



# RESPONSE TO THE CITY OF YORK LOCAL PLAN

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## YORVIK HOMES

YORK LOCAL PLAN: INSPECTORS' MATTERS, ISSUES AND  
QUESTIONS



# RESPONSE TO THE CITY OF YORK LOCAL PLAN

**On behalf of: Yorvik Homes**

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

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## 1.0 Introduction

- 1.1 This Statement ('the Statement') is submitted on behalf of Yorvik Homes Ltd. 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 27<sup>th</sup> July 2022 and revised on the 1<sup>st</sup> 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 H26 ('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 states 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 H26) and the Council’s approach to the Green Belt boundaries of the settlement of Elvington 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 and the boundaries of the Site before describing why we **object** to the proposed Green Belt boundaries in Elvington as we believe that they are not reasonably derived.

#### **Description of the Site**

3.3 The Site, shown in **Figure 1** below, is bound to the south and to the west by tree belts. To the north, it is bound by further trees and a residential building just beyond with Dauby Lane bounding much of the Site to the east. The Site is bound to the south-east by the primary school and ancillary buildings and playing fields. Within the western and southern tree belts there are a number of former military buildings associated with Elvington Airfield. H26 partially comprises previously developed land.



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





### ***The Site in Relation to Green Belt Purposes and Elvington's Proposed Boundaries***

- 3.11 In the context of the Site, we consider that there are 4 key issues arising from NPPF paragraph 85 to consider. This being whether:
- iii) ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
  - iv) 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**

- 3.12 First, it is clear that the allocation of land for development in Elvington 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 version of the Plan. Further, there is a site for residential development proposed to the southeast of Elvington. It is clearly consistent with the Plan strategy to direct development to Elvington.

### **It is unnecessary to keep the Site permanently open**

- 3.13 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.
- 3.14 The Site, as shown in **Figure 5** below, is bound to the west and the south by relatively dense woodland areas and, to the east, the Site is bound in part by Elvington Primary School and in the other part by a mature hedgerow with Dauby Lane beyond. These would undoubtedly provide robust, clearly recognisable and permanent boundaries in accordance with paragraph 85 of the NPPF. As outlined in previous representations submitted by DPP, the Site remains a logical and natural opportunity within the village for further residential growth.



*Figure 5 - Detailed Aerial Photo of The Site*

- 3.15 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.
- 3.16 Before we turn to this, we note the Officers reason for proposing to delete H26; namely that existing urban form of Elvington village coalescing with the commercial area at Elvington Industrial Estate. On the basis of the above Officers considered that the Site performs a Green Belt purpose. Elvington however, is a village, not a town, meaning the second purpose to prevent neighbouring towns merging into one another, is not relevant here. H26 was therefore deleted on the basis of the incorrect application of Green Belt policy.

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

- 3.17 The Site lies at the heart of Elvington, a sustainable but relatively small village. Elvington 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 given the clear boundaries around the Site.
- 3.18 As mentioned above Officers consider that there are two parts of the village and the merging of these two parts would be contrary to the purposes of including land in the Green Belt. As set out above this is not the case. In reality the land to the west of H26 is as much a part of Elvington as

the land to the south and east. In fact, we would say that the Site lies at the heart of Elvington, and this is apparent when you consider that to the east is the primary school and to the west is the medical practice and the sports and social club, key facilities of any sustainable village. The Site is nothing more than a gap in the built-up form of Elvington. Coalescence is a legitimate planning consideration but the Site, but as Elvington is not a Town it is not a legitimate Green Belt concern. Redrawing the boundary along the western tree belt and Elvington Lane would therefore not, in our view, lead to sprawl.

