



RESPONSE TO THE CITY OF YORK LOCAL PLAN

MULGRAVE DEVELOPMENTS LTD.

YORK LOCAL PLAN: INSPECTORS' MATTERS, ISSUES AND
QUESTIONS



RESPONSE TO THE CITY OF YORK LOCAL PLAN

On behalf of: Mulgrave Developments Ltd.

In respect of: YORK LOCAL PLAN: INSPECTORS' MATTERS, ISSUES AND QUESTIONS

Date: August 2022

Reference: 3523LE/R002

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1.0 Introduction

- 1.1 This Statement ('the Statement') is submitted on behalf of Mulgrave Developments Ltd. ('the Developer') to assist the Inspectors in their examination of the City of York Local Plan ('the Plan').
- 1.2 This Statement provides specific responses to the Inspector's matters, issues and questions set out in the Schedule of Matters, Issues and Questions document ('MiQ's') ([EX/INS/42a](#)) published on 27th July 2022 and revised on the 1st August 2022. Specifically, it will address Matter 1 – Green Belt Boundaries: Question 1.3.
- 1.3 This submission follows various detailed representations previously submitted to the City of York Council ('the Council'), throughout the plan-making process in relation to the land previously referenced as H28 ('the Site').

2.0 Defining Boundaries

- 2.1 In order to assess the soundness of the Green Belt boundaries, it is necessary to consider the provisions of NPPF.
- 2.2 Both the 2012 NPPF and the updated 2021 Framework share the same five stated purposes for the Green Belt.
- 2.3 Importantly, paragraph 85 of the 2012 NPPF state that:

“When defining boundaries, local planning authorities should:

- i) ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- ii) not include land which it is unnecessary to keep permanently open; and*
-*
- vi) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

3.0 Matter 1 – Green Belt Boundaries

3.1 We only wish to comment on Question 1.3 of the Matter 1 questions.

Question 1.3

Are the Green Belt boundaries of ‘Other Densely Developed Areas’ (Topic Paper 1 Addendum Annex 4) reasonably derived?

3.2 In this submission we comment on the Green Belt boundaries associated with the Site (formerly known as housing allocation H28) and the Council’s approach to the Green Belt boundaries of the settlement of Wheldrake as a whole. We will begin by describing the boundaries in question and outlining some of the background associated with the history of the allocation of the Site before describing why we **object** to the proposed Green Belt boundaries in Wheldrake as we believe that they are not reasonably derived.

Description of the Site

3.3 The Site is located north of North Lane, Wheldrake and comprises of a number of small paddocks, enclosed to the north by an existing established field boundary and drainage ditch. To the west the Site is bounded by the residential properties of Derwent Drive and Valley View and the respective long rear gardens whilst to the east the Site is bound by the residential buildings of The Cranbrooks. To the south is the rear gardens of the dwellings that front onto North Lane. The Site is therefore well contained by permanent landscape and physical features. See **Figure 1** below.



Figure 1 - Site and its Surroundings (Approximate Site Boundary in Red)

History of H28

- 3.4 The Site was allocated for housing with reference H28 in the Local Plan Preferred Options draft (2013) and lies towards the northwest of the settlement of Wheldrake.
- 3.5 The previous allocation of the Site demonstrates that Officers viewed the Site as an appropriate location for housing and, therefore, not having sufficient Green Belt value to need to be kept permanently open.
- 3.6 The allocation was proposed to be deleted in the Local Plan Preferred Sites Consultation (2016). In the Officers Technical Assessment associated with that document no Green Belt reasons were given to justify the decision. The reason given by Officers was as follows:

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

Page 86 - Officer Technical Assessment - [Local Plan Preferred Sites Consultation 2016](#)

- 3.1 The only issue was a technical one.
- 3.2 As a result, H28 was removed as an allocation.
- 3.3 Following the Preferred Sites Local Plan Consultation (2016), Officers submitted a report to the Local Plan Working Group in July 2017. The report makes it clear that Officers assessed the information submitted by DPP during the Preferred Sites Consultation. The report stated:

“the representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View, that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated.”

