/59 contains a description of what the Council believes its development requirements are, what the capacity of the urban areas is, and how it believes its development requirements need to be accommodated so as to deliver sustainable outcomes. DIO remains of the view that:
- a) the Council has grossly underestimated its need for new housing; and
 - b) the evidence base is still missing a clear, cross comparison of the sustainability credentials of the various settlements within the administrative area that enables interested parties, and the Inspectors, to determine whether the spatial distribution of development proposed by the Council

is indeed sustainable or, in NPPF 182 terms, the most sustainable strategy when compared against the reasonable alternatives.

- 5.12 Insofar as (a) is concerned, the Council is promoting a housing requirement of 822dpa. DIO calculates the housing requirement to be 1,040dpa. Over the 15 year plan period, this equates to a difference of 3,270 new homes. If DIO is right about the housing requirement, there will be a need, through this plan-making process, to adjust the Green Belt boundaries further, to accommodate the additional growth required.
- 5.13 With regard to (b), unless and until the Inspectors can be satisfied that the Council's proposed development allocations represent the most appropriate strategy (i.e. the most sustainable strategy), they cannot be certain that the Green Belt boundaries proposed in this latest evidence are sound. The provisions of Policy SS1 of the Local Plan, and its supporting text (as proposed to be modified), does not provide the evidence required to explain the approach that the Council has taken to the site selection process, and the description provided in Section 9 of the TP1 Addendum is opaque.

Methodology (1) Review of the General Extent of the Green Belt and Scoping

- 5.14 The Council notes, at paragraph 5.7 of EX/CYC/59, that the Green Belt around York does not serve to prevent York from merging with neighbouring towns. However, it goes on at paragraph 5.13 to suggest that the desire to maintain separation between certain settlements has nonetheless played a part in how it has defined the Green Belt boundaries to date. This is inappropriate. Green Belts are strategic tools designed to play strategic roles. The words used in the second bullet point of NPPF paragraph 80 are very specific. This part of the NPPF is concerned with the merging of towns and not villages, or towns with villages. If there are gaps between settlements which the Council considers need to be preserved, these should be the subject of bespoke provisions, such as Area of Separation policies.
- 5.15 At paragraph 5.10 of EX/CYC/59, the Council states that Green Belt purposes 1, 3 and 4 are *"appropriate in examining the general extent of the Green Belt and justifying the proposed York Green Belt detailed boundaries"* but that primary emphasis should be placed on purpose 4. In other words, the Green Belt around York only serves three purposes and the role that it plays in preserving the setting and special character of the City is its primary purpose. DIO agrees with this assessment. We return later to how this impacts on boundary definition at the local level.

Methodology (3) Channelling Development to Urban Areas, Other Settlements and Beyond the Green Belt

- 5.16 In Section 7 of EX/CYC/59, the Council emphasises the rigour with which it has searched for potential development sites within the built up areas, including how it reduced the site size threshold to 0.2ha to extend its search parameters. Notwithstanding this, it goes on to argue that it is appropriate to assume that, from year 3 of the housing trajectory, the built-up areas will yield 169 net new dwellings per annum from windfall sites. This is equivalent to more than 20% of the area's housing need (as calculated by the Council). DIO is concerned that the Council is over-estimating the amount of development that is likely to emerge in the form of windfalls and so is underestimating the amount of land it needs to identify for development in the Local Plan.
- 5.17 We note also that EX/CYC/59 assumes that sites proposed for allocation within the urban areas will deliver some 5,848 new homes in the period 2017 – 2038 (the Plan period plus 5 years). In addition to being concerned about the Council's continued reliance on a 2017 base date, it is concerned, as noted above, about whether the sites identified by the Council will indeed deliver the number of homes forecast. The Inspectors will need to satisfy themselves that each of these sites is free of impediments, and that anticipated lead in times and delivery rates are reasonable. In DIO's experience, local authorities regularly take a more optimistic view of housing trajectory matters than is sensible, leading to land supply issues in the future.

Enduring Boundaries and Safeguarding

- 5.18 Paragraph 85 of the NPPF provides that, when defining Green Belt boundaries, local planning authorities should (where necessary) identify in their Plans areas of safeguarded land between the urban area and the Green Belt. The reason for doing so is to provide for longer term development needs "*stretching well beyond the plan period*" and to ensure that the boundaries they define will not need to be altered at the end of the plan period.
- 5.19 The Council gives no consideration at all to what the term "*stretching well beyond the plan period*" means, or indeed what its development requirements might look like over the long term. Instead, it has wedded itself to a notion that by identifying sufficient land to satisfy its NPPF 2012 based housing requirement over the plan period plus 5 years, it is (i) guaranteeing that the Green Belt boundaries will not need to be altered at the end of the plan period and (ii) this, in turn, means it is not necessary to identify safeguarded land. It is wrong not to have considered the specific requirements embedded in NPPF paragraph 85 and wrong to have assumed that satisfying its NPPF 2012 development requirements over an additional 5 year period satisfies these.