***Purpose 3 – To Assist in Safeguarding the Countryside from Encroachment***

- 3.19 The Site does not have the characteristics of land that could be deemed countryside. It contains a number of former military buildings, and it is bound on two sides by the existing development and on all sides by woodland belts and hedgerows. The Site, whilst largely open, is heavily influenced by urban development and cannot sensibly be regarded as being part of the wider countryside.
- 3.20 Elvington would remain compact and redrawing the boundaries as proposed would do no more than fill a gap in between existing development.
- 3.21 Further, due to 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.
- 3.22 The definition of the Green Belt boundary as proposed would therefore not result in encroachment. Rather, the Site has the characteristics of a small, well-contained gap between development.
- 3.23 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***

- 3.24 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. The Site does not lie within a protected landscape, form an area of public open space, and nor does it form part of any other area which contributes to the setting of York. The Site is well enclosed by existing established natural boundaries, which divorces the Site from the landscape that surrounds Elvington. It does not form part of the wider setting within which Elvington is viewed.
- 3.25 The Site, whilst admittedly largely undeveloped, does not need to be kept permanently open to fulfil this purpose of including land within the Green Belt.

- 3.26 In conclusion the land 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.**

- 3.27 Finally with regard to defining boundaries the NPPF urges planning authorities to use clear physical features that are readily recognisable and likely to be permanent. Here we note that, to the south and to the west, the Site is bound by mature tree belts. To the north, it is bound by further trees and a residential building whilst to the east is Dauby Lane. The Site is bound to the south-east by the primary school and ancillary buildings and playing fields. These boundaries need to be view in the context of the Councils proposed boundary (Boundary 1).
- 3.28 Annex 6 of the TP1 Addendum 2021 ([EX/CYC/59h](#)) outlines proposed amendments to the Green Belt boundaries resulting from revisions to the methodology. Under Modification Reference 'PM 97', the Council propose to alter the Green Belt boundary to the north of Elvington Primary School. The alteration is indicated as per the red line in **Figure 6** below.



*Figure 6 - Extract from Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 6: Proposed Modifications Schedule for Green Belt*

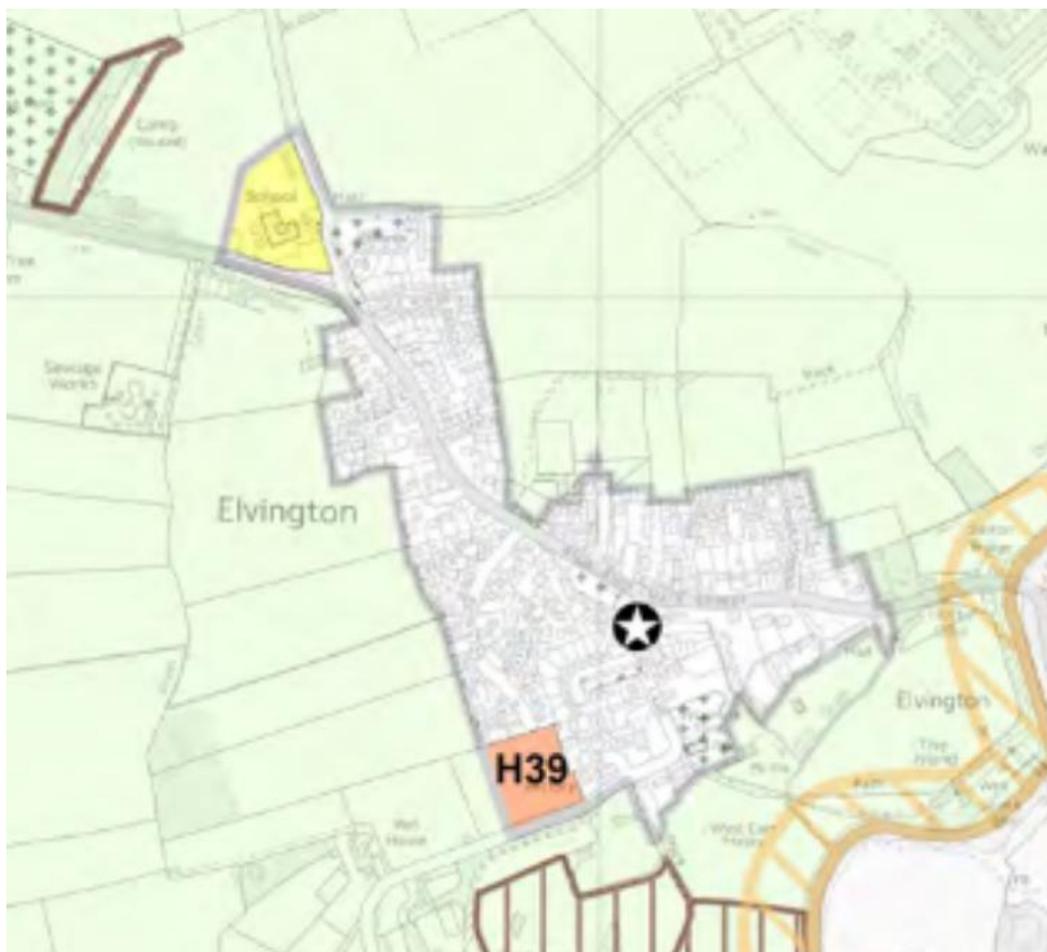
- 3.29 The description of the proposed modification is "it is proposed that the green belt boundary should follow the edge of the built edge of the school."
- 3.30 The Council is therefore now proposing to relocate the boundary, to add the school playing field to the north, and part of the main school building, into the Green Belt. The reasoning and rationale behind such a move are also difficult to understand. The Council allege that they are seeking to establish a permanent boundary using the built edge of the school as a guide, but it appears that part of the existing school building has been included within the Green Belt.
- 3.31 Further, the proposed boundary excludes the access road and some open space to the southwest of the school. This is illogical and means that the boundary is anything but clear and certainly