Page 69 - [Annex 3 - Officers Assessment of Housing Sites following PSC](#)

- 3.4 As a result, H28 was again put forward by Officers of the Council as a housing allocation.
- 3.5 During the Executive Meeting (13th July 2017), Members of the Council resolved to reject the recommendation within the officer report. They resolved that any increased housing requirement would be met through the existing strategic sites, and not via the allocation of additional sites. As such, H28 was not carried forward.

- 3.6 H28 was again not rejected because it needed to be kept permanently open or because it served a Green Belt purpose.
- 3.7 The Site plainly does not need to be kept permanently open and therefore should be excluded from the Green Belt.

The Proposed Boundaries

- 3.8 The Council consider that the existing Green Belt boundaries for Wheldrake are shown in **Figure 2** below.

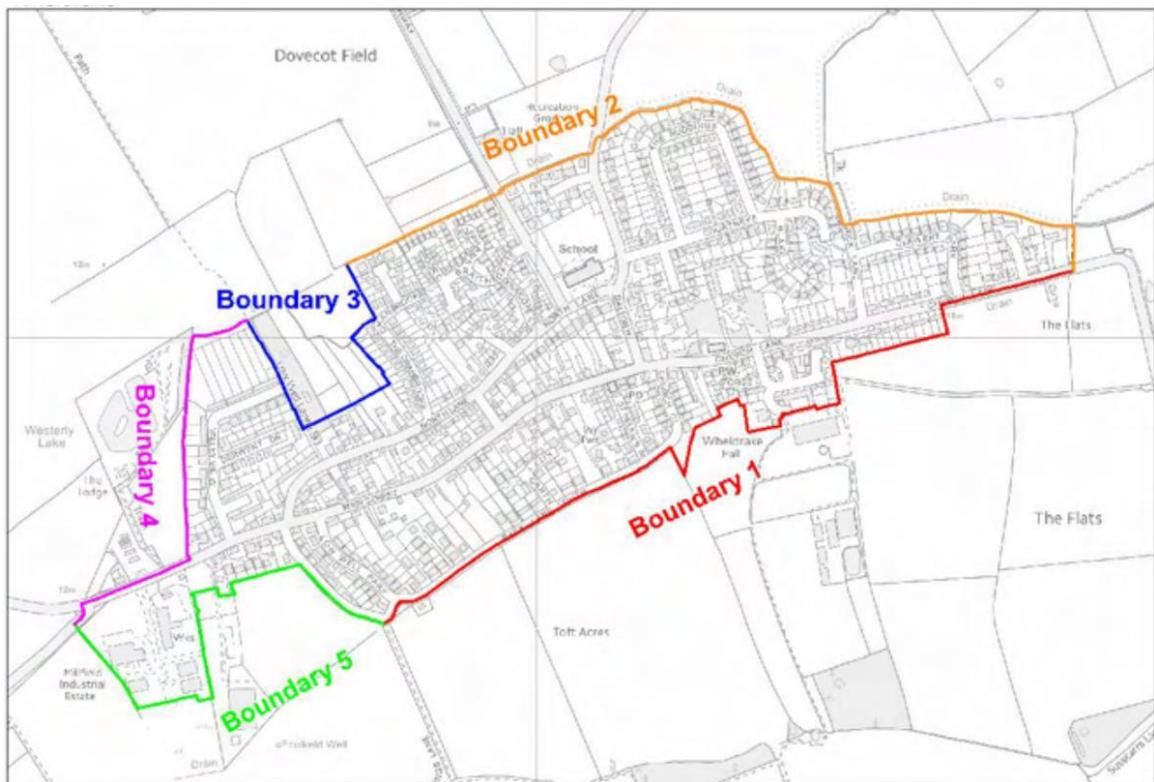


Figure 2 - Existing Green Belt Boundaries of Wheldrake

3.9 The Council’s proposed Green Belt boundaries for Wheldrake are presented below in **Figure 3**.



Figure 3 - Proposed Green Belt Boundaries of Wheldrake

3.10 The only proposed change for the settlement is to Boundary 5 which is to be extended to include the strategic housing allocation known as ST33.

3.11 The Green Belt boundary we object to is Boundary 3 and Boundary 5, as illustrated by **Figure 44** below. Figure 4 also shows the modification to Boundary 3 proposed by the Developer represented by a red dashed line.