- 5.20 For the Local Plan to be sound, the Council must consider what the NPPF requires, why and how. The purpose of bullets 3 and 5 of NPPF paragraph 85 is to ensure that when Green Belts are defined in Local Plans, they have the essential characteristic of permanence (see NPPF paragraph 79). Permanence provides clarity and certainty. If a Green Belt authority does not take a critical look at the period well beyond the plan period, and consider what it might be required to deliver in the way of growth in such a period, it will fail to establish Green Belt boundaries that will endure and offer the permanence required by national policy.
- 5.21 Whilst the phrase “stretching well beyond the plan period” is not defined in either the NPPF or the NPPG, it must surely mean looking further ahead than the 5 year period that the Council has focussed on. Indeed, it would not be unreasonable in the unique circumstances faced in York, where definitive boundaries are being fixed for the first time, for the Council to look a full Local Plan cycle ahead (i.e. a minimum of 15 years). Indeed, looking a full plan cycle ahead might be the only real way in which the Council can guarantee that the boundaries will not need to be altered at the end of the present Plan period. If the Council only plans for the boundaries to endure 5 years beyond the life of the emerging Plan, they will absolutely have to be amended when it prepares any replacement Plan because that Plan will have to look more than 5 years further into the future.
- 5.22 Whatever period the Council is required to assess, it will also need to do so having regard to what its development requirements might look like in the future, as opposed to what they are now. Doing so is not without its challenges; nobody knows what the national planning policy framework will look like in 15 or 20 years’ time, but we are assisted in this instance by the fact that we already know that the next Plan to replace this one will have to address the housing needs prescribed by the Standard Method. Moreover, we know that, even now, the Standard Method is telling us that the Council should be delivering over 200dpa more than the emerging Local Plan provides for. Accordingly, when looking at any period beyond 2033, the Council should assume that its housing requirement is going to be higher than it is now.
- 5.23 Establishing a Green Belt policy framework that is capable of being relevant and robust well beyond the current plan period is not easy and may make for an uncomfortable exercise, but the Council has an important obligation to implement national planning policy and define a Green Belt that can endure and offer the permanence required by the NPPF. As things currently stand, these critical policy requirements are not being satisfactorily addressed.

Methodology (4): Defining Detailed Boundaries

- 5.24 Section 8 of EX/CYC/59 confirms that the detailed boundaries have been assessed in the light of the three Green Belt purposes referred to above (i.e. 1,3 and 4). For each purpose, the Council has identified specific criteria against which each element of each boundary has been tested. For each criterion there is a 'key question' and then a series of sub-questions.
- 5.25 Under purpose 4 (dealt with first because it is the most important), the Council has identified 3 assessment criteria and a total of 8 sub-questions. For purposes 1 and 2 there is only a single assessment criterion but each of these contains 3 sub-questions. So there are 5 'key questions' and 14 sub-questions that need to be answered for every part of the Green Belt boundary.
- 5.26 In addition, for each part of the boundary, the Council comments on whether the line it has chosen follows physical features that are readily recognisable and likely to be permanent and, finally, makes a statement on whether the development of land beyond the proposed boundary (i.e. proposed to be included within the Green Belt) would be consistent with the Local Plan strategy.
- 5.27 DIO has the following general concerns about the Council's approach to assessment and its assessment criteria:
- a) the Council appears to start from the premise that the land it is proposing to include within the Green Belt is all 'open'. This is illustrated by the way in which it has phrased many of its questions (e.g. Does the land need to be kept permanently open in order...). But clearly some of the land that is proposed to be included within the Green Belt is not 'open' and we provide two good examples of this below. Therefore, the Council's starting point is unsound;
 - b) purpose 4 of NPPF paragraph 80 is specifically concerned with the preservation of the setting and special character of historic towns. The Council has stretched this to include villages and other settlements, including villages and settlements that are not 'historic' (see our representations in respect of Strensall below). Doing so is wholly inappropriate, unless it can clearly be demonstrated that a village or other settlement must be 'contained' by Green Belt because its expansion would in some way harm the setting and special character of the City. In the overwhelming majority of cases, we find it hard to believe that the expansion of villages or other settlements would have such an effect;
 - c) the Council has overcomplicated the assessment by asking more questions than are required and, in some cases, asking questions that are not directly related to the purpose as defined in national planning policy; and

d) at no point does the Council explain how it the answers to the questions enable it to form conclusions. For example, it is not clear whether a parcel of land that is performing a role under purpose 4 criterion 1 (compactness) but is not performing any other role, could justifiably be designated as Green Belt.

Topic Paper TP1 Addendum; Annex 3: Inner Boundaries; Part 3: Section 7, Boundary 18 (2021) (EX/CYC/59e)

5.28 Starting on page A3:741 of EX/CYC/59e, the Council sets out its rationale for how it proposes to define the Green Belt boundary in the vicinity of Imphal Barracks. The Inspectors will note that the boundary now being proposed is different to the one detailed in the Submission version of the Local Plan (see PM90 in EX/CYC/59h). Whilst DIO welcomes the Council's acknowledgement that its first attempt was unsound, the amended boundary, unfortunately, is still not NPPF compliant. In the paragraphs below we set out why.