does not follow defined physical features. In any event the use of a building is a poor boundary. Buildings can be extended, replaced or just demolished. A building is considered to be an inadequate boundary which can result in uncertainty as to the location of the Green Belt.

- 3.32 The Developer wishes to **object** to PM 97 and, as a result, Boundary 1.
- 3.33 The Developer is firmly of the view that the proposed boundary drawn by the Council does not follow clear physical features and therefore it is not the most appropriate boundary. The Developer considers that the most appropriate Green Belt boundary in this location would be the tree belts to the west and south and Dauby Lane to the east. The current boundaries are considered to be unsound, as they are not justified or consistent with the NPPF.

### ***Other Green Belt Boundaries in Elvington***

- 3.34 There is a housing allocation proposed in Elvington, that being H39 (represented in **Figure 7** below).



*Figure 7 - Village of Elvington as shown in Policy Map Extract*

- 3.35 We object to the Green Belt boundaries around H39 as these are inconsistent with the guidance given in paragraph 85 of the NPPF and how the Council has viewed H26. In this regard, we note that the Council viewed H26 as not being well contained. This is nonsensical when compared with H39. Whilst there is a clear and recognisable boundary along the H39's southern boundary and development along two other sides, the western boundary provides no containment whatsoever (as illustrated in **Figure 8** below). The western boundary simply goes through the centre of a field.



*Figure 8 - Aerial Photo of the 'H39' Site*

- 3.36 Annex 4 of the Council's TP1 Addendum 2021, on page 98, outlines how:

*"It is recommended that the western boundary is strengthened as part of the masterplanning of the site (for example through the creation of landscape buffers) in order to create a boundary, which acts as a defined and recognisable urban edge which will be permanent in the long term"*

- 3.37 This is an admission that the boundary will only become defensible in the long term. The time needed for such a landscape buffer to sufficiently mature would be considerable. This would evidently leave a very poorly defined boundary in the meantime. Therefore, it is difficult to see how this can presently be regarded as being a permanent feature that will endure. The boundary and therefore the allocation known as H39 are unsound and contrary to paragraph 85 of the NPPF.

## Conclusion

### *Compliance with the Test of Soundness*

- 3.38 Having considered the Council's approach to determining the land that needs to be kept permanently open and to define Green Belt boundaries in Elvington, it remains clear that there are issues and anomalies which undermine the robustness of the Council's exercise.
- 3.39 On the basis of the above 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**.
- 3.40 For these reasons, the Developer is of the view that the Green Belt will **not be effective**.

### *Our Proposed Modifications*

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