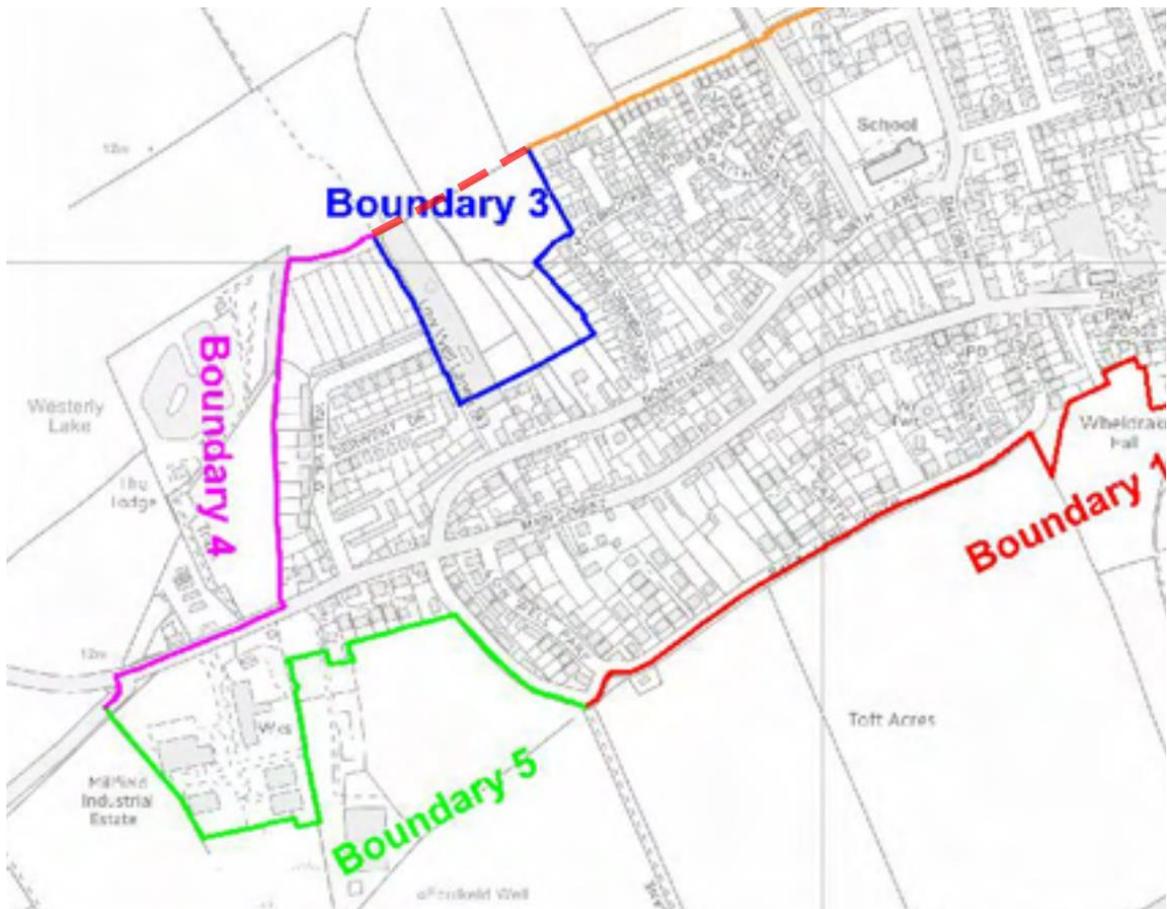


Figure 4 - Site (indicated by red line) Shown in the Context of Extract of Green Belt Boundary Map

The Site in Relation to Green Belt Purposes and Wheldrake’s Proposed Boundaries

3.12 In the context of the Site, we consider that there are 3 key issues arising from paragraph 85 of the NPPF to consider. These being whether:

- i) the allocation of the land for residential development would ensure consistency with the Plan strategy;
- ii) it is unnecessary to keep the Site permanently open; and
- vi) boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent.