The Subject Land

5.29 The full extent of Imphal Barracks is show in Figure 5.1 below (taken from page A3:749 of EX/CYC/59e):

[see over page]

Fig. 5.1 Imphal Barracks Site Boundary



5.30 The Barracks has been deemed surplus to military requirements and will be vacated by 2031. The majority of the site is proposed to be allocated in the Local Plan for housing development (Site: ST36).

5.31 In the Submission version of the Local Plan, the allocation and the Green Belt boundary were shown as per Figure 5.2 below:

Fig. 5.2 Extract from York Local Plan Submission Policies Map



5.32 In DIOs July and November 2019 submissions, it asserted that the part of Imphal Barracks shown lying within the Green Belt, is not 'open' land, performs no Green Belt function and does not need to be kept permanently open. Moreover, it was noted that the boundary line chosen by the Council did not follow any recognisable physical features that are likely to be permanent. Accordingly, an alternative Green Belt boundary was proposed by DIO as shown in Figure 5.3 below:

Fig. 5.3 DIO's proposed alternative Green Belt boundary



5.33 The Council has chosen either to ignore or disagree with DIOs assessment of the subject land and is now proposing the boundary shown in Figure 5.4.

Fig.5.4 City of York Council Revised Boundary



- 5.34 The land in dispute, that is the land which lies between the Council's proposed boundary and the Imphal Barracks site boundary to the east, contains:
- a) an indoor sports centre measuring some 30m x 49m (1,470 sq m) and standing the equivalent of 3 domestic storeys. It contains a large multi-function sports hall, climbing wall, gym, changing rooms, and storage facilities;
 - b) two outdoor, hard surfaced tennis courts within a 2.5m high fenced enclosure. The courts are floodlit by 9 lighting columns;
 - c) a full-size 3G football pitch with 2.5m high fencing and high-level floodlighting (8 light columns) and dug outs;
 - d) an outdoor assault course with 15 permanently stationed obstacles, also surrounded by 2.5m high fencing;
 - e) a small gas chamber training building;
 - f) a telecoms mast with associated ground level plant;
 - g) a full size grass football pitch;
 - h) a full size grass rugby pitch;
 - i) other grassed areas with the occasional mature tree;
 - j) a large outdoor storage area measuring approximately 60m x 30m with a hard surface containing grounds maintenance supplies, skips and building materials; and
 - k) various other hard standings.
- 5.35 The northern, eastern and southern boundaries of the subject land are marked by a mixture of low level post and rail fencing, hedges, mature trees and 1.8m high close boarded fencing. It is absolutely clear where the boundary of the Barracks runs and although occasional glimpses can be gained through the hedges and trees that mark most of the boundary, these provide an almost unbroken belt separating the Barracks from the existing housing to the south and Walmgate Stray to the north and east.

Analysis

- 5.36 For completeness, we assess this part of the Green Belt boundary having regard to all 14 questions defined by the Council.
- 5.37 The Inspectors will have noted that all of the questions that the Council has formulated under Purpose 4 assume that the land in question is already open and could in theory be kept permanently open. As noted above, the land that is the subject of these representations is not open (or at least the majority of it is not open) and it have a very different character and appearance to the natural, open Stray that lies to the east. So the Council's starting point is wrong. We note this now, so that we do not have to repeat the point for each of the 8 questions that arise under Purpose 4.

Purpose 4: To preserve the setting and special character of historic towns

Compactness

Does the land need to be kept permanently open as part of a wider view of a dense compact city or village in an open or rural landscape?

- 5.38 This question requires the identification of a view in which one can see a substantial part of the City and gets the sense that it is a dense compact City sitting within an open or rural landscape. It must also be a view in which the subject land plays a part as an open area. The Council has completely failed to identify any such view in EX/CYC/59e. Instead, the Council has made a series of vague, unsupported and irrelevant assertions about the subject land providing physical separation between the more urban form of the Barracks and the Stray, and keeping the land open being important to the preservation of the setting and special character of the City.
- 5.39 The fact is the subject land does not form part of any view of the City. The City cannot be seen or perceived from that part of Walmgate Stray to the east of the Barracks. Looking north from Heslington Road, all one can see is the Stray itself (the grass, trees and bushes within it and those along its eastern and western edges) the very upper sections of two of the taller buildings within the Barracks, the tops of the floodlights to the football pitch and one of the Barracks' telecoms masts (all of which will be removed when the Barracks is redeveloped). No other part of the City is visible at this point. Beyond the first 'east / west running' hedge in the Stray, the upper parts of certain University buildings come into view on the right hand side and some of these views open up the further north you go. One has to walk north past Imphal Barracks before there is a glimpse of anything else. A boundary wall to The Retreat comes into view and roof tops of a small number of houses can be seen over to the left. But that is it. One cannot see the subject land from the stray, unless one walks right

on the boundary and pauses to peer through the occasional gap in the hedge line. And neither can one see the City or get any sense that a City lies beyond the Stray, let alone a compact one. So the subject land does not and cannot play any part in a wider view that gives the impression of York as a dense compact City in an open or rural landscape.

