

HEARING STATEMENT

CITY OF YORK LOCAL PLAN EXAMINATION MATTER 1 – GREEN BELT BOUNDARIES

L & Q Estates

August 2022

Carter Jonas

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Client: L & Q Estates (Formerly Gallagher Estates)

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1.0 INTRODUCTION

- 1.1 Carter Jonas LLP (CJ) welcomes the opportunity to participate in the City of York Local Plan Examination in Public (the EiP) on behalf of L&Q Estates (formerly Gallagher Estates) (L&QE). This Statement responds to selected questions set out within Matter 1: Green Belt Boundaries of the Inspector's Matters, Issues and Questions.
- 1.2 The Inspector's Issues and Questions are included in bold for ease of reference. Where a specific question is not covered L&QE has no further comment to make as part of this Hearing Statement.
- 1.3 This Hearing Statement is pursuant to, and cross-references with: previous representations by Carter Jonas in respect of the Pre-Publication Draft (Regulation 18); Main Modifications (Regulation 19) consultations in July 2019; Phase 1 Hearing Statements (December 2019); and, City of York Local Plan Proposed Modifications and Evidence Base Consultation (Regulation 19) in July 2021.
- 1.4 L&QE has a controlling interest in the land at North Field, York, which Carter Jonas continues to promote for release from the General Extent of Green Belt and as an allocation for housing, with the proposed inner green belt boundary being drawn along the A1237 York Outer Ring Road. The land is Site Reference 871 (please see Figure 1 below) within the Strategic Housing Land Availability Assessment (SHLAA) (2018).



Figure 1: Site Location

- 1.5 We continue to have grave concerns over the soundness of the plan in its current form and the proposed main modifications, which will impact upon the examination timetable and prolong the continued failure to adopt the policy and proposals required to meet the development needs of the City of York in full.

2.0 MATTER 1 – GREEN BELT BOUNDARIES

MIQ: 1.1 Are the inner Green Belt boundaries (Topic Paper 1 Addendum Annex 3 – Sections 1-4) reasonably derived?

- 2.1 Our concerns relate to the selection and justification of the inner boundaries and the comments raised in our previous representations still apply. These are set out within our representations to the Proposed Modifications (Regulation 19) consultation in July 2019 along with the accompanying CSA Environmental Addendum to Landscape Overview Report dated 22 July 2019. These were highlighted and resubmitted to the Proposed Modifications and Evidence Base Consultation (Regulation 19) in July 2021. Our Hearing Statement for Matter 7: Approach to Setting Green Belt Boundaries of Phase 2 of the Examination also still applies.
- 2.2 In line with the Inspectors' Letter dated 12 June 2020 [EX-INS-15] the proposed inner boundary should generally be in conformity with Policy YH9C of the RSS which *states "the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city"*. This is highlighted within paragraph 1.50 of the Local Plan - Publication Draft February 2018 [CD001].
- 2.3 The CSA Environmental Addendum to Landscape Overview Report dated 22 July 2019 which was submitted with our representations in July 2019 and again in 2021 provides a review of the Council's approach to the TP Addendum Annex 3 March 2019 [EX/CYC/18D] with reference to Section 2, Sub-Sections 4-10 which assess the proposed inner green belt edge to the east of SHLAA Site 871. This review remains relevant as there are no changes to the proposed boundaries in this location within TP1 Addendum Annex 3 (2021) [EX-CYC-54A]. The updated TP1 document merely provides additions/clarifications to the methodology and the assessment to justify the Council's position. We do not repeat the analysis set out within the CSA Environmental Addendum to Landscape Overview Report dated 22 July 2019 however attach a copy of this document for reference.
- 2.4 Whilst the TP1 Addendum Annex 3 [EX-CYC-54a] considers alternative boundaries where relevant, no alternative boundaries have been assessed in relation to land to the east of SHLAA Site 871 and therefore we remain concerned that the assessment is subjective rather than objective. The CSA Environmental Addendum to Landscape Overview Report dated 22 July 2019 highlights that the A1237 and the built development of large scale housing at Acomb *have "severed any connection between this SHLAA Site 817 and the historic centre of York"* (i.e referring to the land between the York Outer Ring Road and the current urban edge, including SHLAA Site 817). As such, there are no views from the land west of the proposed inner Green Belt boundary to the historic core of York. We also note that there are no Key

Historic Core Views as identified in the York Central Historic Core Conservation Appraisal which contain the land west of the proposed inner Green Belt boundary.

- 2.5 Whilst it is acknowledged that SHLAA Site 871 does have an open character, the existing urban edge in this location is poorly assimilated and the A1237 would restrict urban sprawl by providing a more logical, robust, and defensible Green Belt boundary in this location for the future, as it already does further north at Rawcliffe and Clifton Moor.
- 2.6 It is clear that the proposed inner Green Belt boundary has been so tightly drawn round existing development that there is no white land or safeguarded land identified for development opportunities in the future. The inner Green Belt boundaries have been derived through a consistently amended and updated evidence base and methodology which has resulted in a proposed inner Green Belt boundary which lacks flexibility and limits development opportunities during the plan period and beyond. This is a significant failing of the plan and does not meet the requirements for sustainable development set out in paragraph 84 of the NPPF.
- 2.7 Paragraph 85 of the NPPF (2012) sets out 6 criteria which local planning authorities should ensure when defining boundaries. It makes clear that they *should “satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period”*. It also states in paragraph 83 that *“once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan”*. It highlights that *authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period”*.
- 2.8 Whilst we note that the Phase 3 proposed modifications revised 25 July [EX-CYC-93a] adds an additional sentence to Policy SS1 which states *“to ensure Green Belt permanence beyond the plan period, sufficient land is allocated for development to meet a further, minimum, period of 5 years to 2038”* our concerns remain that due to the lack of flexibility the inner boundaries proposed will need to be altered at the end of the development plan period which is contrary to paragraph 85 of the NPPF.

MIQ: 1.2 Are the inner Green Belt boundaries (Topic Paper 1 Addendum Annex 3 – Sections 5-7) reasonably derived?

- 2.9 Our comments from MIQ 1.1 in relation to the lack of flexibility provided by the tightly drawn inner boundaries which we consider will result in the need to for the boundaries to be altered at the end of the plan period which is contrary to paragraph 85 of the NPPF also apply to MIQ 1.2 and are therefore not repeated.