The allocation of the land for residential development would ensure consistency with the Plan strategy

3.13 First, it is clear that the allocation of land for development in Wheldrake is consistent with the Plan strategy as the Site was allocated for development in the 2013 version of the Plan and proposed as a residential allocation again in the 2014 Publication Draft version of the Plan.

Further, there is a site for residential development to the southern side of Wheldrake. It is clearly consistent with the Plan strategy to direct development to Wheldrake.

It is unnecessary to keep the Site permanently open

- 3.14 It is not at all evident why the Plan identifies the Site as having to be kept Site permanently open. As referred to above the Site was assessed as part of the Council’s rigorous selection methodology and, as a result of passing this process, it was a proposed as a housing allocation in the earlier iterations of the Plan. Equally, the justification given by the Council underpinning the omission of the Site from the Plan does not reference the need to keep the Site permanent open or indeed any other Green Belt consideration. Further, having addressed the Councils reason for omitting the allocation from the Preferred Option draft (2016) Officers once again recommended to Members that H28 should be allocated for housing development in the report to the Working Group (2017) and again Members did not follow the Officer’s recommendation.
- 3.15 The Site was again not rejected because it needed to be kept permanently open or that it served another Green Belt purpose.
- 3.16 The reason for this is plain. H28, as shown in **Figure 5** below, is bound on three sides by built development and to the north by mature trees, a hedgerow and a drainage ditch. The northern boundary of the Site would be aligned within the northern boundary of the settlement, forming a robust and logical edge of the village. Further, the character of the Site is one of small-scale domestic paddock rather open countryside and as such the Site is more urban in character as opposed to the character of the land to the north which is better described as countryside. As outlined in previous representations submitted by DPP, H28 therefore remains a logical and natural limit to the settlement and does not need to be kept permanently open.

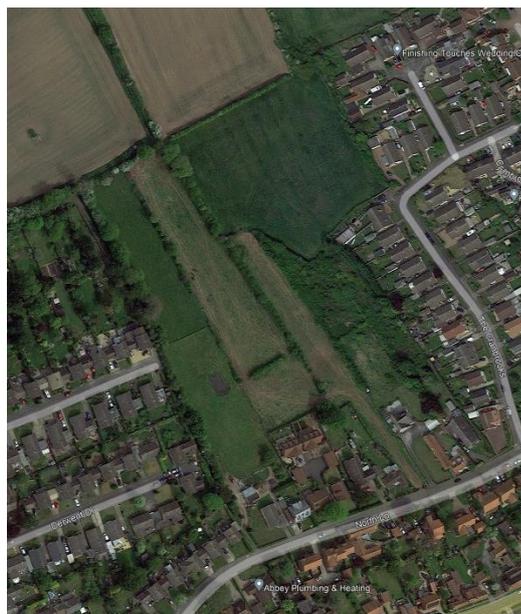


Figure 5 - Detailed Aerial Photo of The Site

3.17 To consider whether the Site needs to be kept permanently open it is worth reflecting upon the purposes of including land in the Green Belt, specifically the first, third and fourth. Wheldrake is a village, not a town, meaning the second purpose *to prevent neighbouring towns merging into one another*, need not be considered. Equally, the fifth criterion *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*, need not be considered, as it is accepted that there is a need to release land from the general extent of the Green Belt to meet the housing requirement. This is the approach taken in the Topic Paper 1: Approach to defining York's Green Belt Addendum 2021([EX/CYC/59](#)).

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

3.18 Wheldrake is a sustainable small village. Wheldrake is not a large built-up area. The development of the Site will therefore not give rise to the sprawl of a large built-up area and, whilst not relevant, the development of the Site would not even give rise to the unrestricted sprawl of the village, on the basis that the development is simply filling a gap in the built-up form. The Developer notes that within Annex 4 of the TP1 Addendum 2021, the Council acknowledge that the development of the Site would not result in sprawl. It is stated that the *urban area is at risk of sprawl for Boundaries 1, 2 and 4 as the land is not contained. However, the land is contained on 3 sides for Boundaries 3 and 5.*

3.19 The Developer welcomes the Council's acknowledgement that the development of the Site would not result in sprawl and therefore does not need to be kept permanently open to fulfil this purpose of including land within the Green Belt.