5.40 We should note also that the Council's reference to the subject land being part of a Green Wedge and earmarked as a potential extension to Walmgate Stray in its original Green Belt Appraisal (2003) (SD107A) was erroneous and is in any event irrelevant to this question. In addition, that proposal was only ever a proposal and was wholly without supporting analysis, evidence and justification. There is nothing in any of the Council's documents that evidences a direct historical, physical or functional link between Walmgate Stray and the subject land and certainly nothing which indicates that there are sound planning reasons for designating (or otherwise treating) the subject land as some form of extension to the Stray. We return to this below.

Does the land need to be kept permanently open to maintain the scale or identity of a compact district or village?

5.41 The Council answers this question and the one below by stating that the subject land is within the above mentioned Green Wedge and that Green Wedges function to contain the City and prevent coalescence between different parts of the urban area. There are several major problems with this.

5.42 First, the land is not designated as a Green Wedge in any adopted Policy. It was identified as falling within a Green Wedge and identified as a possible extension to Walmgate Stray in the Council's first Green Belt Appraisal in 2003, but this has no status other than as a piece of as yet untested evidence.

5.43 Secondly, the identification of the subject land as part of a Green Wedge was plainly erroneous. The Appraisal defined Green Wedges as areas of 'undeveloped land' with the following characteristics:

- a) undeveloped open space with a rural feel reaching close into the centre of the city;
- b) allow an open aspect and views towards important city landmarks including the Minster;
- c) physical separation between urban form of a different character;
- d) open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history.

5.44 The subject land is not undeveloped, it does not have a rural feel, it does not have an open aspect, it does not form part of any views to City landmarks, and it does not play a role in separating different

parts of the City or areas with different characters. It is Walmgate Stray to the east, which has a wholly different character to the subject land, that performs this function.

- 5.45 So the land should never have been identified as either forming part of a Green Wedge or as a potential extension to Walmgate Stray. Unfortunately, there is no site specific analysis with the Council's original Appraisal which explains the conclusions it reached in 2003.
- 5.46 Thirdly, whether or not the subject land should have been identified as a Green Wedge is immaterial when it comes to answering the question that the Council has posed. The question simply requires a judgement as to whether, if the land were to be developed, the scale or identity of the City as a compact City would be compromised and, plainly, it would not. The built-up parts of the City extend roughly to 4,500ha and the subject land to just c.6.12ha, so development of the land would have no perceptible impact on the scale of the City. And, as far as its identity is concerned, for the reasons explained above, the City cannot be perceived from the subject land or the Stray to the east and it is most unlikely that development on the subject land would be visible or perceived either or, more importantly, would create the impression that York is a sprawling mass of a City, rather than a compact one. Development of the subject land would, for example, have a very different impact to a major new housing development either bolted onto the edge of the City or built a short distance from its outer edge.

Does the land need to be kept permanently open to constrain development from coalescing or by maintaining a connection to open or historic setting?

- 5.47 As indicated above, the Council has tried to answer this question by relying on the erroneous Green Wedge reference. Unfortunately, it doesn't supplement this with any site specific analysis which backs up its theory that developing the subject land would result in different parts of the City coalescing, or would remove a connection that the urban area has with any part of its open, historic setting. The reality is that the subject land does not perform a separating function and nor is it part of the historic setting of the City. It is part of the Barracks which have evolved and grown on this site since the late 1800s. It is Walmgate Stray to the east which forms part of the historic setting of the City and is important to retain for the purposes of keeping the opposing parts of the urban area apart.

Landmark Monuments

Does land need to be kept permanently open to understand the original siting or context of a building, landmark or monument?

5.48 The Council notes that this is not a relevant consideration and DIO agrees. This must be a key conclusion having regard to the fact that it is the number and density of historic buildings, landmarks and monuments which makes York the special City that it is.

Does land need to be kept permanently open to understand the visual dominance, prominence or role of a focal point of the building, landmark or monument?

5.49 As above.

Does the land need to be kept permanently open as part of the tranquillity, remoteness or wildness of the asset?

5.50 As above.

Landscape Setting

5.50.1 ***Does the land need to remain permanently open to aid the understanding of the historical relationship of the city to its hinterland, particularly as perceived from open approaches?***

5.51 Again, the Council fails in EX/CYC/59e to answer its own question. It provides an interesting description of the history of the subject land, and the Stray, but it does not say how keeping the subject land free of development is necessary in order to help people understand the historical relationship between the City and its hinterland. It repeatedly, and erroneously, links the subject land with the Stray and conflates with the subject land the very different roles and characteristics exhibited by the Stray.

5.52 DIO has no doubt that Walmgate Stray plays a part in the setting and special character of the City, but it has a very different history, character and appearance to the subject land and the wider Imphal Barracks site. Moreover, the two are quite clearly distinct on the ground and a separated from one another by strong physical features.

5.53 In addition, the subject land plays no role at all in the wider open countryside surrounding the City or in any of the approaches to it. The subject land could be developed and this would have no impact whatsoever on people's ability to understand the relationship between the City and its historical Green Wedges which, in this particular part of the City, comprises Walmgate Stray.

Does the land need to remain permanently open to aid the understanding or significance for the situation of a designated landscape, park or garden?

5.54 The Council notes that this is not a relevant consideration in this instance and DIO agrees.

Purpose 1: To check the unrestricted sprawl of large built-up areas

Is land connected to or within proximity to the urban area and therefore relevant for sprawl?

5.55 The subject land is not just connected to or within proximity to the urban area, it falls within it.

Does the land have an increased risk of sprawl occurring through the presence of low-density, agricultural or recreational structures such as farms, isolated buildings or small clusters with a strong sense of openness, or the possibility of creating ribbon development?

5.56 DIO fundamentally disagrees with the proposition that the development of the subject land would constitute urban sprawl. The land has been used exclusively for military purposes since the late 1800s and contains buildings and other structures with urban characteristics. The land has a clear physical and functional relationship with the rest of the Barracks site (and no such relationship with Walmgate Stray to the east). It is plainly already part of the urban area and no part of the natural open land to the east. Accordingly, developing the land further would not constitute sprawl.

Is the land unconstrained by built development or strong boundaries on more than one side, and therefore not contained or enclosed in a way which would prevent sprawl?

5.57 Whilst the Council breaks the question of sprawl down into several parts, the NPPF does not. What the NPPF says is that for land to serve Purpose 1 it must check the unrestricted sprawl of large built-up areas. In addition to not constituting sprawl, the development of the subject land would not be unrestricted. As indicated above, the northern, eastern and southern boundaries of the Barracks are very clearly defined by strong physical features. Each would restrict the development of the land and prevent development from spilling over into the Stray. There is also built development to the immediate south of the subject land preventing any further extension of the Barracks site in that direction.

5.58 The Council suggests that the subject land is not enclosed in a way that would prevent sprawl (i.e. prevent development extending onto the Stray), but this is simply not correct. If the subject land had an open boundary to the Stray, DIO could understand the Council's concerns. But this is not the case. The boundary is recognisable, strong and has stood the test of time i.e. it is permanent. Indeed, it has done a critical job of keeping members of the public out of a military base. The boundary is, therefore, more than adequate to serve as a barrier limiting the eastward expansion of the Barracks site.

Purpose 3: To assist in safeguarding the countryside from encroachment

Is the land characterised by an absence of built development or urbanising influences?

- 5.59 The Council describes the subject land as containing “open fields, sports pitches, tennis courts and an indoor squash court which are associated with the barracks”. The reference to open fields must be an error. The remainder of the description is inadequate.
- 5.60 It goes on to suggest that the “outdoor sports provision visually contributes to the feel of the countryside” and makes the irrelevant and incorrect point that it also provides “separation between the more urban form of the barracks and open land of the Stray”.
- 5.61 The reality, and the simple answer to the Council’s question, is that the subject land is not characterised by an absence of built development or urbanising influences. The site contains buildings, structures, hardstandings, plant, equipment, tall floodlighting columns and other urbanising features. Importantly, it also has development on two sides which greatly influence its character and how it feels when one is actually on the land. Again, it is totally different to the Stray or the countryside to the south of Heslington Road.

Does the land function 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?

- 5.62 The Council does not answer this question directly but that is probably because the answer is simply no – the subject land does not function as part of the countryside.

Does the land contribute to the character of the countryside through openness, views or accessibility?

- 5.63 The subject land does not comprise open countryside and nor does it lie adjacent to land that has the character of open countryside. In addition, it does not have an open character that could in any way be said to contribute to the character of the countryside surrounding the City, it does not (as established above) contribute to views to or from any open countryside, and it does not provide access to open countryside. It also does not have an open visual connection to the land to the east of it.

Local Permanence

- 5.64 The NPPF provides that, when defining Green Belt boundaries, local authorities should do so clearly, using physical features that are readily recognisable and likely to be permanent.
- 5.65 The Council states on page A3:747 of EX/CYC/59e that the proposed Green Belt boundary comprises: a tree lined hedge; a hard surface; a road and the rear boundary of houses fronting onto Bray Road (which consists of a combination of trees, hedges, a low post and rail timber fence and a 1.8m high close boarded fence).
- 5.66 The boundary proposed by the Council only in small part follows physical features that are readily recognisable and likely to be permanent. These are the tree lined hedge to the north, Hollands Road and the rear boundary of the properties on Bray Road. Between the point at which the boundary leaves the tree lined hedge in the north, and connects into Hollands Road to the immediate north west of the sports centre, the boundary appears to follow an internal Barracks security fence (2.5m high) which will serve no purpose when the Army vacates the site and so will be removed. At that point, there will be no recognisable, physical features along this part of the boundary, separating the housing allocation to the west from the Green Belt to the east.
- 5.67 In the light of the above analysis of the relevant purposes of the Green Belt, there is only one logical line for the Green Belt boundary to take here and that is as shown on Fig. 5.3 above. On this line, the boundary would follow the very clearly marked limits of Imphal Barracks. It is a boundary that is made up of clearly recognisable physical features (of a type which CYC accepts is appropriate at the northern end of the proposed new boundary line) and has already endured since the Secretary of State for Defence established the Barracks here in the late 1800s, confirming its permanence.