Purpose 3 – To Assist in Safeguarding the Countryside from Encroachment

3.20 As noted above, the Site does not have the characteristics of land that could be deemed countryside. Again, it is bound on three sides by the existing development and due to this and the dense vegetation it does not provide extensive open views. This diminishes any sense that the Site could be perceived as countryside. It is very well related to the existing urban form of the village and is of a fundamentally different character to the land to the immediate north which is overtly typical of countryside, comprising of open and vast arable fields. The Site does not need to be kept permanently open and therefore the Site does not fulfil this purpose of including land within the Green Belt.

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

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

3.22 The Site, whilst admittedly undeveloped, does not need to be kept permanently open to fulfil this purpose of including land within the Green Belt.

3.23 Given all of the above it is plain that the Site does not need to be kept permanently open and therefore the Green Belt boundaries are not the most appropriate.

Boundaries are defined clearly, using physical features that are readily recognisable and likely to be permanent.

3.24 Finally, we note that the northern boundary of the Site is defined by mature trees, a hedgerow and a drainage ditch. The northern boundary of the Site would be aligned within the northern boundary of the settlement, forming a robust and logical edge of the village. Conversely, the boundary proposed by the Council is arbitrary and illogical. The boundary traverses eastwards (aligned from north to south with Derwent Drive) across a grassed paddock, seemingly following no permanent boundary.

3.25 As the boundary proposed by the Council does not follow clear physical features it is not the most appropriate boundary. The Developer considers that the most appropriate Green Belt would be an extension of Boundary 2; so that Boundary 2 joins up with Boundary 4 and follows the line of the drainage ditch and hedgerow.

3.26 The boundaries proposed by the Council in this location are considered to be **unsound**, as they are not justified or consistent with the NPPF.

Consistency of Green Belt Boundaries in Wheldrake

3.27 There is one allocation proposed in Wheldrake, a strategic housing allocation known as ST33 (represented in **Figure 6** below) which is due to deliver approximately 147 dwellings.



Figure 6 - Village of Wheldrake as shown in Policy Map Extract

- 3.28 We object to the Green Belt boundaries around ST33 as these are inconsistent with the guidance given in paragraph 85 of the NPPF. In this regard, we note that the eastern portion of ST33 could be argued to be bound in three directions by development (by Main Street, Back Lane South and Millfield Industrial Estate). However, the western part of ST33 ‘juts out’ and is only partially bound by physical features.
- 3.29 Further, as shown below in **Figure 77**, where the new Green Belt boundary would be formed (at the southernmost tip of the ST33 there are no existing permanent features at all. There is therefore no adequate or suitable boundary in this part of the ST33. Indeed, towards the western edge of the tip there are no hedgerows/trees whatsoever which would constitute a permanent boundary.
- 3.30 The boundary is therefore anything but permanent and takes the form of an arbitrary line. This is clearly not a sound boundary.
- 3.31 Tree planting could be implemented to try to rectify this, however, the time needed for such vegetation to sufficiently mature would be considerable. Further, paragraph 85 of the NPPF does not suggest that Green Belt boundaries should follow boundaries that are to be created but should using physical features that are readily recognisable and likely to be permanent. There are at present no physical features and therefore this is an inappropriate boundary.



Figure 7 – Detailed Aerial Photo of the 'ST33' Site

- 3.32 We consider that the boundaries to the eastern part of ST33 are appropriate but we **object** to the boundary around western part of ST33 as it follows no clear physical boundary at all.

Conclusion

Compliance with the Test of Soundness

- 3.33 Having considered the Council's approach to determining the land that needs to be kept permanently open and to define Green Belt boundaries in Wheldrake, it remains clear that there are issues and anomalies which undermine the robustness of the exercise.
- 3.34 The Developer considers that the Plan has **not been positively prepared**, as a number of the proposed Green Belt boundaries cannot be regarded as being easily recognisable or permanent and are therefore **not consistent with the national policy**. Equally, the Council has included land within the Green Belt which does not need to be kept permanently open and therefore the Green Belt boundaries are **not justified**.
- 3.35 For these reasons, the Developer is of the view that the Green Belt will **not be effective**.

Our Proposed Modifications

- 3.36 To make the Plan sound it is recommended that the Green Belt boundary is revised as proposed.