Consistency with Local Plan Strategy – Site Selection

- 5.68 The Council's assessment of whether development of the subject land would be consistent with the Local Plan strategy is illogical and inadequate. The salient facts are that the land:
- a) Is, by definition, previously developed and contains buildings and structures;
 - b) lies within the City (i.e. within the main urban area);
 - c) lies just over 1 mile to the south of the City Centre. The Centre's services and facilities can be reached on foot in 25 minutes and by bicycle in under 10 minutes;
 - d) lies to the immediate west of Fulford Road which is a main bus route into the City Centre; and

- e) forms part of a developed site, the rest of which is proposed to be allocated for housing development in the Local Plan.

5.69 The subject land is, therefore, in a highly sustainable location and the development of it would be entirely consistent with the Local Plan strategy.

Conclusions on Imphal Barracks

- 5.70 The Council is proposing that part of Imphal Barracks is washed over with Green Belt. The land contains a large building, hard standings, a large area used for open storage, a full size 3G football pitch with fencing and floodlighting, tennis courts with fencing and floodlighting, an assault course with large physical obstacles and grass rugby and football pitches. Therefore, the majority of the land is not 'open' and those parts of it that are open (i.e. the grass pitches) are located between built up parts of the Barracks to the west and north, and existing housing to the south.
- 5.71 There is no evidence to suggest that the land makes any form of tangible contribution to the special setting or character of York as a historic city, or that further development of the land would impact adversely on the setting or special character of the city. Indeed, the site and the city itself are hardly perceptible in any views from the north, south or the east. The reference to the land forming part of a Green Wedge is erroneous, without justification and irrelevant.
- 5.72 The subject land forms an integral part of the Barracks and lies within the urban area. The development of the land would not constitute sprawl and any development of the land would in any event be restricted by the site's existing boundaries.
- 5.73 The land is not open countryside and does not have the character of open countryside. Moreover, it does not lie adjacent to land that has the character of open countryside. The development of the site could not possibly constitute encroachment into the countryside.
- 5.74 The boundary line proposed by the Council does not follow physical features that are clear, readily recognisable and likely to be permanent and the development of the site as part of allocation ST36 would be entirely consistent with the Local Plan strategy.
- 5.75 There are no sound Green Belt policy reasons for including the subject land within the Green Belt and the route of the boundary proposed by the Council is not policy compliant. DIO remains firmly of the view that the Green Belt boundary should follow the boundary of the Imphal Barracks site as shown in Fig. 6.3 above.

6. Changes Required to Make the Plan Legally Compliant and Sound

6.1 As has been made clear throughout these Representations, DIO is firmly of the view that it is not necessary to delete Sites ST35 and H59 from the Local Plan in order to make it sound. However, in the light of the technical work that has been completed since the Plan was submitted, Policies SS19 and H1 do need to be modified in order to properly capture the approach that needs to be taken to mitigation. Accordingly, we set out below how we believe these Policies should be amended. The text that appears in bold is proposed new text and the text that is struck through is CYC text that we consider should be deleted. We have taken the opportunity at this important stage to suggest how SS19 could be 'tidied up' and linked better to other Policies in the Plan.

Policy SS19: Queen Elizabeth Barracks, Strensall

Following the Defence Infrastructure Organisation's disposal of the site by 2021, Queen Elizabeth Barracks (ST35) will deliver **approximately** 500 dwellings at this rural development site. Development is anticipated to commence in 2024~~3~~. In addition to complying with the policies within this Local Plan, the site must be delivered in accordance with the following key principles.

- i. The mitigation hierarchy should be followed to ensure no net loss of biodiversity; where possible development should deliver biodiversity gain. Development will only be allowed where it can be demonstrated that it will not have an adverse impact, alone or in combination, upon the integrity of Strensall Common SAC and SSSI.
- ii. Take full account of the extent and quality of ecological interest of a Strensall Common **SAC** through the preparation of a comprehensive evidence base to support the required Habitat Regulations Assessment and ~~other assessments to be able to~~ fully understand and avoid ~~or~~, mitigate ~~or compensate~~ **adverse impacts on the integrity of the SAC**. To help deliver this, a detailed Visitor Impact Mitigation Strategy must be prepared, which will be informed by comprehensive and repeatable visitor surveys (to be repeated as necessary). The Strategy will identify effective measures which will encourage both the use of alternative sites instead of Strensall Common **for recreation** and measures **to mitigate the risk posed to the integrity of the SAC by inappropriate behaviours**. ~~less damaging visitor behaviour on the Common.~~ These ~~is~~ will include (but not be limited to) the following measures:
 - Within the site divert new users away from the SAC by:

- Providing **at least 12ha of public open space, including at least 8ha of natural and semi-natural green space that is** ~~within the site boundary~~ attractive to a range of users, **including** ~~particularly~~ dog walkers;
- **Providing** ~~The provision of a circular walk within the site~~ **with a minimum length of 2.5km;**
- **Providing a green buffer between any new homes and the boundary of the SAC and providing boundary and edge treatments to the boundary with the SAC which maintain separation between residents and the SAC;**
- **Ensuring that the boundary with the SAC is marked by a close mesh steel fence standing not less than 2m high with an internally facing overhang of not less than 60cm;**
- Ensuring **there is no direct** access throughout the life of the development either by vehicle, cycle or foot **from the site into the SAC;** ~~to adjoining land on the north, south and eastern site boundary;~~ and
- Providing **the occupiers of all new homes with information packs which describe the special features of the SAC, behaviours expected within the SAC, the location of waymarked routes within the SAC, and walking and cycling routes, dog walking areas and public open spaces elsewhere in the local area** ~~publicity, education and awareness to support these aims~~
- On Strensall Common ensure suitable behaviour by visitors by:
 - Implementing actions to manage recreational pressure at points of arrival, by type of activity and location of activity on site;
 - Ongoing monitoring that will specifically lead to the implementation of prompt remedial measures such as the closure of access points etc if adverse effects are identified;
 - **Providing improved signage and information boards at points of arrival and other key locations, and providing information online via a website or social media feed to better inform visitors about the social features of the SAC, the behaviours expected when visiting the SAC and restrictions applying when military training is occurring;** ~~Publicity, education and awareness,~~

- **Assessing the condition of gates and barriers at points of access and improving / reinforcing these where necessary to better control access to and the use of the SAC during unsociable hours;**
 - **Assessing the condition of fencing within the SAC and repairing / replacing this where necessary to keep visitors away from particularly sensitive areas and providing boardwalks where necessary to reduce trampling and focus walking and leisure activities on the waymarked routes;** and
 - The introduction of an efficient wardening service that ~~could~~ supplements the work of existing landholders **and provides to present a physical presence on site which monitors behaviours, educates visitors, monitors the condition of the infrastructure within the SAC, and enforces bylaws.** ~~and encourage good behaviours by the public~~
- **Adjacent to the site by:**
 - **Between ST35 and Howard Road, providing a 4ha area of natural, alternative green space containing footpaths and with robust boundaries to Howard Road and the SAC which prevent the alternative green space from being used as a route into the SAC from ST35**
- iii. Ensure all ecological avoidance, mitigation and compensation measures are fully operational and functioning prior to **the first occupation of any proposed home** ~~commencement of any development~~. Measures must be supported by a long term management plan which includes ongoing monitoring and remedial measures.
 - iv. Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.
 - v. The development of the site ~~this area~~ must be informed by an **appropriate heritage assessment produced in accordance with Policy D7 and the relevant provisions of the NPPF.** ~~assessment of architectural interest of the site and its buildings. Those buildings which are considered to be of historic interest should be retained and reused.~~
 - vi. **The development must be** ~~be~~ of a high design standard, ensuring the development has a distinct identity from Strensall village and not be just a continuation of the existing development. The site should have its own identity and character that in its layout and spaces, reflects the site's long use as a barracks, its landscape context, and the natural site assets.

- vii. **The development must** Retain all identified good quality trees, with appropriate distance to tree canopy, unless they pose an unreasonable restriction on development and their contribution to the public amenity and amenity of the development is very limited, ~~and~~ or their loss is outweighed by the benefits and mitigation provided by the development.
- viii. **Proposals for the site must be supported by** Undertake an archaeological evaluation consisting of geophysical survey and excavation of trenches to identify the presence and assess the significances of archaeological deposits.
- ix. **Proposals for the site must be supported by** Prepare a Flood Risk Assessment and full drainage strategy. The strategy should be developed in conjunction with the Council and required statutory bodies and should ensure that the development will not exacerbate any existing issues with surface water and drainage. Hydrological studies that explore surface and sub-surface characteristics of the local hydrological regime would be required to identify the impact on the wet heath communities of Strensall Common SAC/SSSI and identify mitigation measures where required. Any hydrology plan/study also needs to consider impacts on water logged archaeological deposits
- ~~x. Increase the area and quality of open space within any proposed development beyond that found at present in order to reduce the impact of recreational pressure on Strensall Common SSSI/SAC~~
- xi. **Proposals for the site must be supported by an audit of community facilities in Strensall village, an assessment of their capacity, and proposals for any mitigation / compensatory provision required in accordance with Policy HW2.** ~~Create new local facilities as required to meet the needs of future occupiers of the development~~
- xii. **Proposals for the site must provide for the delivery of any educational infrastructure needed to support the future residents of the development in accordance with Policy ED6** ~~Deliver sufficient education provision, including a new primary school, to meet the demand arising from the development. Further detailed assessments and associated viability work will be required~~
- ~~xiii.~~ Proposals for the site must be supported by a Transport Assessment which demonstrates that all relevant ~~Demonstrate that all~~ transport issues have been addressed, in consultation with the Council and Highways England as necessary, **including interventions required to provide future residents with appropriate access to sustainable modes of travel.** ~~to ensure sustainable transport provision at the site is achievable. The impacts of the proposals site shall~~

be assessed individually and cumulatively with sites **H59**, ST7, ST8, ST9, ST14 and ST15. ~~should be addressed~~

- xiv. **The Transport Assessment should** Give further consideration **the matter of** to road safety at the Strensall Road/Towthorpe Moor Lane **junction**, in addition to the use of Towthorpe Moor Lane by through traffic. **Any mitigation identified as required, shall be delivered before new homes are occupied or before any alternative trigger agreed through the Transport Assessment.** ~~If identified as necessary, mitigation to Strensall Road/Towthorpe Moor Lane junction will be required~~
- xv. **The proposed development shall o**Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more 'active' forms of transport (walking and cycling). Cycle paths will need to be provided along the site frontages connecting into the site and also focus upon the route into the village and local facilities
- xvi. **Proposals for the site must be supported by** Undertake detailed noise and contamination assessments, including detailed assessment of the current and future use of the military training area adjacent to the site.

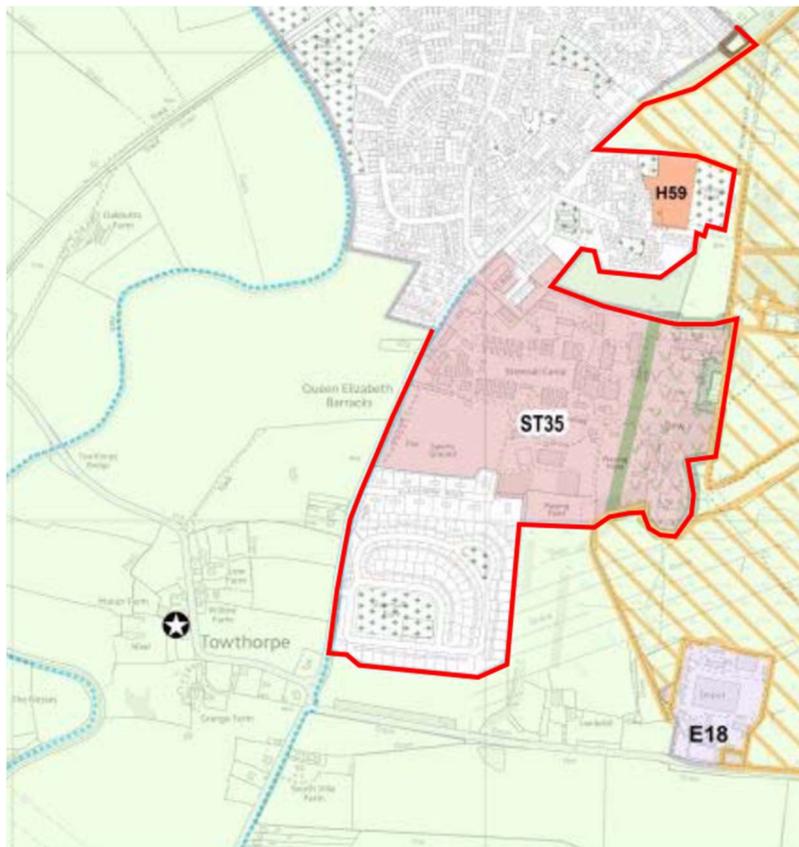
Policy H1: Housing Allocations

Reject footnote proposed by CYC and replace with the following:

*** planning applications for this site will need to be accompanied by Habitat Regulations Assessment which considers the potential for the development of the land to cause harm to the integrity of Strensall Common SAC and determines whether mitigation measures need to be implemented. Any mitigation measures identified as necessary shall be implemented before any new homes are occupied. As a minimum, proposals for the site will need to incorporate a green buffer and robust boundary treatments which separate the proposed housing from the SAC boundary to the north. Such boundary treatments should stretch from Scott Montcrieff Road to Ox Carr Lane.

Green Belt Boundaries

- 6.2 As noted in Section 5 above, modifications need to be made to the Green Belt boundaries specified in the submitted Plan. The Green Belt boundary in the vicinity of QEB should be defined as follows:



6.3 The Green Belt boundary in the vicinity of Imphal Barracks should be defined as follows:



PM70

6.4 As noted in Section 4 above, PM70 is not required in order to make the Plan sound and is not supported by robust evidence, and should be rejected.

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